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# HINDMARSH SHIRE COUNCIL COMMUNITY ASSET COMMITTEE GOVERNANCE MANUAL

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Dear Committee Members

Hindmarsh Shire Council has a large network of volunteers who give their time, expertise and energy selflessly to provide for and develop our community. A large part of this network is involved with the management of community facilities, reserves and halls across our Shire.

To assist you in your role as volunteer, Council has produced this Community Asset Committee Governance Manual. This manual has been prepared to assist community volunteers who have been appointed to a Community Asset Committee. These committees manage reserves and facilities on behalf of a State or Local Government authority and have the responsibility of improving and maintaining the areas under their control.

You will find a section of useful forms and templates to assist with your administrative tasks. Because of the varied functions of Committees in Hindmarsh Shire, sections of the information contained in this booklet may not apply to some Committees.

Please do not hesitate to contact Council if you need any assistance or if you have any suggestions for future publications of this manual.

Thank you on behalf of your community for your commitment to making Hindmarsh Shire Council a wonderful place to live.

A handwritten signature in black ink, appearing to read 'gwood', with a stylized flourish extending from the end.

Greg Wood  
**Chief Executive Officer**

# 1 EXECUTIVE SUMMARY

The following provides summarised information relating to the functioning of Hindmarsh Shire Council's Community Asset Committees. Each section refers to a more detailed section of the Guidelines that can be referred to should you need more information. Please refer to your Committee's *Instrument of Delegation* for a summary of your functions, responsibilities and powers.

## 1. Committee Roles

**Chairperson** (10.1) facilitates the operation of the Committee through the chairing of meetings, ensuring administrative and reporting functions are carried out, chairing meetings, liaising between Council and the Committee and ensuring that all procedures and the relevant Instrument of Delegation is adhere to.

**Secretary** (10.2) responsible for administrative processes, arranging of meetings, keeping of the Agenda and Minutes, managing incoming and outgoing correspondence, and records-keeping.

**Treasurer** (10.3) responsible for keeping the Committees financial records and transactions in good order, paying and receiving accounts for the Committee (within delegation), providing the Committee and Council accurate financial reports, keeping all invoices, receipts and financial records for auditing purposes.

## 2. Meeting Procedure (11)

Committees should be meeting as often as necessary to ensure good management of the facility. Council requires that the Committee meet at minimum quarterly on such dates that the Chairperson or Committee determines.

Prior to any meeting an agenda is prepared. The agenda is a short document that sets out the business to be dealt with at the meeting.

A typical agenda may include:

- Details of time and place of meeting (Notice of Meeting)
- List of all members, and any non-members invited to attend
- Apologies
- Conflicts of Interest (crucial inclusion)
- Minutes of the previous meeting
- Correspondence inwards
- Correspondence outwards
- Reports
  - Secretary's report

- Treasurer's report
- maintenance report
- risk and safety
- Any OH&S issues
- General business

A copy of a meeting Agenda template can be provided from Council on request.

### 3. Conflict of Interest (7.2)

*The Local Government Act 2020* defines general and material conflicts of interest. A **general** conflict of interest arises if a committee member has an interest in a matter that is being considered by the committee if an impartial, fair-minded person would consider that the member's private interests could result in that person acting in a manner that is contrary to their public duty. A **material** conflict of interest arises if a committee member would gain a benefit or suffer a loss depending on the outcome of the matter before the committee.

Conflicts of Interest must be declared by Committee members during meetings as per the meeting procedure detailed in section 11.

### 4. Reporting

Annual reports must be submitted to Council on the Financial and general activity of the Committee. This includes

- Financial report
- Report on the Committee's current financial position, transactions since the last Committee meeting and details regarding the bank balance
- Updated Asset Register
- Updated Volunteer Register
- Activity Report

*All volunteers of Council are required to complete a Police Check upon request, including on commencement of their appointment, and to provide evidence of a valid volunteer Working with Children Check for the term of their appointment.*

### 5. Risk and Occupational Health and Safety

Council requires the Asset Committee to minimise incidents through sound risk management. A 'risk' is the chance of something occurring that has the potential to cause loss, damage or injury. 'Risk management' involves identifying risks and taking precautionary measures to minimize the chance that a particular event will occur.

Committees' responsibilities as managers of Council facilities for public liability insurance policies are to:

- Avoid situations that may give rise to a claim
- Control and record any incident that may lead to a claim being made
- Prepare for a claim to be made resulting from an incident no matter how remote it may seem
- Report all property damage/maintenance issues that may contribute to a claim

Committees are strongly urged to undertake a formal risk assessment in company with the Council, develop a risk management plan and conduct an annual review. It is better to plan for risks than to think about them after something has gone wrong.

The Community Asset Committee is required to:

- Ensure users are aware of the location of emergency exits and fire protection equipment and emergency response procedures
- Advise the Council immediately of an incident likely to give rise to:
  - Injury to any person
  - Damage to any property associated with the facilities (damage may be to the facilities or other parties)

## **6. Council Contacts**

### **Executive Assistant (EA)**

- Returning all required financial and annual/bi-annual reports as required by this manual and the Instrument of Delegation via [s86@hindmarsh.vic.gov.au](mailto:s86@hindmarsh.vic.gov.au).
- Advising EA at least 30 days before planned Annual General Meeting date so that the EA can advertise the proposed meeting as required

### **Manager Governance and Human Services and/or Director Corporate & Community Services**

- Governance queries
- Guidance on powers, duties or procedural matters
- Insurance queries

### **Environmental Health Officer**

- Instruction/guidance on food preparation, storage and handling requirements, registration of food premises, food stall holders and event caterers

### **Coordinator Facilities and Environment**

- Any queries relating to the maintenance of facilities



## 2 APPLICATION OF MANUAL

This Governance Manual has been developed by Hindmarsh Shire Council (Council) for the guidance of:

1. Antwerp Hall Community Asset Committee
2. Diapur Hall Community Asset Committee
3. Gerang Hall Community Asset Committee
4. Jeparit Memorial Hall Community Asset Committee
5. Lorquon Hall Community Asset Committee
6. Rainbow Civic Centre Community Asset Committee
7. Wimmera Mallee Pioneer Museum Community Asset Committee
8. Yanac Hall and Recreation Reserve Community Asset Committee
9. Yurunga Homestead Community Asset Committee

## 3 DEFINITIONS

**Act** means the *Local Government Act 2020*

**Community Asset Committee** means a Community Asset Committee established by a Council under section 65 of the Act

**Council** means the Hindmarsh Shire Council

**Facility** means the reserve / property and/or buildings as defined by the Instrument of Delegation

**Instrument** means the Instrument of Delegation, which is the power and authority delegated to a Committee by Council to manage the facility

## 4 CREATION OF COMMUNITY ASSET COMMITTEES

The Chief Executive Officer may by Instrument of Delegation, delegate any power, duty or function of the Council to members of a Community Asset Committee.

This means that:

- lawful actions of the Community Asset Committees are in effect actions of the Council
- Committees are protected by insurance applicable to Council.

Refer to the Community Asset Committee Instrument of Delegation and Schedule for more information.

## 5 RELATIONSHIP BETWEEN COUNCIL AND COMMITTEES

Hindmarsh Shire Council is committed to playing an important role in the ongoing guidance, support, training, development and success of Committees. Providing up to date information to Committees is a key way that Council can ensure our Committees are operating effectively and efficiently. For any queries or questions, Committees can contact Council on:

Phone: 5391 4444

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

Customer Service Centre: 92 Nelson Street Nhill 3418

### 5.1 KEY CONTACTS AT COUNCIL

#### **Executive Assistant (EA)**

- Returning all required financial and annual/bi-annual reports as required by this manual and the Instrument of Delegation via [s86@hindmarsh.vic.gov.au](mailto:s86@hindmarsh.vic.gov.au)
- Advising EA at least 30 days before planned Annual General Meeting date so that the EA can advertise the proposed meeting as required

#### **Manager Governance and Human Services and/or Director Corporate & Community Services**

- Governance queries
- Guidance on powers, duties or procedural matters
- Insurance queries

#### **Environmental Health Officer**

- Instruction/guidance on food preparation, storage and handling requirements, registration of food premises, food stall holders and event caterers

#### **Coordinator Facilities and Environment**

- Any queries relating to the maintenance of facilities

## 6 FUNCTIONS AND RESPONSIBILITIES

Key roles and functions of the Committee are to:

1. Control, manage and maintain the land and facilities in an efficient and effective manner, in the best interests of Council, residents and users of the facilities within the boundaries specified in the Instrument of Delegation.
2. Maintain the highest level of cooperation between the Council, the Committee and the local community.
3. Promote interest in the facility.

4. Apply procedures, rules and conditions of use necessary for the proper use of the facility.
5. Ensure that these procedures, rules and conditions of use must be consistent with the objectives of the Committee stated in the Instrument of Delegation, these guidelines, and any policies of the Council.
6. Report any breaches of rules, conditions of use and local laws, which cannot appropriately be dealt with by the Committee to the Council.
7. Ensure compliance with all Acts, regulations and other legal requirements at the facility.
8. Not commit, or permit to be committed, any act which will have a negative impact on any of the Council's insurance policies.
9. Ensure the facility is always kept in a clean condition, and is used in a reasonable and lawful manner by all groups and individuals.

## 7 COMMITTEE LEGISLATIVE OBLIGATIONS

### 7.1 LOCAL GOVERNMENT ACT 2020

#### **Section 65 of the Act:**

As a Committee established under the provisions of section 65 of the Act, decisions made by the Committee are in law decisions of the Council. Therefore, Committees must ensure that they consider very carefully the decisions they make. If a committee is in doubt about any matter they are discussing, they should contact their Council to seek guidance on these matters.

#### **Section 47 of the Act:**

A delegation under section 47 of the Act, to the members of a Community Asset Committee, is exercised subject to the terms and conditions specified by the Chief Executive Officer, which include:

- A specified limit on any financial delegation and the specific purpose for which that financial delegation may be used.
- Compliance with governance requirements to ensure appropriate standards of probity are met.
- Specific monitoring and reporting of the activities and performance of Community Asset Committees.

A member of a Community Asset Committee to whom a delegation is given under this section of the Act can only exercise the delegation while acting as a member of the Community Asset Committee at a meeting of the Community Asset Committee.

The Chief Executive Officer must submit an annual report to Council in relation to the activities and performance of a Community Asset Committee.

### 7.2 CONFLICT OF INTEREST

The *Local Government Act 2020* defines general and material conflicts of interest. A general conflict of interest arises if a committee member has an interest in a matter that is being considered by the committee if an impartial, fair-minded person would consider that the member's private interests could result in that person acting in a manner that is contrary to their public duty.

A material conflict of interest arises if a committee member would gain a benefit or suffer a loss depending on the outcome of the matter before the committee.

The Act also provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

For further details regarding general or material conflicts of interest refer to sections 127 and 128 of the *Local Government Act 2020*, or contact Hindmarsh Shire Council's Manager Governance and Human Services on 5391 4444.

Committee members are required to:

- **Avoid** - all situations which may give rise to conflicts of interest
- **Identify** - any conflicts of interest; and
- **Disclose** – or declare all conflicts of interest.

Committee members may not participate in discussion or decision-making on a matter in which they have a conflict of interest. When disclosing a conflict of interest, they must clearly state their connection to the matter. All disclosures of conflicts of interest must be recorded in the minutes of a Committee Meeting.

At the time indicated in the Agenda, a Committee member with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

1. The item for which they have a conflict of interest; and
2. Whether their conflict of interest is general or material; and
3. The circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, the Committee member must indicate to the meeting the existence of the conflict of interest and leave the meeting. A Committee member who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that is required for the declarations of conflicts of interest above prior to leaving the meeting.

A Committee member who discloses a conflict of interest and leaves the meeting must not communicate with any participants in the meeting while the decision is being made.

## 8 GOVERNANCE AND GOOD MANAGEMENT PRACTICE

### 8.1 STARTING A NEW COMMITTEE

At its first meeting in the financial year, the Committee should elect a Chairperson/president. A Secretary and Treasurer should also be elected, recorded in the minutes and the secretary should inform the Council of these details. Each Committee needs:

- a Chairperson/president
- a Secretary
- a Treasurer

Larger Committees may also need a deputy chairperson. The positions of Secretary and Treasurer may be held by the same person, however, it is good practice for the role of Chairperson and treasurer to be held by different Committee members (from an audit viewpoint).

## 8.2 COMMITTEE DECISIONS

Matters being discussed at meetings are determined by a majority of voters of members present. If there is an equal number of votes, the Chairperson may exercise a casting vote to resolve the matter.

## 8.3 RECORDS MANAGEMENT

All committee records should be captured as evidence of the decisions, operations and management of the committee.

Please refer to the **Records Management Instructions**.

### 8.3.1 COMMITTEE EMAILS

A Community Asset Committee should have an email address which is only used for committee correspondence. The Committee email should be accessed by all members of the executive. Personal email addresses cannot be used for committee correspondence.

## 8.4 HANDING OVER TO A NEW COMMITTEE

The existing Committee has a responsibility to hand over to the incoming Committee; some of these responsibilities include the following:

The outgoing treasurer should:

- prepare a financial report including GST return and have it verified by the incoming Committee
- provide copies of any business plans and financial reports prepared over the Committees term
- advise the incoming Committee of any committed funds
- organise the changeover of bank account details
- advise Council of the incoming Committee's contact details, if applicable
- advise service providers (e.g. gas and water) of the incoming Committee's contact details, and
- handover the books to the incoming Committee.

The outgoing secretary should:

- hand over all correspondence, including the minute books and all copies of these guidelines

- provide copies of all management plans or statements, and corresponding performance reports, prepared by the Committee over its term
- provide all details to the incoming Committee of any contracts (e.g. leases, licenses or any other contracts for services)
- hand over employment details and staff contracts
- hand over passwords for email addresses and social media platforms (if applicable), and
- notify Council of new officer bearers and Committee membership.

The outgoing Chairperson should ensure that the handover is completed in a timely and professional manner, and that the incoming Committee is adequately briefed.

The incoming Committee members should familiarise themselves with:

- their responsibilities, both as Committee and as individual Committee members, by reading these guidelines, and
- the particulars of the facility they have been appointed to manage including, if necessary, reviewing and updating the management plan or management statement.

New Committee members are not formally appointed until approved by Council and all volunteer paperwork has been completed.

## 8.5 DEALING WITH PUBLIC COMPLAINTS

There may be instances where Committees may receive complaints from a member of the public about something it did or did not do. Remember that the complaint, decisions, actions of the Committee in response, and whether the person was satisfied with the outcome should be recorded.

For problems that prove tough to resolve, the Committee should contact Council.

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

## 8.6 DEALING WITH THE MEDIA

The Committee shall not issue any media releases relating to funding announcements without the approval of Council, or media releases critical of Council. For assistance relating to dealing with the media the Committee should contact Council.

# 9 MEMBERSHIP

The membership of the Committee is determined by the Instrument of Delegation set by the CEO in consultation with the Committee.

Members will be appointed for a period of three (3) years (but may be removed by the Council at any time).

A member of the Committee shall be eligible for re-election or re-nomination at the expiration of his or her period of office.

A member of the Committee may resign their position at any time.

The CEO has determined that members of the Committee who are not Councillors' are not required to submit returns of interest.

## 9.1 ATTENDING MEETINGS

Committee members are expected to attend all meetings, but illness, family crisis or other good reasons may result in absences. The Chair, secretary or other office bearer should be contacted to tender apologies, which will be recorded in the minutes. It is important that apologies are tendered and accepted by the Committee. Any member's position on a Committee can become vacant if they are absent from three (3) consecutive meetings.

## 9.2 NOMINATION OF MEMBERSHIP

### **Community Representatives**

Upon advice from the Secretary, Council shall call for expressions of interest for the appointment of community representatives to the Committee by giving public notice in a local newspaper not less than twenty one (21) days prior to Annual General Meeting or Special Meeting convened for the election of a member.

Candidates for appointment must lodge in writing their expression of interest by way of process outlined by the Committee.

Eligibility as a candidate includes:

- being over 18 years of age
- are not insolvent (unable to pay debts as they become due and payable)
- have not been convicted of any indictable offence (a serious crime that is tried by a judge)
- have not been convicted of fraud (convicted by a court of obtaining of material advantage by unfair or wrongful means or an intentional dishonest act done with the purpose of deceiving)
- have not committed any other act or omission that might render or be seen to render them unfit for them to be a member of the Community Asset Committee
- nominees to the Community Asset Committee should not have criminal convictions, financial or taxation dealings that might render or be seen to render them unfit for office

### **Recommendations for appointment**

The Committee shall accept expressions of interest and nominate preferred members as part of an Annual General Meeting or Special Meeting (in accordance with the appointment periods defined in section 8) and recommend to the CEO persons for appointment to the Committee as a Community Representative.

The CEO must make all formal appointments of members by approving by way of letter any prospective members included in the Committee minutes.

The CEO may, in their absolute discretion, decline to appoint to the committee any person who has been nominated or recommended for appointment. In such an event, the CEO shall inform the Committee of the reasons for their decision.

## 9.3 RESIGNATIONS

There are two common types of resignations: a resignation of an office bearer who will remain on the Committee; and a resignation of a member who will leave the Committee.

Members who decide to resign and leave the Committee should aim to give reasonable notice so that a new member can be recruited, if necessary.

The resigning Chairperson needs to submit their resignation in writing to the Committee. The Committee then decides on a replacement Chairperson and records its decision.

To resign from any other officer bearer position, but not from the Committee, resignation from the position in writing to the Committee must be submitted. The Committee must accept and record the resignation in the minutes. The Committee may elect another member to fill that position. Council must approve new representatives.

In all cases a resigning member must hand over all Committee records to the Community Asset Committee.

## 9.4 NEW MEMBERS

The incoming Committee members must familiarise themselves with:

- their responsibilities, both as a Committee and as individual Committee members by reading this Governance Manual; and
- the particulars of the facility they have been appointed to manage including, if necessary, reviewing and updating the management plan or management statement.

# 10 ROLES AND RESPONSIBILITIES

The Committee at each Annual General Meeting shall elect the following bearers:

- Chairperson
- Deputy Chairperson (optional)
- Secretary
- Treasurer

## 10.1 THE CHAIRPERSON

Every Community Asset Committee must appoint a member as Chairperson. The key responsibility of a Chairperson is facilitating the operations of the Committee.

The Chairperson is the leader of the formal meeting, and as such is responsible for maintaining order, the conduct of business, for ensuring that meeting procedure are followed.

The main responsibilities are:

- to provide coordination, guidance and leadership to ensure the successful functioning of the Committee
- to represent the Committee in the public domain
- to ensure administrative, and other tasks from meetings are carried out
- to chair all meetings of the Committee
- to act as liaison person between the Committee and Council (although this can be delegated to another member of the Committee)



- to arrange to an annual report of the Committee to be prepared for presentation at the Annual General Meeting and to Council

Specifically during meetings, the Chairperson is responsible for ensuring:

- meetings are convened
- a quorum is present for all decisions
- meeting decisions are properly recorded in the minutes
- the agenda is adhered to
- that the motions and amendments are unambiguous and otherwise in order
- all members are given the opportunity to speak
- the maintaining of order
- the business of the meeting is conducted
- voting rights
- a casting vote when necessary
- the announcement of the result of all votes is clear
- the management of discussion and preventing members from dominating to the exclusion of others.

In the absence of a Chairperson or Deputy Chairperson (if elected), the Committee shall elect another person to chair the meeting.

The Chairperson may vote on any motion considered by the meeting and in the event of a tied vote, the Chairperson may exercise a second or casting vote.

## 10.2 THE SECRETARY

The Secretary is usually responsible for the administration associated with the meeting.

The duties of the Secretary include: -

- Arranges the meeting
- Prepares and sends out the agenda
- Arranges for inwards and outwards correspondence
- Maintaining all records and correspondence
- Receiving all incoming correspondence and bringing it to the attention of the Committee
- Writing and dispatching all outwards correspondence required by the Committee
- Keeping Committee members properly informed by sending them notices of meetings, agendas, copies of correspondence, reports, etc., as required
- Liaising with the Chairperson between meetings so that the business of the Committee is attended to and, in consultation with the Chairperson, to call extraordinary meetings as required
- Prepares the minutes of the previous meeting to be available and other relevant documents such as discussion papers
- Takes notes that will enable clear and accurate minutes to be written up
- Writes up the minutes
- Carries out the follow-up action which arises from the business of the meeting e.g. arranges correspondence

- Arranges Annual General Meetings

### 10.3 THE TREASURER

The Treasurer is responsible for keeping the Committee's financial records in good order.

The Treasurer's duties include:

- Maintaining a bank account in the name of the Committee (signatories to the account should be the Chairperson, the Secretary, and the Treasurer, with at least two to sign)
- Recording and banking money received
- Paying accounts as authorised by the Committee
- Keeping all invoices, receipts, cheque butts, bank statements etc., for audit purposes
- Ensures that accurate records of all transactions are maintained
- Assists the Committee in the preparation of the annual budget
- Preparing the annual financial report based on financial year (e.g. 1 July 2022 – 30 June 2023)
- Prepares and presents financial report for Committee meetings
- Reporting at each Committee meeting current details on bank balances, transactions since the previous report, the Committee's current financial position and any other information that the Committee may require
- Arranges the audit of financial statements
- Treasurers of Community Asset Committees are required to complete the Financial Report Form annually and submit to the Council as soon as is practicable after the end of financial year period.

### 10.4 COMMITTEE MEMBERS WHO ARE NOT OFFICE BEARERS

Non-office bearing members' duties include:

- Actively participating in Committee activities and business;
- Managing the facility, including preparation and implementation of management plans, financial plans and business plans and subsequent reporting against those plans;
- Attending all Committee meetings and participating in decision making; and
- Bringing to the Committee's attention any identified problems or issues.

### 10.5 NON-MEMBERS AS OFFICE BEARERS

Community Asset Committee's may find it useful to appoint someone who is not a Committee member, but has relevant skills, to undertake tasks such as bookkeeping and secretarial work. In some cases, this will be a volunteer, in other cases the Committee may engage a local accountant or bank manager to keep the books and act as the Committee's custodian.

The committee will need a recommendation to the CEO for approval if the expenditure is above the set committee delegation.

### 10.6 MEMBER'S CONDUCT

Members of Community Asset Committees are required to act appropriately in their role to ensure that public resources are used prudently for the public interest and as representatives of Hindmarsh Shire Council. This includes, acting in good faith, with integrity, exercising

impartiality, treating others with respect, and exercising due care and diligence when conducting their Committee role.

## 11 MEETING PROCEDURES

The committee shall comply with Council's governance rules (Governance Rules – Hindmarsh Shire Council) regarding meeting procedures.

### 11.1 MEETING SCHEDULE

Each Committee is free to decide meeting times and schedules. Committees should be meeting as often as necessary to ensure good management of the facility. **Council requires that the Committee meet at minimum quarterly on such dates that the Chairperson or Committee determines.**

### 11.2 NOTICE OF THE MEETING

A notice of meeting, typically incorporated with the agenda, is circulated to Committee members at least two days, but preferably a week, before the meeting.

### 11.3 AGENDA

Prior to any meeting an agenda is prepared. The agenda is a short document that sets out the business to be dealt with at the meeting.

Usually the Secretary, in consultation with the Chairperson, prepares the agenda, but all Committee members can nominate items of business to be included on the meeting agenda.

A typical agenda may include:

- Details of time and place of meeting (Notice of Meeting)
- List of all members, and any non-members invited to attend
- Apologies
- Conflicts of Interest (crucial inclusion)
- Minutes of the previous meeting
- Correspondence inwards
- Correspondence outwards
- Reports
  - Secretary's report
  - Treasurer's report
  - maintenance report
  - risk and safety
- Any OH&S issues
- General business

When circulating the agenda, the minutes of the previous meeting and any reports to be considered at the meeting are usually attached.

At the start of the meeting the Chairperson usually asks (a) if there are other items of business that any member wishes to be added to the agenda, and (b) if any member wishes to change the order of the agenda. The addition of new items at the meeting is generally acceptable, but

if those items are contentious and/or some members are absent from the meeting, the Chairperson may decide to refer such items to a subsequent meeting of the Committee.

## 11.4 ADDRESSING THE MEETING

For more formally run Committees, all Committee members addressing the meeting must direct their remarks through the Chairperson. A Committee member addressing the meeting shall not be interrupted by any other member, except that the Chairperson has the right to provide any direction to the member regarding the conduct of that address (appropriate language, length of time taken, etc.).

## 11.5 QUORUM

A quorum is the minimum number of members of the Community Asset Committee who must be present for the Committee to make decisions (a majority) (half the membership + 1).

If, thirty minutes (or some other time generally agreed by the Committee as appropriate) after 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

If, at any time during the meeting a quorum cannot be maintained, the Chairperson will decide to:

- close the meeting and refer any unfinished business to a subsequent meeting, or
- continue to conduct the scheduled business of the Committee, but refer all decisions and motions made with no quorum present to a subsequent meeting when a quorum is present for reconsideration and/or ratification.

## 11.6 MAKING DECISIONS/MOTIONS

Each decision of the Committee should be made by a formal vote and recorded in the minutes.

Decisions are made by passing motions. Any Committee member may move a motion and the Chairperson accepts the motion for consideration. This could be as simple as:

“I move that the Treasurer’s report be accepted,” Bill Smith moves.  
“I second that motion,” says Mary Black.

The Chairperson says: “All in favour.” (counts six raised hands) “All against.” (counts no raised hands) “The motion is carried.”

The minutes will record the wording of the motion, who moved it, who seconded it, whether it was CARRIED or LOST.

For Example:

MOTION:

“That the Treasurer’s report be accepted as presented”

BS/MB

CARRIED

Committees may have motions that are more complicated and contentious arising from their discussions. In such cases it might be useful for the motion to be written down and read out or circulated prior to voting so that everyone is clear about what is being decided.

If a vote is tied, the chairperson has the casting vote.

A Committee can only make decisions (i.e. move and pass motions) if a quorum of its membership is at the meeting.

Any decision of the Committee, which the Committee does not have delegated power to implement, cannot be implemented until approved by the Council.

### 11.7 CONFLICTS OF INTEREST

As detailed in Clause 6.2, the *Local Government Act 2020* defines general and material conflicts of interest.

A general conflict of interest arises if a committee member has an interest in a matter that is being considered by the committee if an impartial, fair-minded person would consider that the member's private interests could result in that person acting in a manner that is contrary to their public duty.

A material conflict of interest arises if a committee member would gain a benefit or suffer a loss depending on the outcome of the matter before the committee.

For example, a local builder on a Community Asset Committee would have a conflict of interest in any building contracts let by the Committee for which he or she had tendered.

A conflict could be interest based; for example, a Committee member who is a member of the local football club would have a conflict of interest in a decision to lease part of the facility to the football club would have a conflict of interest in a decision to lease part of the facility to the football club.

At the time indicated in the Agenda, a Committee member with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

1. The item for which they have a conflict of interest; and
2. Whether their conflict of interest is general or material; and
3. The circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, the Committee member must indicate to the meeting the existence of the conflict of interest and leave the meeting.

The key factors in dealing with conflicts of interest are to:

- Avoid - all situations which may give rise to conflicts of interest;
- Identify - any conflicts of interest; and

- Disclose – or declare all conflicts of interest; and
- Be open and transparent in managing them both within and outside the Committee

## 11.8 MINUTES

Minutes are a formal, written record of a meeting and must be kept for all meetings of the Committee.

At a minimum the minutes should record:

- Time the meeting started and finished
- Location of the meeting
- Names of the Committee members present
- Apologies received
- Conflicts of Interest declared
- List of all items of business considered
- Exact wording of any motions moved, including the name of the mover and seconders, and the mover and seconder of any amendments to the motion
- Results of consideration of any motions carried, lost, withdrawn, lapsed, amended
- Details of any questions taken on notice
- Details of any deputations made to the Committee, or any guest speakers

The minutes should enable a Committee member not present at the meeting to be informed of all actions and decision arising and the reasons for those actions and decisions.

Every page of the minutes should be numbered and bear the date of the meeting.

Minutes are a permanent record of the Committee's decisions and proceedings. The Secretary should keep a minute book that will be passed on to the incoming Secretary at the end of the Committee's term. In the longer term the minute books must be stored and archived in accordance with the *Public Records Act 1973* (Vic) because Community Asset Committees are public bodies.

The minutes of a meeting should be endorsed by the following meeting 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 attended.

Upon ratification of the previous meeting's minutes, the Chairperson should sign the minutes. Once endorsed by the signing of the Chairperson, they should not be altered.

All meeting minutes need to be submitted to Council within twenty-one (21) days of the meeting.

## 11.9 KEEPING CONFLICT OF INTEREST RECORDS

Keeping public records is crucial for a Committee being regarded as open and transparent in managing conflicts of interest.

The Committee minutes must record how conflicts of interest were handled. For example, a Committee member who is a builder declaring they have a conflict of interest on the next agenda item where a building contract to be discussed.

The minutes must record:

- what the conflict was;
- if the Committee members left the room (at what time they left/returned and at what stage of the discussion)
- the result of the discussion and the decision made.

Private interest should not be confused with specialist knowledge, which is not a conflict of interest. For example, a member who is a builder, but who is not tendering for a job, would have useful specialist knowledge.

## 11.10 VOTING

One method of voting is a show of hands. The Chairperson calls first for those in favour of a motion and then for those opposed to a motion, the motion is determined by the majority vote and then declares the result to the meeting. In the event of a tied vote, the Chairperson may exercise a casting vote. Unless otherwise prohibited by the Act, each member of the Committee present must vote.

# 12 THE ANNUAL GENERAL MEETING (AGM)

The AGM is the public meeting where the Committee reports to its community. The AGM is to be held between 1 July and 30 October each year.

## 12.1 NOTICE OF AGM

The Secretary shall notify the EA a minimum of five (5) weeks prior to the date of the Annual General Meeting so that Council can advertise the date by way of a notice in the public notices section of the local newspaper circulating in the area for the three (3) weeks prior.

Please fill in this template and submit to Council.

## 12.2 ORDER OF BUSINESS

The AGM includes:

- Receive and confirm the minutes of the previous AGM
- Receive an Annual Report that includes the Chairpersons report of the Committee's activities, operations, and usage of the facility for the previous 12 months
- Receive the Treasurers report including the Financial Report for end of financial year
- Receive an outline of the Committee's proposed activities for the next 12 months, which may also include seeking the community's approval of those plans
- Election of committee members:
- Recommendation to go to Council for appointment. Recommended members remain non-voting until endorsed by Council

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

## 12.3 DUTIES OF THE SECRETARY

Prior to the AGM:

- Notify Hindmarsh Shire Council five (5) weeks prior to the date of the meeting – including date, time, location and a contact person
- Notify Council of any Community Representative positions up for nomination and advise the process the Committee has agreed upon for nomination
- Distribute information and nomination forms on request
- Ensure the annual report is complete and available for inspection at the meeting
- Ensure that all the necessary equipment is available for the meeting including nomination forms, attendance sheet, whiteboard, etc.
- Bring all nominations received prior to the meeting
- In conjunction with the Chairperson, prepare a meeting agenda for distribution at the meeting

The outgoing Secretary should:

- Hand over all correspondence, including minute books and all copies of this manual
- Provide copies of all management plans or statements, and corresponding performance reports, prepared by the Committee over its term
- Provide all details to the incoming Committee of any contracts (e.g. leases, licenses, or any other contracts for services)

## 12.4 DUTIES OF THE CHAIRPERSON

Prior to the election, the Chairperson/President shall:

- State the purpose of the meeting which is to elect recommended candidates to form a Community Asset Committee for a 3 year period commencing on a particular date and annually to elect executive office bearers to the Committee for the following 12 months
- Clearly identify the facility over which the Community Asset Committee is to be appointed and clearly define the “community of interest” for those present
- Detail the number of Committee members being sought
- Nominate the Committee members who will be responsible for presenting the reports to the meeting, providing a summary, and answer any questions. (Usually the Treasurer presents any financial reports, and the Chairperson/President presents any performance or management reports, but any Committee member may be nominated)
- Describe how the meeting will be conducted, and the process for the election
- Hand over to the Council representative present to be the Chairperson conducting the election of nominated members

The Chairperson/President shall be responsible for ensuring that all reporting requirements are submitted/lodged with Council within 21 days of holding the AGM.

The outgoing Chairperson should:

- Ensure that the handover is completed in a timely and professional manner, and that the incoming Committee is adequately briefed.

## 12.5 DUTIES OF THE TREASURER

Prior to the AGM:



- Ensure the **Financial Report** is ready for inspection at the meeting

The outgoing Treasurer should:

- Balance the books and have them audited
- Provide copies of any business plans and financial reports prepared over the Committees term
- Advise the incoming Committee of any committed funds
- Organise the changeover of bank account signatory details
- Advise service providers (e.g. gas, electricity, and water) of the incoming Committees contact details
- Hand over the books to the incoming Committee

## 12.6 THE ELECTION OF MEMBERS AND ROLES

Unless the procedures of the Committee otherwise provide, voting must be by show of hands.

The duties of the outgoing Chairperson, Secretary or Council representative are:

- Declare positions vacant from the specified date
- List all nominations received prior to the meeting for the relevant Committee positions
- Call for additional nominations (if applicable) for the relevant Committee positions
- Verify the eligibility of all nominations
- 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 and give details on how it will be conducted. For example, each eligible voter can only cast one vote for one candidate
- Check that all persons wishing to vote are eligible and have signed the attendance sheet

**NOTE:** New Committee members are not formally appointed until endorsed by Hindmarsh Shire Council's CEO and cannot conduct Committee business until endorsed.

If an ordinary meeting with the new Committee follows the AGM, then the newly recommended members cannot vote as part of the meeting as they are not official members of the Committee until endorsed by the CEO. This is also relevant for any meeting held until Council endorses membership.

The names, contact details, and position held within the committee, for all new members should be recorded and emailed to [s86@hindmarsh.vic.gov.au](mailto:s86@hindmarsh.vic.gov.au) for endorsement from the CEO.

## 13 FINANCIAL MANAGEMENT

Keeping track of financial records is a key task of the Committee. It is essential for keeping Council, the Community and user groups informed about the financial sustainability of the facility.

The Committee's financial year shall commence on 1 July in each year and end on 30 June in the following year.

The Committee shall ensure that the financial decisions do not affect the integrity of the Council's budget.

### 13.1 GENERAL FINANCIAL RECORD KEEPING

To ensure they make proper and complete financial reports, Committees are urged to maintain suitable records. The Australian Taxation Office provides a good resource to assist:

- How to keep your business records (NAT 3029)

Other resources are available at website address [www.ourcommunity.com.au](http://www.ourcommunity.com.au).

### 13.2 BOOKKEEPING AND ACCOUNTING

Methodical bookkeeping is essential to good financial management. If the books are properly kept then there is a clear record of all receipts and payments and of the funds available to the committee.

Money received should be banked regularly – at least weekly – and all payments and receipts must be recorded promptly.

### 13.3 BANK ACCOUNT

The Committee shall open and operate a bank account titled "Name of Committee".

### 13.4 ANNUAL FINANCIAL REPORTING TO COUNCIL MUST INCLUDE:

- Financial report
- Report on the Committee's current financial position, transactions since the last Committee meeting and details regarding the bank balance
- Updated Asset Register
- Updated Volunteer Register

### 13.5 REVENUE AND SPENDING

Revenue received by a Committee must be directed to activities associated with the facility. From funds received, the Committee may pay the cost of maintenance, electricity and gas usage, and water charges, as the Committee determines.

Committees are not required to spend all revenue in the year it is received, and it is wise to carry forward some funds into the next year. It is also acceptable if a Committee has planned for a large development in the next few years to accumulate the funds required for it (e.g. major renovations). Expenditure will be limited to improvements on the facility and by the instrument of delegation.

Committees should not carry excessive funds for no foreseeable purpose. Council owned reserves are public assets and funds should be spent on maintaining or enhancing the facility.

### 13.6 GST

The committee, by definition under the *Local Government Act 2020* is part of Council. The Australian Tax Office has ruled that the committee cannot have a separate ABN or separate

registration for GST. The committee must use Council's ABN 26 550 541 746 and charge GST when issuing tax invoices for hire or use of facilities, or for the sale of any goods or services.

GST is currently 10% and can be calculated as follows:

To identify:	Calculation
GST Amount	Exclusive amount x 10%, or Inclusive amount / 11
Inclusive Amount	Exclusive amount + GST amount, or Exclusive amount x 110%
Exclusive Amount	Inclusive amount – GST amount, or Inclusive amount / 1.1

## 13.7 CONTRACTS

Committees must not enter into any contracts above their delegated powers (as outlined in the Instrument of Delegation).

## 13.8 RECEIVING MONEY

Whenever the Committee receives money, a receipt should be issued. A carbon duplicate book should be used to record all receipts, unless an electronic receipt can be issued from an appropriate electronic software package that is being used by the Committee. This is a practical safeguard against the possibility of error or disagreement.

There may be times when issuing individual receipts is not feasible. For example, if the Committee is organising a fund-raising event or calculating entry fees, it would be impractical to write out a receipt for every person. Two members of the Committee, preferably not the Treasurer should be responsible for collecting and accounting the money prior to handing to the Treasurer. One receipt should then be written for the total amount.

## 13.9 FEES

If fees are collected, they must be used responsibly and:

- should be in line with similar rates in the area so that the maximum public benefit is gained for use of a public asset; and
- should not use the advantage of lower overheads associated with Council to the disadvantage of competing activities on private land: and
- should include GST.

If normal rates do not seem appropriate, reasonable fees for the purpose must be set. For example, non-profit community groups may receive a discount rate.

As part of the Annual General Meeting the Committee must propose facility fees and submit to Council for approval and endorsement.

## 13.10 HINDMARSH SHIRE COUNCIL GRANTS PROGRAM

Council offers grant programs including:

- Community Assistance Grants
- Business Assistance Grants.

Further information and application forms are available on Council's website - <https://www.hindmarsh.vic.gov.au/grants>.

### 13.11 PAYING MONEY

Payments shall be authorised in accordance with the requirements in the Financial Controls section and should be made by either:

- Cheque
- Electronically through internet banking

As each cheque is drawn or electronic payment made, the paperwork detailing the expenditure should be retained and filed in cheque number or date order. If there is no paperwork, then a cheque or payment voucher should be drawn up giving details of the payment, i.e. payee, amount, date, cheque number and what the payment is for.

### 13.12 HONORARIUMS

Community Asset Committees must not pay honorariums. If a minor fee is to be collected for services rendered to the Community Asset Committee then the person should be paid as part of the normal contract process.

Committee members may be reimbursed for out-of-pocket expenses approved by the committee but cannot receive honorariums. No member of the Community Asset Committee should be receiving payment from the Committee for their contribution to the running of the Community Asset Committee.

### 13.13 CASH BOOK

Electronic bookkeeping software can be used to record the Committee's transactions. If recording manually, a cashbook is required.

The cashbook is the principal book of accounts. One section is for money received with varying number of columns to detail all the major areas of income. The second section is for expenditure, again with several columns to detail all the major areas of expenditure. Books with varying numbers of columns are available through newsagents or stationers. All cashbooks should now have a separate column for recording GST receipts and payments.

#### **Money received**

From the receipt book, enter the details to the cashbook with the money going into the amount and detail column. For ease of balancing to your bank statement, a second amount column marked "bank" can be kept and the total banked each day added into this column. At the end of each month add the columns and balance the totals to the total banked.

#### **Payments**

As with money received, there is a bank column and several analysis columns. Enter the amount of each cheque drawn or electronic payment made in the bank column as well as in the relevant analysis column. At the end of each month total the analysis columns and balance the totals with the bank column. The monthly totals should be added progressively month by month until after twelve months the totals are available for the yearly financial return.

### 13.14 BANK RECONCILIATION

Arrange with your bank for a statement to be forwarded to the Treasurer every month. The Treasurer should verify the entries. When submitting a Bank Statement to Council, the Committee also need to reconcile their closing balance from their financial report, to the closing balance on the bank statement.

### 13.15 CASH ON PREMISES

The Committee should develop a cash handling procedure and ensure all users of the facility are aware of the procedure. Only communicate this process to authorised officers of the user groups and keep knowledge of the process to a minimum.

#### **Cash must not be left on the premises.**

If cash goes missing from your facility or a break-in occurs, Council must be notified within 24 hours or on the next working day. The matter must also be formally reported to Victoria Police.

### 13.16 FINANCIAL CONTROLS

The Committee as a whole, not just the Treasurer, is responsible for the financial affairs of the organisation. The Committee must see monthly reports of income and expenditure and must approve of all expenses paid, or to be paid, for the month.

#### **Authorisation**

The Instrument of Delegation will determine authorisation limits. The Committee should set definite limits on expenditure and on the persons authorised to purchase under the delegation.

The Treasurer may be authorised by the Committee to pay regular accounts or spend funds up to an agreed limit. Large expenditure should be discussed at a Committee meeting and be agreed upon by the majority.

#### **Cheque signing or electronic approvals**

The bank account shall require two people to sign each cheque or authorise electronic payments. This should be arranged by having three Committee Members authorised with their signatures registered with the bank, with any two to sign each cheque or authorise electronic payments.

Cheques should always be crossed, marked not negotiable and the details entered before being signed.

### 13.17 DEVELOPING A BUDGET

The Committee should, as the year-end approaches, give serious consideration to producing a budget for the following year and present this at the AGM. This can easily be carried out by looking at the income and expenditure pattern for the current year. Add to that any extra works/services that the Committee would like to see in place and determine the overall estimated expenditure.

Once the expenditure is set, then the Committee can look at the options available to fund the expenditure. Remember that inflation will influence the cost of services and an allowance should be built into each item to cover the likely increased cost.

### 13.18 WATER AND SEWERAGE

A Committee will be invoiced for the use of any water and sewerage services for its facility. This includes both service and usage charges.

### 13.19 WASTE COLLECTION

A Committee is responsible for any fees and charges related to waste collection. Please contact Council if you require any further information regarding contracts for waste collection.

## 14 FACILITY MANAGEMENT

### 14.1 POWER TO MANAGE A FACILITY

The main guiding principle for managing a public facility is ***use and enjoyment for all***. This needs to be balanced with the need to protect and maintain the facility, its natural features, and its assets.

### 14.2 ALLOCATING AND CONTROLLING USE

If all or part of the facility requires protection, a Committee may control its use by limiting numbers and types of users, physical access, the times and conditions of use, and access. For example, a reserve for conservation purposes may need limited public access to areas of the reserve undergoing re-vegetation.

Rules (regulations) and pricing (fees) are two effective mechanisms to allocate and regulate use.

### 14.3 DELEGATION

A Committee cannot delegate its powers to any other body, but it can establish sub-Committees to consider certain matters. These sub-Committees may be either standing Committees with ongoing functions (e.g. finance sub-Committee) or working groups for a task (e.g. spring planting sub-Committee).

Sub-Committees have no power in their own right. Their recommendations must be brought back to a full Committee for consideration and resolution.

### 14.4 MAINTAINING THE FACILITY

A Community Asset Committee is required to maintain the facility. The Committee must:

- Keep the facility clean
- Ensure waste is disposed of appropriately
- Must immediately notify Council of any maintenance issues that arise
- Ensure that any damage caused is repaired immediately

As a general rule, the day to day operational maintenance of facilities is the responsibility of the Community Asset Committee. Larger significant structural capital works are to be negotiated with Council.

The Committee must adhere with any Council Policies in regard to the ongoing maintenance of facilities.

All Maintenance requests should be sent to [info@hindmarsh.vic.gov.au](mailto:info@hindmarsh.vic.gov.au). They should provide as much detail as possible, including what has happened, the location, any temporary measures that have been put in place and contact details regarding the request.

## 14.5 ASSET MANAGEMENT

As part of its financial records, a Committee must maintain an asset register with details of all assets including buildings and facilities. The register should contain:

- description of each asset – make, model, serial number
- the date it was purchased
- purchase price / an estimate of its value

Each year, the assets value should be adjusted to reflect depreciation (for physical assets such as buildings, equipment, and stock).

Council will have the physical assets recorded in their books. The Committee of Management and relevant user groups must keep a list of their contents/assets as well, to be provided to Council as part of the annual reporting process.

## 15 CAPITAL WORKS

The Committee:

- Must not carry out or authorise any capital works, extensions or additions which materially alter the buildings or surrounds of the facility without prior approval from the Council
- Is encouraged to investigate and make recommendations in writing to the Council on the development of future capital works and the provision of future facilities and amenities for the facility
- Must consult with organisations who use the facility as part of the development of said recommendations

## 16 FACILITY HIRE AND USE

The Committee is responsible for entering into agreements with hirers of the facilities in accordance with the conditions of hire developed by Council to ensure that users of the facility comply with conditions set for the care, protection and management of the facilities set out in policies of the Committee and the Council's Local Laws and policies. Committees must ensure that users of the facility make good any wilful or accidental damage caused during use.

**Refer to Facility Hire Agreement (casual bookings)**

**Refer to Facility User Agreement (seasonal tenants)**

## 17 ACCESS AND INCLUSION

Council is committed to promoting an inclusive municipality that respects human rights and fosters participation in all aspects of community life.

Community Asset Committees must ensure that all community members are treated equally and feel safe to enter and/or hire the facility and participate in activities.

Council will provide Community Asset Committees with access and inclusion awareness material to increase their understanding of broader social justice principles to utilize within their operations and facility management.

## 18 INSURANCE

Committees have a duty to ensure that claims are minimised through the use of risk management. Should an incident occur, Committees must use the Hindmarsh Shire reporting procedure.

Hindmarsh Shire Council's insurance program covers Community Asset Committees relating to:

- Public liability insurance cover for injury or loss to third parties (on Council Land)
- Professional indemnity insurance cover for Community Asset Committees and their volunteers (cover extends to registered volunteers and Committee members when engaged in voluntary activities organised or authorised by or under the control of Council.
- Council has personal accident insurance cover, which applies to approved Community Asset Committee activities (this excludes out of pocket medical expenses).
- Asset/Property cover for damage to Council managed/insured buildings (an excess applies and is payable by the Committee of management)
- All policies are subject to terms and conditions including limitations of cover and exclusions for cover.

### 18.1 PUBLIC LIABILITY AND RISK MANAGEMENT

Council requires the Asset Committee to minimise incidents through sound risk management.

Committees' responsibilities as managers of Council facilities for public liability insurance policies are to:

- Avoid situations that may give rise to a claim
- Control and record any incident that may lead to a claim being made
- Prepare for a claim to be made resulting from an incident no matter how remote it may seem
- Report all property damage/maintenance issues that may contribute to a claim

In the event of any incident, Committees are required to follow Councils' incident and claims procedures as detailed below.

- Report all incidents accidents or property losses to Council as soon as possible
- All losses and claims that are not reported in a timely manner can be denied by Councils insurer
- All incidents that are potential claims need to be handled sensitively and as soon as possible after they occur
- A detailed investigation will be carried out by Council

In all cases where a member of the public is injured or has property damaged:



- Action needs to be taken to minimize the chance of any further incidents by securing unsafe areas or facilities
- First aid and medical care should be provided immediately, and prompt and proper care provided to any injured person

## 18.2 LIABILITY CLAIM PROCEDURES

All Public Liability claims should be forwarded directly to Hindmarsh Shire Council.

### 18.2.1 HOW AND WHEN CLAIMS ARE MADE

Community Asset Committees may be notified about incidents and potential claims from a variety of sources, such as direct contact from:

- the injured party or property owner or their respective agent
- police, ambulance or emergency service personnel
- media item
- legal representative or injured party of property owner, or
- observation of incident by Committee member or member of Council staff

Notification is usually by telephone or letter. In some instances, the first time the Community Asset Committee becomes aware of such an incident is when legal action has already commenced.

### 18.2.2 WHAT TO DO ON NOTIFICATION?

Upon notification in writing or verbally:

1. Make a note of how the letter or claim arrived – by mail or hand delivered. If by hand, who delivered it?
2. Do not make any remarks or comments about the incident to any person who delivered the letter or claim.
3. Do not reply to any letter or claim.

Send the letter or claim and relevant incident report, including any names of witnesses and any notes or photos relating to the incident to Hindmarsh Shire Council.

If confronted by an angry or upset person it is important not to take their comments personally, and to:

- remain calm
- treat the person politely
- take notes about what they are saying
- do not admit responsibility for an incident
- ask the person to submit the claim in writing to Hindmarsh Shire Council
- contact Hindmarsh Shire Council and follow the course of action recommended.

It is important that you remain calm, listen to the concerns, and treat the person politely. Assure the person that Hindmarsh Shire Council will contact them in relation to their claim/concerns.

### 18.2.3 WHAT NOT TO DO ON NOTIFICATION

Whether the notification is in writing or verbally, to help reduce the likelihood of unnecessary claims being made, there are a number of things that should not occur:

- **Do not** admit responsibility for any incident. But do show empathy for the injured party
- **Do not** offer to pay any medical or other expenses. But do call an ambulance if needed
- **Do not** agree that any equipment or facilities were faulty
- **Do not** blame other Committee members, employees of other parties
- **Do not** argue or discuss the cause of the incident with the injured person or witnesses
- **Do not** conduct the investigation or fill out the incident report form in the presence of the injured person
- **Do not** discuss the incident at any time with any person other than an officer at Hindmarsh Shire Council
- **Do not** discuss the incident with the media

#### 18.2.4 INCIDENT AND CLAIM REPORT

The Committee's responsibility is to provide the facts of the incident and report them to Council, **NOT** to make a decision on the validity or otherwise of the claim or potential claim. The Committee should immediately seek assistance from Hindmarsh Shire Council by contacting 03 5391 4444.

It is essential that as much information as possible is gathered as early as possible. The longer the time lapse between the incident and the investigation the less likely it is that information will be available or accurate. It is important that a report is made of potential and notified claims because a claim may not arise until many years after an incident occurred.

#### 18.2.5 UNDER NO CIRCUMSTANCES ADMIT LIABILITY

The admission of liability can, in some circumstances, void the insurance policy. One can be empathetic with an injured person but must be careful that any conversation is not misunderstood as an acceptance of liability.

Where any incident occurs, it should be reported immediately by telephone to Hindmarsh Shire Council, followed by the provision of a written report on the incident.

### 18.3 OTHER IMPORTANT INFORMATION

Where new information or witnesses are found (at any time after the incident) notify Council as soon as possible.

#### 18.4 THIRD PARTY USERS OF FACILITIES

Hindmarsh Shire Council's public liability insurance policy does not extend to cover or indemnify third party users of Council facilities against claims from other users of the facility. This includes casual hirers and users, long-term users, and tenants.

Individual user groups need to provide evidence to the Community Asset Committee of appropriate public liability and participant insurance cover (where applicable).

#### 18.5 HIRE AGREEMENTS AND INSURANCE

It is essential that Council and its Committees are protected from the liability and negligence claims that may arise from the use of Council property.

### 18.5.1 REGULAR USERS

The Committee shall require each organisation which rents or uses the facility to:

- Arrange and maintain insurance policies for any contents which they store at the Facility; and
- Arrange and maintain public liability insurance policies for a minimum of \$20 million for each and every incident, and to submit a “Certificate of Currency” for each insurance policy and forward copies of all certificates to Council.

### 18.5.2 CASUAL HIRERS

All hirers must be the holder of a public liability insurance policy for a minimum of \$20 million for each and every incident. In some circumstances casual hirers may obtain cover through Council for a fee. This can be used for one off hire for certain functions.

This cover does not extend to events where admission is charged.

Council reserves the right to not extend cover to hirers.

Cover is only extended when the fee has been received by Council.

The hirer has received written acknowledgment from Council.

Cover is granted to the hirer on the basis of the information that is provided by the hirer, should this information be found to be incorrect in the event of a claim the claim will be denied.

Application to access this policy must be made fourteen days prior to the event. In the event of a claim the hirer will be required to pay the policy excess.

The policy is subject to terms and conditions.

**Contact Hindmarsh Shire Council to request a Community Liability Insurance Request Form.**

## 18.6 BUILDING (PROPERTY) INSURANCE

Report all property damage, storm, flood damage, theft or any other type of property damage to Council immediately. Council’s insurer can deny claims that are not reported in a timely manner.

**Council recommends that all user groups obtain their own contents insurance, as Council does not have insurance cover for these items. Community asset committees are not user groups.**

The building (property) insurance excess may be payable by the committee or by Council depending on the nature of the claim.

## 19 EXCLUSIONS

Committees should be aware that there are some activities that are not covered by Council’s insurance or require an extension of Council’s insurance to cover. These include festivals, markets, fireworks, etc. If your Committee is holding an activity or hiring the facility for an activity that may be excluded from Council’s insurance – you are required to contact the

Council for confirmation. Council Officers will be happy to assist with advice and information if further insurance is required for any activities. All events on Council land need to be approved by Council, see [www.hindmarsh.vic.gov.au/organising-an-event](http://www.hindmarsh.vic.gov.au/organising-an-event) for more information.

## 20 RISK MANAGEMENT

A 'risk' is the chance of something occurring that has the potential to cause loss, damage or injury. 'Risk management' involves identifying risks and taking precautionary measures to minimize the chance that a particular event will occur.

Risk management is setting in place practices and processes that enable risks to be identified, minimized and dealt with. Risk management seeks to minimize the impact of undesirable events, without discouraging appropriate risk taking and initiative.

Committees are strongly urged to undertake a formal risk assessment in company with the Council, develop a risk management plan and conduct an annual review. It is better to plan for risks than to think about them after something has gone wrong.

The Community Asset Committee is required to:

- Ensure users are aware of the location of emergency exits and fire protection equipment and emergency response procedures

Advise the Council immediately of an incident likely to give rise to:

- Injury to any person
- Damage to any property associated with the facilities (damage may be to the facilities or other parties)

A Hazard, Incident or injury report form should be used to record the details. Refer any public liability insurance claimants directly to Hindmarsh Shire Council.

A safe work method statement form should be used by committees to ensure maintenance tasks are conducted safely and with the appropriate risk control measures.

Any committees that have purchased equipment such as mowers and trimmers must ensure that all maintenance is conducted in line with the product specifications and that faults/repairs/repairer information is recorded.

### 20.1 PUBLIC SAFETY & STANDARDS

Your Committee must take all reasonable steps to protect the public and take reasonable care to avoid a foreseeable risk of injury to anyone lawfully entering your facility.

This section gives details of the standards that Committees need to maintain to ensure that harmful events are minimized and that when they do occur, it is not because of a Committee's negligence.

The aim of a public safety program is to establish procedures to prevent injury to members of the public or damage to third party property.

### 20.2 MAINTAINING PUBLIC SAFETY STANDARDS

Committees are required to check the current safety levels and undertake any repairs and improvements as necessary to bring the facility up to the appropriate standard, and maintain that standard. To do that it requires regular inspections, a maintenance program and a system for reporting and remedying faults and defects.

### 20.3 REGULAR INSPECTION

The purpose of regular inspections is to detect and repair faults and defects before members of the public, employees or volunteers are injured, or the faults and defects cause a more rapid depreciation of the assets and hence higher maintenance and repair costs.

Inspections should be conducted regularly using a checklist. The frequency of inspection will vary with the type, nature and uses of the particular facility. Records should be maintained of the facility to be inspected, including details of each inspection and:

- Who undertook the inspection
- The date of the inspection
- Copies of the checklist
- Results of the inspection and any corrective action required; and
- Dates the corrective actions were taken and why.

### 20.4 MAINTENANCE

A well-documented, regular maintenance schedule should be kept for all facilities.

All facilities should be maintained in a safe condition. Failure to maintain facilities can have greater consequences than not providing them. For example, a stairway that is poorly maintained may be more dangerous than not providing access.

The Community Asset Committee should ensure that it allows for maintenance costs of facilities in the budget and that adequate provision is made for the increased maintenance requirement as the facility ages.

### 20.5 FAULT/DEFECT REPORTING

Faults and defects will be identified as part of the regular inspections, but will also be identified at other times by different people including Committee members, users of the facility and the general public. They may be fixed immediately or may require action by maintenance staff or a contractor.

It is crucial for a Committee to have a system to record faults and defects that are identified outside the regular inspection program and to ensure that any such faults and defects are brought to the notice of the Committee. Such a system should not rely on casual contact or telephone calls but be a written record that includes details such as:

- who identified the fault and defect
- the date it was reported to the Committee, and to which Committee or staff member
- correction action required, and
- dates the corrective actions were taken and by whom.

It is essential that prompt action be taken to investigate a matter and carry out the appropriate repairs.

It is particularly difficult to defend a case for liability for injury when the injury has occurred to a member of the public after a specific fault or defect has been reported to a Committee but has not been acted upon.

## 20.6 WHEN PUBLIC SAFETY STANDARDS FAIL

Refer to **Section 17** on Insurance for detailed information on liability claim procedures and incident investigation.

## 20.7 PUBLIC SAFETY IN NEW FACILITIES

The design and construction of new facilities must meet all necessary safety standards with respect to design, construction, installation and choice of materials. New facilities are an opportunity for Committees to retire older equipment and facilities that generally require more onerous ongoing inspections and maintenance.

## 20.8 EMERGENCY DIAGRAMS AND PROCEDURES

The requirement for, or extent of emergency procedures will vary between facilities and will be based on its facilities and the type of emergency that could arise, e.g. sports grounds, buildings.

Where facilities are provided on a leasing arrangement (e.g. sports ground facilities to sporting clubs), Committee members should ensure that emergency arrangements are provided (for example Emergency Management Plan), such as adequate firefighting equipment, clear exits, standard exit signage, a building floor plan and fire orders in case of fire, and that the users of the facility have considered the need for an appropriate fire and evacuation drill.

Some facilities may already be identified as emergency response facilities.

## 20.9 SECURITY

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

Similarly, a Committee may unwittingly create what is known as an “attractive nuisance”. For example, a building site or swimming pool could be considered an attraction to any children in the area. Therefore, the Committee has an obligation to ensure that children and others cannot enter the site after hours and injure themselves.

Any community facility that is to be closed for a period should also be secured.

The emphasis on this type of security is not to prevent theft, but to minimize unauthorized use of a facility or area outside supervised times.

## 20.10 FAILURE TO MEET RISK MANAGEMENT REQUIREMENTS

Failure to meet the risk management requirements may result in Council taking over management of the facility until the issue can be resolved.

Council will make every effort to assist the Committee in achieving the requirements before this outcome takes place.

## 21 EVENT MANAGEMENT

If you plan to hold an event you will be required to seek Council's approval for such events. This can be done by completing an event application and submitting it to Council to determine whether any permits or requirements are needed such as:

- **Local Laws** - road closures, traffic management, permission for public land access, alcohol consumption
- **Planning** - permits to hold an event on private land
- **Environmental Health** - temporary food permits
- **Building** - permits for temporary structures such as fencing, stages and marquees
- **Engineering** - waste management
- **Maintenance** - servicing of public toilets
- **Risk & Safety/Insurance** - public Liability Insurance, event management plan, risk assessment

Contact Council to discuss your event as early as possible. A failure to allow enough time to obtain any necessary information or permits prior to your event may result in your event not being approved.

A minimum of four (4) weeks' notice is required.

## 22 VOLUNTEERS

Volunteers and voluntary groups are an invaluable resource to the Council and our community, making a significant contribution to the community life. Volunteers contribute to a range of activities including social community support, emergency services and environmental protection. Committee members are volunteers of Council.

Through their commitment and energy, volunteers can enhance the political, social, economic, environmental and cultural life of the local community.

The following points and procedures are in place to ensure that the Committee, Council, the Community and the volunteers all benefit.

- The engagement of volunteers to assist Hindmarsh Shire Council and Community Asset Committees will be done in a manner that complies with all relevant Council Policies and associated legislation.
- All volunteers will have a nominated Volunteer Supervisor. A detailed procedure manual for volunteers will be maintained to ensure that all aspects of the use of volunteers by Council are managed appropriately. This policy and procedures manual is to be followed by all Volunteer Supervisors (or their nominee) when using volunteers.
- The recruitment of volunteers should be on the basis that volunteers can be provided with satisfying and suitable activities and functions, with due consideration being given to the personal preference and motivation of the volunteer
- Volunteers will be selected in a non-discriminatory process consistent with EEO and related legislation.



- All volunteers are required to hold a valid Working with Children Check, and may be required to undertake other screening prior to appointment.
- Council reserves the right of refusal and only those volunteers considered most suitable to take on the role available at the time will be placed.
- New volunteers will meet their Volunteer Supervisor who will provide volunteers with their contact details.
- All volunteers must complete a registration form and provide proof of identity, to ensure that they are covered by Council insurance
- Volunteers under the age of 18 require additional permissions from parent/guardians to meet requirements for duty of care.
- The Volunteer Supervisor is responsible for ensuring that the volunteer registration forms are collected and provided to Council.
- Volunteers will be provided with a clear statement of the tasks associated with the volunteer position.
- Volunteers will be provided with an induction which includes
  - Explanation of their rights and responsibilities and Council's obligations to them.
  - Volunteer information sheet.
  - Demonstration and if required training in the key tasks and activities.
  - Explanation of any OH&S procedures related to the activity
  - Explanation of the volunteer code of conduct.
- Volunteers are owed a statutory duty of care under *OH&S Act 2004*.
- A risk assessment of any volunteer activity needs to be undertaken prior to a one-off activity; or on a regular basis for ongoing volunteer programs.
- The Committee's Volunteer Supervisor must organise and sign off the risk assessment of the volunteer activity.
- All registered volunteers will be covered by Council personal accident insurance. Volunteers must be a minimum of 16 years old and under 90 years of age to be covered by insurance.
- Volunteers driving vehicles will need to provide a copy of their drivers' license and a copy of comprehensive insurance if driving private vehicles.
- Volunteers' personal property is not covered by Council insurance.
- Where possible the Committee should provide training to ensure safe and effective practices as well as a means of support and recognition for volunteers and to provide opportunities for their personal development
- In instances of misconduct or breaches to the volunteer responsibilities, the Volunteer Supervisor has the right to dismiss the Volunteer. The reasons for termination will be provided to the volunteer
- Volunteers are required to declare anything that may prevent them from fulfilling their volunteer duties e.g. Loss of license.
- The record of reasons for termination will be filed on the relevant corporate file and recorded in the database.

Both records need to be provided to Council.

## 23 HEALTH REGULATIONS



All food businesses must be registered as per the *Food Act 1984*.

FOR ANY FURTHER INFORMATION ON ANY MATTERS INCLUDED IN THIS MANUAL  
PLEASE CONTACT:

Hindmarsh Shire Council Manager Governance and Human Services

Phone: 03 5391 4444

Emails: [info@hindmarsh.vic.gov.au](mailto:info@hindmarsh.vic.gov.au)

Address: 92 Nelson Street, Nhill, VIC, 3418

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