

COUNCIL POLICY



Section 355 Committees

Council Meeting Date	28 March 2022
Council Department	General Manager's Office
Contact Officer	General Manager
Revision Required	Four (4) yearly

Document Review

This policy shall be reviewed at four (4) yearly intervals at least, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.

Revision History

Version	Council Meeting Date	Resolution No.	Responsible Officer
1	11 October 2004	138/2004	Administration Manager
2	March 2011	NA (Alteration to Annexure A)	General Manager
3	28 March 2022	52/2022	General Manager

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I. Introduction

I.1 General

The intention of this Section 355 Committee Manual is to formalise responsibilities and procedures applicable to the operation of Cowra Shire Council Committees.

The Council cannot perform all the tasks necessary to provide a high standard of services and facilities for the community, and the volunteers in the Shire provide an invaluable service to the community. Council has a responsibility to protect the health and safety of these volunteers, but also has legislative requirements to oversight the operation of volunteer committees, especially in regard to risk management and financial recording and reporting.

This manual provides comprehensive guidelines on the responsibilities, functions and operation of a S355 Committee and clarifies Council's role in this partnership. Upon formal approval of a S355 Committee by Council, its members are required to adopt and adhere to the conditions set out in this document. Adherence will ensure Council and Committee members are aware of the responsibilities and adequately covered by insurance.

Council is conscious of the fact that members of the community volunteer to undertake forms of service or activity for no reward or recompense, and do not expect to be burdened with procedures and paperwork. This manual has been produced in an attempt to simplify and standardise mandatory procedures and forms that have to be followed or completed in compliance with legislation.

It is expected that all parties will comply with the procedures and processes contained in this Manual to ensure that the vital service provided by volunteers continues to be an enjoyable experience and benefit to the Cowra Shire community.

I.2 Council Contact

Business Hours: 8.30 am – 4.30 pm, Monday – Friday

Contact with Council Officers can be made by contacting Cowra Shire Council – 116 Kendal Street, Cowra – Phone (02) 63 40 2000.

After Hours: Contact can be made with the Council's After Hours Emergency Number – Phone 0419 219 231 which is a twenty-four hour service.

Council's After Hours Call Out staff will attend to any emergencies, should the Committee be unable to handle the problem.

Please note that the After Hours Call Out facility should only be used for emergency situations. All other contact should be made during normal business hours.

2. Roles and Responsibilities of Committees

2.1 Appointment and Election of Committees

2.1.1 Formation of Committee

- (a) The appointment of Committees is entirely at the discretion of the Council. The Committees are appointed and reappointed in accordance with the provisions of Section 355 and Section 377 of the Local Government Act 1993.
- (b) Council aims to appoint committees that are representative of the local community or interest group of the facility or function, that the Committee manages.
- (c) To hold office and be responsible for the management of a Council facility or function, all committee members must be appointed by Council.
- (d) Council must also appoint new members before being able to vote or take part in the meetings of the Committee.
- (e) All nominations for Community Committees are formally submitted in writing to Council for appointment.

2.1.2 Committee Membership

- (a) A Community Committee will comprise those people appointed to it by Council.
- (b) Committee membership will not number less than 4 and not more than 12 as appointed by Council including office bearers
- (c) Whilst no particular qualifications are necessary, a commitment to the activities of the Committee and a willingness to be actively involved in committee issues is essential.
- (d) It is expected that a member would serve a minimum of 1 year.
- (e) The Committee will ideally consist of the Office Bearers and a similar number of other Committee Members. The Office Bearers will occupy the positions of:
 - President/Chairperson
 - Secretary
 - Treasurer
- (f) Cowra Shire Council reserves the right to appoint one or more of its members to each Committee.
- (g) The Committee membership must be open to all interested community members.
- (h) Members of 355 Committees are volunteers, and therefore do not receive payment for services.

2.1.3 Election of Office Bearers

- (a) The Committee shall, from its own members, elect a President/Chairperson, Secretary, and Treasurer. These positions form the Executive of the Committee.
- (b) The Committee may, from its own members, elect sub-committees necessary to handle a specific function or report on a specific issue.
- (c) For small Committees, a member can hold two positions.
- (d) The Committee may, from its members, elect additional positions such as:
 - (i) Vice President;
 - (i) Assistant Secretary;
 - (ii) Publicity Officer; or
 - (iii) Other positions as deemed necessary
- (e)
 - (i) A maximum of two (2) relatives of any one family can be office bearers on the same Committee at the same time.
 - (ii) Only one (1) of those office bearers in (i) is to sign cheques on behalf of the same Committee at the same time.
 - (iii) This means that relatives of the same family can be appointed to the same Committee simultaneously but only two can be office bearers and only one can sign cheques during the time they are members.

All Committees are required to advise Council of the details of the persons who are authorised signatories of the Committee's bank account, on the appropriate schedule the Request for Appointment to a Committee of Council for Care, Control and Management of a function or Facility – **Appendix I.**

2.1.4 Dissolution of Committee

- (a) Council may dissolve a Committee at any time.

Council may wish to dissolve a Committee to carry out the control of the function or facility itself.

Council may also dissolve a Committee if that Committee is not complying with the roles and responsibilities of the Committee.
- (b) The Committee shall be dissolved in the event of membership dropping to less than four (4) persons. The committee can also recommend to Council that the Committee be dissolved. Council has established the following procedure to address this issue:
 - (i) if a committee chooses to remain active it is given six months to re-establish a viable membership (i.e. minimum of four members); or
 - (ii) if a committee or facility becomes inactive or inoperable, the Committee will be dissolved and all responsibilities will be taken over by the designated

Council department (in this instance, consideration will need to be given to the long term viability of the facility or function).

- (c) The Committee can also recommend dissolution to Council by a vote of 75% of members entitled to vote present at an Extraordinary Meeting convened to consider this option.
- (d) Upon a resolution being passed in accordance with clauses (b) and (c) and confirmation by Council, all assets and funds of the Committee shall, after payment of all liabilities, be handed over to Council.

2.1.5 Vacation of Office

- (a) A person shall cease to be a member of a Committee if the:
 - member becomes bankrupt;
 - member resigns from office by notification in writing to the Committee and Council;
 - member is absent for more than 3 consecutive meetings without leave from meetings of the Committee;
 - Council passes a resolution to remove the member from the Committee;
 - member holds any office of profit under the Committee;
 - member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision “pecuniary interest” has the same meaning given to that term in Section 442 of the Local Government Act 1993;
 - member is disqualified from holding a civic office under a provision of this Act or Part 4A of the *Crimes Act 1990* (corruptly receiving commissions and other corrupt practices);
 - member is disqualified from managing a corporation under Part 2D.6 of the *Corporations Act 2001* of the Commonwealth;
 - member becomes a mentally incapacitated person.
- (b) Council has the right to remove any members of the Committee after consultation with the Committee.
- (c) A member can resign at any time, or at the Annual General Meeting.

2.1.6 Procedure for Resigning from Committee

- (a) Where a member of a Committee resigns a written resignation will be presented to the Committee.

- (b) Upon receipt of the resignation. Council will be advised and may advertise in the local press seeking nominations to replace the community member who has resigned.
- (c) Any nominations will be submitted to the Committee to make a recommendation for appointment to Council.

2.2 Duties and Responsibilities of Committees, Office Bearers and Council

Council sets out the delegation of the committee in a Deed of Delegation **Appendix 2**. This Deed sets out the specific function delegated by Council, is accompanied by a Schedule of Delegation and this manual.

2.2.1 Responsibilities of Council

(a) Funding Major Improvements

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

(b) Maintenance Responsibilities

The Council shall be responsible for maintenance works in the facility.

(c) Insurance of Assets

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

(d) Insurance of Committee Members

The Council shall insure the Committee in respect of Public Liability.

(e) Notification of Fees and Charges

The Council shall notify the Committee of any proposed variation of hire or membership fees proposed for the ensuing year by 31 March in each year.

(f) Improvement Recommendations

The Council shall consider with its annual budget process all improvements suggested by the Committee.

(g) Training of Committees

Subject to the availability of funding, training to advise members and the Executive of the Committee of the requirements of their positions will be arranged and conducted by Council, where appropriate or requested by the Committee.

2.2.2 Responsibilities of Committees

(a) Responsibilities

The Community Committee will be responsible for **the Care, Control and Management of a Facility, or performance of a function.**

(b) Care, control and Management

Care includes:

- Duty of care to ensure the health, safety and welfare of persons using the facility or participating in a function of the Committee;
- Maintaining the facility and protecting the physical assets from damage, misuse and deterioration;
- Advising Council of any potential insurance risk that may arise in regard to buildings; or individuals, including members of the public.
- Ensuring sufficient and equitable access to the facility by the community.

Control includes:

- Holding regular meetings with recorded minutes;
- Monitoring and maintaining financial records;
- Submitting an annual report and all records as requested;
- Submitting monthly financial reports in accordance with GST requirements if requested by Council;
- Recommending hire fee structures for determination of Council;
- Administering and overseeing the use of the facility by other groups;
- Clearly defining the role of officer bearers and committee members;
- Submit a current list of all assets valued at over one thousand dollars (\$1,000) belonging to the Committee for inclusion in Council's Insurance Policy, by 31 January each year;
- Submitting a current list of all Committee members including the address and phone number to Council immediately following election to the Committee; and
- Submitting a financial report to Council following the Annual General Meeting.

Management includes:

- Ensuring that all monies received will be used for the benefit of the function or facility in an equitable, honest and consistent manner;
- Ensuring that the organisation is not used for the financial gain of individual members;
- Ensuring that all written material provided to promote the facility or function acknowledges Cowra Shire Council, including display of the Councils' logo;
- Being aware of, and involved in, appropriate community activities, that are compatible with the goals of the committee;
- Recommending policies and procedures, that contribute, to the effective operation of the function or facility.
- Being accountable to the community and the Council for the Committees actions and initiatives.

(c) Limitations of powers

The Committee may not make decisions concerning the following:

- Fixing of charges or fees. The Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control or in respect of any event organised by the Committee;
- Borrowing any monies without the express written consent of Council on each such occasion;
- The sale, lease or surrender of any land or other property vested in its care under the provision of the Local Government Act 1993 (as amended);
- The acceptance of tenders which are required to be called by Council;
- Formation of submissions to government bodies or implementation of policies without the prior consent of Council;
- The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meetings;
- The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work);
- Unreasonably withholding consent for the letting of the facility to any organisation which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available; and

- Vote monies for expenditure on the works, services or operations of Council.

The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager and Mayor.

2.2.3 Duties of Office Bearers and Committee Members

The duties of the Office Bearers are as follows:

- (a) President/Chairperson ([Appendix 3](#))
 - (i) To manage the operations of the Committee including meetings.
 - (ii) To act as official representative of the Committee.
 - (iii) To act on behalf of the Committee in an emergency or urgent situation.
 - (iv) To provide direction, forward planning and vision for the community.

- (b) Secretary ([Appendix 4](#))
 - (i) Deal with correspondence to and from the Committee.
 - (ii) Take and distribute meeting minutes.
 - (iii) Ensure there is a flow of information to and from the Committee.
 - (iv) Ensure that official files and records are kept and maintained.
 - (v) Notify all members of meetings.

- (c) Treasurer ([Appendix 5](#))
 - (i) Handling the movement of money within the Committee.
 - (ii) Recording income and expenditure.
 - (iii) Reporting on income, expenditure and cash flow.
 - (iv) Financial planning.
 - (v) Submit financial records to Council for auditing and GST purposes when requested.

- (d) Other members ([Appendix 6](#))

2.2.4 Legal Issues

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

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

(a) Records of your Committee

Most of the records of Council Committees, eg minutes of meetings, financial reports, etc. should be kept for at least seven years. At any time these documents may be given to the Council's Records Section to be archived.

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

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

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

(b) Pecuniary Interest

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

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

It is the responsibility of members of committees:

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

A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

(a) Declaration of Interests

To protect individual members as well as the whole organisation, all committee members should declare their interests in advance. If a potential conflict arises, it

should be declared as soon as possible. Where some financial, political or personal benefit is potentially involved, committee members should do one of the following:

- (i) State their involvement in another organisation or business etc. and the committee should be aware of this;
 - (i) State their involvement and ask that they not take part in discussion or decisions about the issues where there could be conflict;
 - (ii) State their other involvements and ask that the group determine whether they stay involved, or how they can participate without compromise; and
 - (iii) State their involvement and that they believe they should resign from the committee because of this conflict.
- (b) Conflict of Interest

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

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

The conflict may lead to:

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

3. Meetings

3.1 General

The Committee should meet on a regular basis to discuss relevant business and make decisions affecting the facility or function.

An agenda is to be sent out to all Committee members and the General Manager of Council at least one week prior to the meeting.

Minutes of the matters discussed will be kept and a copy forwarded to Council's Records Section and to all Committee members.

Any items requiring action by Council are to be the subject of a separate letter addressed to the General Manager.

A quorum will consist of half the total number of voting members plus one. Should this number of members not be in attendance at 30 minutes after the starting time, the meeting will be adjourned to the same time and place at the next scheduled meeting.

3.2 Timing of Meetings

There should be no less than four (4) meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a more regular basis to ensure that any outstanding matters are dealt with expeditiously.

3.3 Ordinary Meetings

Ordinary Meetings of the Committee are required to address correspondence, hiring of facilities, finance matters, risk matters and event planning issues.

3.4 Annual General Meeting

The Annual General Meeting will report on the activities of the Committee for the year and to develop proposals for development of the function or facility for the following twelve (12) month period.

The Annual Financial Report will be presented to the Committee for adoption and for forwarding to Council.

Agendas will be sent out and minutes kept by the Secretary of the meeting with copies sent to the General Manager.

3.5 Extraordinary Meeting

An Extraordinary Meeting of Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting requested by two members of the Committee.

An agenda will be prepared and circulated to all members of the Committee with at least seven (7) days notice.

Minutes will be kept of the proceedings and a copy forwarded to Council outlining the reason for the Extraordinary Meeting.

3.6 Agenda Format

The agenda of a meeting will be forwarded to members giving the notice of the proposed meeting.

The items may include the following:

1. Welcome by President
2. Apologies
3. Minutes of Previous Meeting
4. Business Arising from Previous Meeting
5. Correspondence – In/Out
6. Business Arising from Correspondence
7. Reports – Committee Executive

8. General Business
9. Date of Next Meeting

3.7 Minute Format

Minutes will be kept for all meeting of the Committee and a copy forwarded to Council for notation.

Items to be addressed in the Minutes may include:

1. Attendance
2. Apologies
3. Minutes of Previous Meeting
4. Business Arising from Minutes
5. Notation of Correspondence
6. Business Arising from Correspondence
7. Reports of Executive Members
8. General Business
9. Date of Next Meeting

Example formats and guidelines for matters associated with meeting procedures are set out in Appendices 7 – 9.

3.9 Council Resources

The Committee shall have reasonable access to Council staff and resources to assist in administrative tasks eg. typing of agendas and minutes, mailing, photocopying etc. The General Manager will determine what is “reasonable” access.

4. Financial

4.1 Introduction

Committees appointed under Section 355 of the Local Government Act are subject to the same standards of financial accountability as Council, and it is therefore important that Committees manage their finances well. All funds and assets held by the Committee belong to Council.

Committees who handle public funds, on behalf of Council, must comply with the following procedures, which will assist to keep proper records and guide them through the day-to-day transactions.

Keeping proper records calls for attention to detail more than ability to add up. If proper records are taken at the time money is paid or received, keeping the books should only require one or two hours work a month.

Overall responsibility for bookkeeping falls on the Treasurer, who should be someone who will keep the records up to date. But remember – there are no short-cuts, because the Committee must always be able to say where its money went.

4.2 Financial Records

In order to avoid the burden of maintaining financial records, Committees are encouraged to utilise the services of Council's corporate accounting system for the receipt of income and payment of accounts. This option provides the added advantage of claiming input tax credits on GST related purchases.

4.3 GST

Whilst in strict terms all transactions of the Committee have GST implications, Council's view is that such amounts are immaterial and to require the Committee's to fully comply with GST legislation would be too onerous.

4.4 Things You Need

To record its financial transactions, each Committee should maintain and keep the following records for seven years:

- Tax Compliant Receipt Book – supplied by Council
- Cash Book – supplied by Council
- Cheque Book
- Assets Register – supplied by Council
- Petty Cash Book – supplied by Council
- Petty Cash Vouchers – supplied by Council
- Bank Deposit Book
- Banks Statement Folder
- Cheque Payment Form Folder
- Investment Register – supplied by Council

These books are your tools of trade for keeping accounts. Each is simple to fill in, because it has a specific purpose.

4.5 Delegation of Authority

4.5.1 Expenditure

Section 355 Committees are not able to commit or expend any monies greater than \$5,000, without the prior reference and approval from Council.

The Committee alone can, by resolution, agree to open an account at a nominated financial institution, i.e. bank or building society.

4.5.2 Bank Accounts

The signatories of the account are to be any two of the executive of the Committee.

All approved signatories are to be notified to Council.

The Committee must also decide who is empowered to approve which payments. Unless the Committee decides otherwise, all payments are to be approved by the Committee prior to cheques being signed.

All payments are to be endorsed by the Committee and as such they are recorded in the Minutes. This is most simply done by receiving and accepting the Treasurer's Report, which is described later.

4.6 Principles to Follow

Keep financial records in accordance with the Manual.

The Committee's financial year is from 1 April to 31 March. It will be necessary for the accounts of Committees to be completed and submitted to Council by 31st May each year following their adoption at a Committee meeting, if necessary, called to adopt the accounts. This will enable Council to incorporate the Committee's accounts into Council's accounts if necessary as required under the Local Government Code of Accounting Practice.

The Committee is to obtain a Certificate from its nominated Bank showing the Balance of the Committee's account as at 31 March each year.

- All funds should be banked intact – all payments made by cheque

4.7 Treasurer's Report

The Committee's Treasurer will prepare a Treasurer's Report for presentation at each Committee meeting. The report should inform other Committee Members of the receipts and payments since the last report and include a bank reconciliation. A copy must be forwarded, with the Minutes, to the Council following each meeting.

4.6 Annual Financial Statements

The Annual Financial Statements of the committee shall be forwarded to the Council by 31st May each year.

5. Risk Management and Insurance

5.1 Risk

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

5.1.1 General

Council and Committees of Council, have a wide range of potential liability.

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

The following guidelines are attached for the committee to use to ensure the appropriate documentation is kept to evidence the due diligence process and ensure all responsible

steps are being taken to identify the risk to the committee and members of the public effected by their activities.

5.1.2 Hazards

A hazard is a situation which could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning should be placed near the hazard to alert others to the danger. The Committee must contact Council to advise.

Committees are urged to apply some commonsense rules for functions such as restacking of tables and chairs, cleaning spills from floors, rubbish removal eg “chairs must be stacked in sets of no higher than x and placed against the wall”.

A routine inspection process will alert Committees to possible dangers or faults, fire or accident risks.

5.1.3 Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on how to use it. If this is not available Council must be notified immediately.

5.1.4 Emergency Exits (Buildings)

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

5.1.5 Building Inspections

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

Inspections may be either formal or informal.

(i) Formal Inspections

Inspection of the facilities under the committee’s control must occur and be documented using checklists at least once every 6 months. Refer to **Appendix 10**.

(ii) Informal Inspections

Informal inspections are incidental in the course of committee business. Any defect or problem discovered must be dealt with immediately.

(iii) Safety Inspections by Hirers

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

5.2 Insurance

5.2.1 General

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

- i) Public Liability;
- ii) Professional Indemnity;
- iii) Personal Accident;
- iv) Casual Hirers; and
- v) Property.

5.2.2 Notification

Committees are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests.

Appendix 11.

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

5.2.3 Volunteer Labour

For projects involving volunteer labour, an estimate of numbers and details of the project must be forwarded to Council prior to commencement to ensure the project is covered by and noted on the appropriate policy.

5.2.4 Public Liability Insurance

Public liability insurance provides cover for its legal liability to the public for Council's business activities.

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

5.2.5 Workers Compensation Insurance

Council's Workers Compensation Policy only covers Council employees. If contractors are engaged they must provide a copy of a current workers compensation policy prior to commencement of work.

5.2.6 Property Insurance

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

Any new equipment purchased by the committee must be notified to Council for inclusion under the policy.

5.2.7 Professional Indemnity Insurance

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

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

5.2.8 Casual Hirer Insurance

Council has coverage for casual hirers of its facilities. A casual hirer is a user that hires the facility for a one off activity and excludes incorporated bodies, sporting clubs or associations of any kind. Such excluded groups must by law have their own insurance and the committee as discussed previously, must sight and keep a copy with the booking documentation.

5.2.9 Personal Accident Insurance

Personal accident insurance covers bodily injury for committee members whilst engaged in an activity directly or indirectly connected with or on behalf of the Council, including whilst travelling directly to and from such activity.

5.3 Event Management

5.3.1 Safe and Successful

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

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

The Council is also responsible for the provision of safe and serviceable public thoroughfares, which from time to time are also used as venues for public events.

Council Committees, such as Section 355 Committees, as they are acting on behalf of Council, are also responsible for the provision of safe facilities, activities and services, even though they are acting in a voluntary capacity. S355 Committees are performing a function of Council when carrying out the functions delegated to them by Council, and thus are covered by the Public Liability cover obtained by Council; however, that coverage also has inherent responsibilities for risk minimisation and compliance with Occupational Health & Safety legislative requirements.

5.3.2 Duty of Care

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

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

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

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

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

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

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

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

5.3.3 Event Risk Assessment

A Risk Assessment of all the foreseeable hazards must be performed and documented during the planning phase of any event to be conducted by a S355 Committee. The Risk Assessment process is described in paragraph 5.3.2 above and a sample Event Management Risk Assessment Form is shown at Appendix 12.

Assistance from Council staff in undertaking this task is available by contacting the General Manager.

6. Contributions and Ownership

- (i) Sporting or Community groups contributing items for the permanent use of the committee will be informed by the Committee that such a contribution will become the property of Council.
- (ii) Any items provided and funds raised by the Committees are the property of Council, however, Council will ensure where possible these items and funds will be put into the development of the Committee's facility or function.

APPENDIX I

REQUEST FOR APPOINTMENT TO A MANAGEMENT COMMITTEE OF COUNCIL

Committee

Committee Position	Name	Address	Contact Numbers	Signatory to Bank Account
			h w m email	
			h w m email	
			h w m email	
			h w m email	
			h w m email	

Date:

Signed

PRESIDENT

.....

SECRETARY

Form to be completed and forwarded to Cowra Shire Council, Private Bag 342, Cowra NSW 2794

APPENDIX 2

SAMPLE DEED OF DELEGATION

COWRA SHIRE COUNCIL

Deed of Delegation under Section 377 of the Local Government Act 1993 for the *[insert name of Committee]* Committee of *[insert name of facility or function]*.

Pursuant to Section 377 of the Local Government Act 1993 Cowra Shire Council may by resolution delegate to the General Manager or any other person or body (but not to another employee of the Council) certain functions of the Council including functions relating to the care, control and management of land and buildings vested in or under the control of the Council.

On day of202.. Cowra Shire Council resolved to delegate the care control and management of the land and buildings known as *[insert name of facility or function]* to a Committee comprised of those persons referred to in the schedule hereto subject to the conditions and limitations set out in the Schedule of Delegation which is annexed and marked “A” and the document entitled “Cowra Shire Council 355 Committee Manual”.

.....

Mayor

.....

General Manager

EXAMPLE

Annexure A:

RESPONSIBILITIES OF COMMITTEES

(a) Responsibilities

The Community Committee will be responsible for the Care, Control and Management of a Facility, or performance of a function.

(b) Care, control and management

Care includes:

- Advising Council of any potential insurance risk that may arise in regard to the function;

Control includes:

- Holding regular meetings with recorded minutes;
- Monitoring and maintaining financial records;
- Submitting financial records for an annual audit;
- Submitting monthly financial reports in accordance with GST requirements;
- Clearly defining the role of officer bearers and committee members;
- Submit an estimate of income and expenditure for the period 1 July to 30 June. The budget proposal will be submitted prior to 1 January each year;
- All committees must maintain a Postal Address to which all correspondence will be forwarded;
- Submitting office bearer's names and an audited financial report to Council following the Annual General meeting.

Management includes:

- Ensuring that any monies received will be used for the benefit of the function in an equitable, honest and consistent manner;
- Ensuring that the organisation is not used for the financial gain of individual members;
- Ensuring that all written material emanating from the Committee acknowledges Cowra Shire Council, including display of the Council's logo.
- Being aware of, and involved in, appropriate community activities, which are compatible with the goals of the function;
- Developing and updating long terms plans;
- Recommending policies and procedures, which contribute to the effective management of the function;
- Being accountable to the community and the Council for the Committee's actions and initiatives in respect of the function.

(c) Limitations of powers

The Committee may not make decisions concerning the following:

- Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for its area of responsibility);
- Borrowing any monies without the express written consent of Council on each such occasion;
- The acceptance of tenders which are required to be called by Council;
- Formation of submissions to government policies or formation or implementation of policies without the prior written consent of Council;
- Payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meetings;
- Vote monies for expenditure on the works, services or operations of Council;
- Commit or expend any monies greater than \$5,000, without the prior reference and approval from Council;

The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or their representative.

APPENDIX 3

RESPONSIBILITIES OF THE CHAIRPERSON/PRESIDENT

The Chairperson generally has the following specific duties which make up the major part of their responsibility:

i. Before a meeting

- Prepares the agenda (in consultation with the Secretary or members or can delegate this role to the Secretary), setting out the items of business to be considered.
- Ensures the meeting is properly convened in accordance with the organisation's rules ie proper notice of a meeting is given and a quorum is present.

ii. During the meeting

- Chairs all meetings, opens meeting, welcomes and introduce members and guests, subject to the right of the Mayor at his/her discretion, to take the chair at any meeting he/she attends.
- Keeps individuals and the meeting focussed on the topics being discussed and encourages all members to participate, ensuring adequate opportunity is given to members who wish to speak.
- Ensure correct meeting procedures are followed and control of the meeting is maintained, keeping track of time (or delegates someone to do this).
- Makes sure members are aware of decisions being made and that the minute taker has recorded decisions of the meeting.
- Acts impartially and uses discretionary powers in the best interests of members and in accordance with the agreed standing orders ie method of conducting meetings, and ensures all statutory regulations and organisation's rules are observed.
- Closes meeting after business at hand has been properly concluded.

The Chairperson needs to be aware of certain issues and procedures and the importance of establishing and maintaining a working relationship with Council. Particularly in regard to Government funding, the budget, Council and community involvement and requirements.

The Chairperson is responsible for providing assistance to all members of the management committee and ensuring that they fulfil their respective roles. The Chairperson is the 'spokesperson' for the organisation and is the one to communicate with government departments and other relevant bodies.

APPENDIX 4

RESPONSIBILITIES OF THE SECRETARY

The Organisation's secretary usually carries a great deal of responsibility and often has more knowledge than anyone else on what is happening.

i. Before a meeting

- Draws up the agenda (in consultation with the Chairperson)
- Makes copies of the agenda if required

ii. During the meeting

- Takes minutes
- Reads minutes of previous meeting if necessary
- Provides a list of correspondence in order and summarises any important points
- Records any motions and/or decisions of the meeting including, mover and seconder.

iii After the meeting

- Keep a register of correspondence that has come in and gone out, and file copies of all letters written.
- In between meetings inform other committee members of any correspondence requiring urgent attention.

APPENDIX 5

RESPONSIBILITIES OF THE TREASURER

Primary Function: **To take responsibility for the financial management of the 355 Committee**

Responsibilities:

- To ensure that all financial records of the Committee are kept in a proper manner.
- To prepare and present monthly reports to the Committee.
- To prepare and bring to audit all financial records of the 355 Committee.
- To prepare and present proposed annual budget to the 355 Committee.

Duties:

- Keeping financial records for all incoming and outgoing transactions.
- Banking all monies received by the committee in an approved bank account.
- Present to each Committee meeting a current financial statement.
- Present to each Committee meeting all invoices received on behalf of the Committee and follow up on payment of invoices.
- Prepare and submit the financial books of the Committee to Council annually by 31 May.

Treasurer's Checklist:

- Be prepared: have available an accurate and up to date statement of the Committee's financial position.
- Move the financial report be accepted and that the amounts for the payment be passed.
- Explain the financial statement in lay terms and ensure that all Committee members understand.
- Be Assertive:
 - Present a forward budget.
 - Ensure that the Committee understands the implications of proposed expenditure.
 - Set limits.

APPENDIX 6

RESPONSIBILITIES OF COMMITTEE MEMBERS

Committee members' role is important and ensures the democratic process is followed.

Members' responsibilities are:

- Attend most committee meetings
- Participate in meetings – this involves:
 - Being on time
 - Sticking to the agenda
 - Contributing to the discussion where appropriate
 - Being objective, listening to others' views
 - Volunteering to do some of the necessary tasks required
- Support the office bearers in carrying out their jobs
- Assist in organising the Annual General Meeting
- Attend and participate in any planning days that may be held
- Make sure the facility or function is being managed and run smoothly

APPENDIX 7

SAMPLE AGENDA FORMAT

Meeting of Management Committee to be held at
_____ at _____
(location) (time)

on the _____.
(date)

- 1) Welcome by Chairperson
- 2) Apologies for meeting
- 3) Minutes of previous meeting submitted for approval
- 4) Any Business arising from the minutes
- 5) Correspondence:
 - List items inward
 - List items outward
- 6) Business Arising from correspondence list items
- 7) Reports:
 - 7.1 Treasurers Report
 - 7.2 Any Sub-Committee Report
- 8) General Business:
 - List any proposed from office bearer
- 9) Time, date, location of the next meeting

APPENDIX 8

PROCEDURE FOR MOTIONS

A motion needs to be lawful, productive, relevant, appropriate, easily understood and be positive in its intent, eg *'I move that the event be an alcohol free zone'*. If the motion does not meet these requirements, it can be rejected by the Chairperson. Reasons must be given for this decision.

Any motion must be **'seconded'** before it can be accepted by the chairperson and opened for debate. If there is no seconder, the matter lapses. Once a motion has been moved and seconded, the order of debate is:

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

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

Amendments

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

- Be clear and be part of the motion being considered
- Have a seconder
- Not be a direct negative of the motion
- Be put to the vote before the motion

APPENDIX 9

FORMAT FOR GOOD MINUTES

- Keep them short, clear and concise, and consistent.
- Set them out – not too cramped, use headings, and underlining so the subjects, decisions and action to be taken (and by whom) stand out and are easy to read. Use the Agenda as a basis for the format of minutes.
- Don't try to record every statement made at the meeting. The minutes are a record of the decisions made – each decision or resolution must be accurately record.
- It is the **Chairperson's responsibility** to see the minutes are unaltered after adoption and are signed as an accurate record.
- You must record the names of the mover and seconders of each motion or amendment. Record the numbers for and against if specifically requested by those present.
- List correspondence, business arising and items for general business by number. Organise all your papers in this order and try and see that the agenda follows this order. Shuffling reams of paper, lost items and trying to take minutes while finding the next item is a hassle. Decisions can also be noted on the business papers and then transferred to the minutes later.
- If minute taking is a shared or revolving duty, allow each person to perfect their skills by taking minutes for at least 3-4 consecutive meetings.
- Draft minutes can be reviewed with the chairperson, or if done by the minutes secretary, with the secretary. Two heads are better than one to remember events.
- Remember, minutes should communicate and assist evaluation. They ensure accountability and are a permanent record of the group's activities.
- Send them out as soon as possible after the meeting, so that follow-up action is more easily taken.
- Include a record of the place, date and time of the next meeting.

APPENDIX 10

WORKPLACE INSPECTION SUMMARY

LOCATION OF WORKPLACE:

.....

DATE OF INSPECTION:

.....

COMMITTEE RESPONSIBLE FOR WORKPLACE:

.....

AREAS OF WORKPLACE REQUIRING FURTHER ATTENTION:

1)

.....

2)

.....

3)

.....

4)

.....

5)

.....

6)

.....

Chairman

APPENDIX II

355 COMMITTEE ACCIDENT/INCIDENT REPORT FORM

(To be completed at the time of the incident/accident by the person involved, or as soon as possible after, and returned to the General Manager)

DATE: _____ TIME OF ACCIDENT: _____

NAME OF PERSON REPORTING: _____

PHONE NO.: _____

ADDRESS: _____

DETAILS OF INCIDENT/ACCIDENT (write a brief description of the incident/ accident)

DESCRIPTION OF INJURIES (you are required/advised to attend a doctor if you suspect you suspect you are injured)

WITNESSES

NAME: _____

ADDRESS: _____

PHONE NO: _____ SIGNATURE: _____

NAME: _____

ADDRESS: _____

PHONE NO: _____ SIGNATURE: _____

APPENDIX 12

EVENT MANAGEMENT RISK ASSESSMENT FORM

Event: _____

Date: _____

Job/Task	Hazard Identification	Risk Assessment	Hazard Control(s)																											
What tasks have to be done?	What hazards are involved in each step of the task or job?	<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Identify</th> <th style="width: 35%;">Assess</th> <th style="width: 50%;">Control</th> </tr> <tr> <td>E</td> <td>EXTREME Risk</td> <td>Act Now</td> </tr> <tr> <td>H</td> <td>HIGH Risk</td> <td>Priority action</td> </tr> <tr> <td>T</td> <td>TOLERABLE Risk</td> <td>Planned action</td> </tr> <tr> <td>L</td> <td>LOW Risk</td> <td>Routine procedures</td> </tr> </table>	Identify	Assess	Control	E	EXTREME Risk	Act Now	H	HIGH Risk	Priority action	T	TOLERABLE Risk	Planned action	L	LOW Risk	Routine procedures	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">ELIMINATE</td> <td>Remove completely</td> </tr> <tr> <td>SUBSTITUTE</td> <td>Use something safer</td> </tr> <tr> <td>ISOLATE</td> <td>Guards or barriers</td> </tr> <tr> <td>ENGINEER</td> <td>Re-design</td> </tr> <tr> <td>ADMINISTRATE</td> <td>Reorganise work or staff</td> </tr> <tr> <td>PPE</td> <td>Use protective equipment</td> </tr> </table>	ELIMINATE	Remove completely	SUBSTITUTE	Use something safer	ISOLATE	Guards or barriers	ENGINEER	Re-design	ADMINISTRATE	Reorganise work or staff	PPE	Use protective equipment
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