

**S355**

**Committee Guidelines**



Adopted by Council Resolution 2022/0315/12.6

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**Welcome by the Mayor**

Dear Committee Member

On behalf of Council, I would like to take this opportunity to thank you for offering your time to serve as a member of one of Council’s Section 355 committees and to help support your community.

Edward River Council has a network of volunteers who give their time, expertise and energy to provide and develop community resources and to provide community support to groups and individuals.

Council is pleased to present these S355 Committee Guidelines to assist committee members in carrying out their various duties and demonstrates Council’s commitment to providing the important information framework to assist committees in their management role.

These guidelines provide you with an introduction to your role as a member of one of Edward River Council’s under *Section 355(b) of the Local Government Act 1993*.

I trust that these guidelines will be of benefit to committees and will be reflected in the ongoing management of Council’s facilities. However, if you have any suggestions for additional information that you would like to see in these guidelines, please let us know as we hope it will be a great resource for assisting you in your committee roles.

Thank you for your continuing efforts on behalf of the community.

Cr Peta Betts

MAYOR

**Contacting the Council**

These guidelines and supporting resources are available on the Edward River Council’s website [www.edwardriver.nsw.gov.au](http://www.edwardriver.nsw.gov.au) .

Any questions relating to the operation of your s355 Committee should be directed to the Council’s Senior Governance Advisor. Whilst the Councils website also contains contact number for various Council Departments and staff who can assist you with all other aspects of operation of your s355 Committee, **any, and all requests should include a copy to the Senior Governance Advisor.**

**Section 1: Functions and Delegations**

**Introduction**

Edward River Council (**Council**) recognises the important part volunteers and community groups play in providing and managing Council facilities or services. These S355 Committee Guidelines (**Guidelines**) have been developed to assist the Section 355(b) Committees of the Council (**S355**

**Committee**).

There are a number of S355 Committees which are constituted under the powers provided by the

Local Government Act 1993 No 30 [NSW] (**Act**), and this document refers to these Committees.

Upon formal approval of a Section 355(b) committee of the Council by Council, its members are required to adopt and adhere to the conditions set out in this document. Adherence will ensure Committee members are aware of their responsibilities to comply with legislation and they are adequately covered by insurance.

All S355 Committees act on behalf of Council and all decisions made according to these guidelines are as if they were made by the Council.

Due to the varied functions that each S355 Committee carries out, across many different areas and assets, separate delegation and terms of reference documents will be developed between the Council and each individual S355 Committee. These documents will outline in detail the implicit roles and duties of each S355 Committee.

The benefit of the S355 Committee arrangement is that once appointed, Section 355 Committees are effectively a volunteer extension of Council. As a result, S355 Committees can access Council’s professional staff and advisers and can take advantage of Council’s purchasing and accounting services for support and advice where required and possible. S355 Committees may also be protected by Council’s insurance arrangements in certain circumstances

S355 Committees are required to be representative of the local community or interest groups of the facility or function, which the Committee manages. Whilst no particular qualifications are necessary, a positive commitment to the activities of the S355 committee and a willingness to be actively involved in committee issues is essential, as is basic knowledge of meeting procedures and Council’s code of conduct.

Edward River Council provides advice and direction on matters associated with these Committees and members can seek Council’s assistance in this crucial role at any time. These guidelines have been formally adopted by the Council and thus form the basic requirements and directions for S355

Committees and committee members to observe.

S355 Committees can have different responsibilities and for this reason some clauses of these

Guidelines will not necessarily apply or be relevant to each S355 Committee. These Guidelines have been prepared to:-

* + - Provide a comprehensive guide on the management responsibilities, functions and operations of community facilities;
    - Provide good practices and operational issues for the S355 Committee; and
    - Clarify Council’s and the Committee members’ role in this partnership.

S355 Committee members have a right:

* + - To work in a healthy and safe environment;
    - To be adequately covered by insurance.
    - To be provided with sufficient training and support to undertake their role.

**Purpose**

These guidelines provide guidance to Councils S355 Committees on their operation processes. It sets out the management responsibilities, the basic requirements for the functions and operations of community facilities and programs and clarifies Council’s role in this partnership.

Each S355 Committee will also have its own Terms of Reference (**ToR**) that will be approved by

Council. The Council approved ToR can include items such as:

* relevant references or guiding plans (Master Plans, Council Asset Plans etc)
* key definitions
* current membership
* composition including skills, experience or interests of members
* quorum numbers and meeting notice periods
* meeting dates
* location and frequency
* key contacts
* reporting requirements
* requirements for Annual General Meetings (AGM)
* requirements for nomination and election of new office bearers
* decision making process and voting methods

Our S355 facilities are central to the purpose of the Committee. Making the facility readily accessible to the community, whilst at the same time, raising funds for its maintenance and future improvements are some of the main objectives of the Committee.

**Delegations of Functions**

The means of establishing a committee as a Council S355 Committee is a legal document, called an Instrument of Delegation (**Delegation**), that is formally approved by Council. This guideline document will be the basis of the operation of the delegation. Council and the S355 Committee have the opportunity to reassess their needs and requirements on a regular basis, and this Instrument of Delegation shall be reviewed each Council term, or more frequently as required.

**Why Does Council Have Section 355 Management Committees?**

The S355 Committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities or services. This provides a two-fold benefit by giving protection to the S355 Committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions.

As the S355 Committee are acting on behalf of Council, it is important to uphold the principles of equity, accessibility and inclusivity, and providing for the whole community.

Research shows that community involvement in managing community facilities provides better outcomes for locals whilst engaging and including local people, both new and existing residents, and providing an opportunity to participate in local community life.

**How are Section 355 Management Committees Established?**

Committees are established under Section 355(b) of the Act, with delegations from Council under the provision of Section 377, of the Act. Section 355 allows others to exercise a function of Council and Section 377 allows Council to delegate functions of Council. These terms refer to the Section of the Act in which the authority for such a Committee to be formed is identified.

**Section 2: S355 Committee Responsibilities**

**Responsibility**

The S355 Committee will be responsible for activities as determined when the Committee is established. Terms of Reference for each facility are adopted by Council at the beginning of each term, with a term duration of up to 4 years.

It is the role of a Council appointed S355 Committee to act as a consulting, liaison, advisory, promoting and coordinating group for the management and development of the facility, for the benefit of the community.

**Limitation of Powers**

There are limits to the powers Councils are allowed to delegate to Committees under Section 355 of the Act. Those which cannot be delegated to S355 Committees include:

* + - employing staff
    - the making of a charge;
    - the fixing of a fee;
    - the borrowing of money;
    - the allocation of money for expenditure on other Council works, services or operations;
    - the acceptance of tenders which are required under the Act to be invited by Council;
    - a decision to contribute money or otherwise grant financial assistance to persons;
    - the making of an application, or the giving of a notice, to the Governor or Minister;
    - this power of delegation;
    - any function under this or any other Act that is expressly required to be exercised by resolution of Council.

The S355 Committee may not make decisions concerning the following:

a) Fixing of charges or fees (the S355 Committee may submit recommendations for approval

by Council in relation to the fixing of charges and fees for use of the facility under its control), including a policy for exemption from fees and charges.

b) Borrowing of monies.

c) The sale, lease, sub-lease or surrender of land and or other property vested in its care under the provisions of the Act.

d) The acceptance of tenders which are required to be called by Council. (The S355 Committee may invite and accept quotations for minor works, goods and services covered within the scope of its authority or as agreed with Council).

e) The payment or making of a gift (other than a token gift), to its members. This includes the payment of allowances or travelling expenses incurred whilst attending Committee meetings.

f) The payment of monies outside the scope of the Committee’s function.

g) The carrying out of works on or to the facility including alterations, reconstruction or construction without the prior consent of Council (does not include minor maintenance works).

h) Unreasonably withholding consent for the letting of the facility to an organisation which

agrees to comply with and adhere to the rules adopted for use of the facility, providing an acceptable letting period is available.

i) Vote monies for expenditure on the works, services or operations of Council j) Employment of staff at the Council or for the S355 Committee.

The exercise by the S355 Committee of its power 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 S355 Committee.

The S355 Committee will observe the Rules and Regulations made by the Council, in relation to the facility/function under its management and control. S355 committee members/volunteers have no authority to direct a Council staff member to undertake or complete any task.

If at any time the S355 Committee is deemed to be functioning outside the limits of its powers, all powers may be revoked by written notice to the S355 Committee signed by the General Manager or their representative.

**Code of Conduct Obligations**

Edward River Council has adopted a Code of Conduct that is applicable to elected Councillors, employed staff and S355 Committee members. All Committee Members are responsible for complying with Council’s Code of Conduct.

This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

There are also General Conduct obligations contained within the Code which are enforceable standards of conduct. The area of the Code of Conduct which will most likely affect Committee members is in respect to conflict of interests. A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.

As S355 Committees are operating on behalf of Council, it is important for S355 Committees to be aware of and abide by this Code of Conduct.

When appointed as a community member on a S355 Committee you will receive a copy of Council’s Code of Conduct to ensure, when carrying out your duties as a S355 Committee member, to comply with the Code of Conduct. Note the failure to comply with the Code of Conduct could result in your removal from the Committee.

**Obligations of S355 Committee Members**

The S355 Committees need to be aware that accountability is required to Council, user groups and the general community. Committees are required to:

a) Hold an Annual General Meeting (AGM) to elect office bearers. (Refer to clause 5 Annual

General Meeting)

b) Note that Councillors will hold ordinary voting rights.

c) Provide reports, minutes and annual financial statements to Council as required. d) Ensure that affected persons are aware of the S355 Committee meeting details

e) Provide a written activity summary to the Council on the operation of the facility on a quarterly

calendar basis and a detailed report on an annual basis.This shall be deemed to be the

annual report. (The report must be sent to Council by no later than 30 November of each

year. Please see Templates for the Annual Report Template.)

f) Resolve conflicts where these occur in the requirements of the community using the facility. g) Liaise with the Council and its staff to ensure continuing co-operation and co-ordination of

the facility.

h) Ensure compliance with all Acts, regulations other legal requirements concerning safety at the facility.

i) Not commit, or permit to be committed, any act which will render the operation of any of the

Council’s insurance policies invalid.

j) Publicise and promote interest in the facility.

k) Ensure that the facility is kept in a clean condition at all times and is used in a reasonable and lawful manner by organisations or individuals.

l) Promptly report to the Council any breakage, damage or mechanical hazard which appears likely to give rise to a risk management issue or any abnormal damage.

m) The S355 Committee must submit a current list of all S355 Committee members including the address, email address and phone numbers to Council following nominations of the S355 Committee and key roles within 7 days of any changes being made.

n) To hold office and be a S355 Committee member, all S355 Committee members must be formally appointed by Council before being able to vote or take part in the meetings of the S355 Committee.

o) All S355 Committee records are required to be kept according to State Records Act, 1998

and Council Policies and Procedures. Minutes of meetings must be forwarded to Council and to all S355 Committee members within seven days from the date of the meeting.

p) The S355 Committee must demonstrate democratic decision making and respect for all

S355 Committee members.

q) S355 Committees who have delegations for the day to day operations of a Council facility /activity are to ensure such is properly covered by insurance, by notifying Council of any changes; for example the purchase of new equipment or in considering new activities.

r) Meeting all responsibilities concerning Risk and Work Health and Safety (WH&S) in

consultation with Council.

s) Where a dispute or disagreement over a matter under consideration occurs within a S355

Committee, a resolution of the majority of the S355 Committee will determine the outcome. Where this is not possible, the Chairperson will have the casting vote. On such matters, the S355 Committee should use formal meeting procedures and put a recommendation forward to vote on. This is either accepted and becomes a resolution, for Council to ultimately consider if it is outside of the Committee delegations, or defeated in which case the status quo remains, or a new resolution is carried successfully.

For more information refer to Councils Code of Meeting Practice.

**See Templates –** Annual Report Template

**Section 3: Appointment of Members**

Council aims to appoint S355 Committees which are representative of the local community or interest groups for the function and tasks which the S355 Committee manages.

**Representation of Community Organisation**

S355 Committee membership is made up of interested community members. Some S355 committees may include the community organisations which use the facility, keeping in mind potential conflict of interest matters (refer to Section 5 Dealing with Conflict of Interest).

Where there is a dispute on representation of a community organisation and who from the organisation should be involved in the S355 Committee, a final determination will be made by Council.

**Appointment**

To hold office and be responsible for the management of a Council facility, all community S355

Committee members will be assessed against a set of criteria and appointed by Council. The selection criteria are:

a) Have established ties to the Edward River community, and

b) Experience (professional, amateur, volunteer) working in either; venue management, event management, conference organising, music promotion, theatre production, design, marketing, or related technical areas such as accounting, managing people or business, community services or groups or fundraising.

Council must also appoint new members before they are able to vote and take part in meetings of the S355 Committee. The Council may dissolve a S355 Committee at any time.

The term of office for S355 Committees will be the same term as the current Council, with the addition of an extra three months after the General Election of Councillors, unless otherwise resolved by Council.

Nominations for Committees are formally submitted in writing to Council for appointment. Refer to *New Membership Procedure* for the procedure when a vacancy occurs.

A “Volunteer Registration Form” is required to be completed by appointed Committee Members. Check this is required for ERC and develop one if not one already.

**See Template –** S355 Committee Nomination Form

**S355 Committee Membership**

The size of a S355 Committees will vary but will provide for equitable representation of all user groups as well as community interest. As a general rule S355 Committees will comprise of between 5 and 15 members representative of the local community, appointed by resolution of the Council. Each S355 committee will state the actual number in their Terms of Reference unless otherwise decided by Council.

Council reserves the right to appoint up to two Councillors to each S355 Committee. The total number of members includes office bearer committee members and Councillor members that are appointed by Council. It may be possible for more people to be appointed to the committee subject to a resolution from Council. A member of the S355 committee shall be eligible for re-appointment at the expiration of his or her period of office.

For a well working committee there needs to be a commitment to the activities of the S355 Committee and a willingness to be actively involved is essential. S355 Committees work best when the workload is shared amongst committee members and there is evident goodwill and cooperation amongst members.

S355 Committee members are expected to have access to a computer and able to use email as the major form of communication.

An application for S355 Committee membership must be completed. Nominations for positions on the S355 committee are advertised by the Council.

**See Template –** S355 Committee Nomination Form

**Dissolution of a S355 Committee**

The Council by resolution can dissolve a S355 Committee at any time:- a) To carry out the control of the facility itself.

b) If the S355 Committee is not complying with the roles and responsibilities of the Committee.

In the event of membership dropping to less than 5 persons, in this respect Council may:

a) Assist the S355 Committee to re-establish its numbers;

b) Dissolve the S355 Committee and take over the responsibilities, consideration will need to be given to the long term viability of the facility or function.

All assets and funds of the S355 Committee will, after payment of all expenses and liabilities, be handed over to Council.

The Secretary or Treasurer must forward all records (minutes, correspondence, financial records) to the Council immediately following a dissolution.

**Vacation of Office**

The office of a member on the S355 Committee *will* become vacant in any one of the following circumstances.

1. S355 Committee is dissolved by Council
2. A member resigns from office by notification in writing to the S355 Committee
3. A member is absent without leave from 3 consecutive meetings of the S355 Committee
4. Council passes a resolution to remove the person from the S355 Committee
5. Council may remove a person from the S355 Committee due to a breach of Councils code of conduct
6. Member is convicted of a criminal offence under the Crimes Act 1900
7. Member is prohibited from managing a corporation under Corporations law
8. If the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or make an assignment of his or her remuneration for their benefit;
9. If the member becomes a mentally incapacitated person;
10. If the member resigns membership by notice in writing to the Council;
11. While serving a sentence (whether or not by way of periodic detention) for a felony or other offence, except a sentence imposed for a failure to pay a fine;
12. Upon the death of a member;
13. Or *may* be removed If the member ceases to be a member of the organisation which he/she represents (representatives of organisations will be given preference);

**New Membership Procedure**

When a position on a S355 Committee becomes vacant or the S355 Committee determines it requires further members, the S355 Committee may request Council to advertise for a further member(s), to assist the Committee in a particular position.

a) Unless a S355 Committee member is urgently required it would be usual practice to advertise the vacancy.

b) Advertisements for Committee members can be placed at the direction of the Committee or

Council.

c) Determination of the appointment of new members will be in accordance with Section 3

Appointment.

**Section 4: Roles and Responsibility of the S355 Committee**

S355 Committee members hold various positions within the S355 Committee and undertake a variety of roles and responsibilities. S355 Committees consist of office bearers and other Committee members. The S355 Committee elects the office bearers at its first meeting and thereafter at each Annual General Meeting. Office bearers are elected for a twelve-month period. Particulars of all appointments must be notified in writing to Council as soon as possible after appointment is made, eg: committee position, name, address, contact number and the user group represented (if any).

S355 Committee members need to have a certain degree of commitment to their role as S355 Committee members. One of the advantages of S355 Committees is that the workload can be shared between the different Committee members. The roles listed below are only some of the committee’s work, other tasks include marketing and promotion, and engaging with the local community. It is important each member understands this role and what is expected from the community.

Each S355 committee requires a:

* Chair
* Secretary, and
* Treasurer.

Larger committees may also need a deputy Chair, assistant secretary and assistant treasurer and can elect other office bearers if they wish to do so. Smaller committees may combine the role of the secretary and treasurer into one position. It is good practice for the roles of Chair and Treasurer to be held by different S355 Committee members from an audit viewpoint. Many committees choose to elect a bookings officer to handle all of the bookings for the facility that they manage. Office bearers are re-appointed each year at the S355 committee’s Annual General Meeting.

**Office Bearers**

Office bearers do not have greater decision-making powers than other S355 Committee members, other than the chairperson who has a casting vote in the event of a tied vote. Whilst office bearers usually have defined roles, each Committee member plays an important part in the functioning of the S355 Committee.

Office bearers must have access to a computer, have basic computer skills and be able to use email as a major form of communication.

**Chairperson**

The Chairperson is the principal leader and has overall responsibility for the committee’s administration. The main responsibilities of the Chairperson are:

1. Act as official representative of the committee
2. Act on behalf of the S355 Committee in an emergency or urgent situation
3. chairing meetings of the S355 committee
4. being well informed of all committee activities
5. being aware of the future directions and plans of members
6. having a good working knowledge of the delegation, guidelines and Code of Meeting Practice
7. managing S355 committee meetings
8. managing the Annual General Meeting
9. being a supportive leader of all S355 committee members ensuring that planning and budgeting is carried out in accordance with the wishes of the members
10. managing discussion and avoiding members dominating and/or excluding others. Specifically, during meetings, the Chair is responsible for ensuring:

* meetings are correctly convened in accordance with the Code of Meeting Practice
* a quorum is present for all decisions
* meeting decisions are properly minuted
* maintaining order, and
* The meeting is conducted while keeping the discussion focused on the business of the meeting and to clarify points and ensure that everyone understands the decisions being considered.

The Chair may vote on any motion considered by the meeting and in the case of a tied vote, the Chair has a casting vote. This means that the Chair gets a second vote and does not need to vote the same way they voted initially.

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

In the instance where the Chairperson resigns and where no one is willing or able to Chair the meeting, the Mayor is by default the Chair of the S355 Committee. The Mayor may delegate to another Councillor, staff or Committee member this role until a new Chair is appointed.

**Secretary**

The secretary is the chief administration officer of the committee. This person provides the coordinating link between members, the S355 committee and outside agencies.

The main responsibilities are:

1. arranging the meetings and preparing the Agenda at least 7 days prior to the date of the meeting.
2. keeping Committee members properly informed by sending them notices of meetings, copies of agendas, correspondence, reports, etc. as required.
3. receiving all incoming correspondence, if required, bring it to the attention of the S355 Committee and/or where necessary writing and dispatching all outwards correspondence required by the S355 Committee. A report listing all incoming and outgoing correspondence, along with progress reports on any works being done, should be presented to S355 Committee meetings.
4. taking and recording minutes of all meetings and distributing copies to Committee members.
5. preparing minutes and other associated documents, distributing copies to committee members and providing a copy of the minutes to Council.
6. liaising with the Chair between meetings so the business of the S355 Committee is attended to and, in consultation with the Chair, to call special meetings as required.
7. carrying out follow-up action which arises from the business of meetings.
8. organising and delegating tasks.
9. maintaining all S355 committee records.

**Treasurer**

All accounting functions shall conform to the requirements of Australian Accounting Standards and the Act. The Treasurer is responsible for establishing an effective financial system for the financial planning of the S355 Committee and to maintain the following:

1. A record of income and expenditure and to manage the accounts to electronically track accounts either in specialised software or in excel spreadsheets, pay accounts electronically, manage internet banking and the like
2. Report Expenditure and keep accurate documentation
3. Report Income and keep accurate documentation
4. Report on Cashflow
5. Prepare monthly bank account reconciliations and providing necessary paperwork to Council for reimbursements
6. Quarterly GST Reporting and Annual Reporting to Council
7. Banking money received as soon as practicable
8. Paying accounts as authorised by the Committee
9. Keeping records
10. Liaise regularly with the Bookings Officer
11. Handle the movement of money within the Committee and its accounts

**Bookings Officer**

The bookings officer is the primary contact with those wishing to hire facilities and undertakes the following tasks:

1. Handle the bookings for the activities associated with the facility, including keeping accurate records of bookings; (Note: A record of the history of bookings is essential for an insurance claim to be made by casual or regular hirers of the facility.)
2. Liaise with the cleaner/s of the facility to suit bookings schedule.
3. Authorise and recommend to the Treasurer the release of bonds.
4. Must be able to accept email bookings and respond accordingly.
5. Organise venue briefings for hirers and inspections. (This task may be allocated to or shared with other committee members to assist the Bookings Officer)
6. Keep the online booking calendar updated.
7. Work with other committee members on promotion of the facility, including any websites and social media activities.

**Maintenance Officer**

The maintenance officer is the primary contact with Council’s infrastructure team and in addition to scheduled inspections with Council staff:

1. Regularly assesses the facility for any maintenance that may be required.
2. Liaise with the cleaner/s of the facility to assess any maintenance that may be required.
3. Obtain S355 committee approval for routine maintenance to be undertaken and the associated expenditure (have these items noted in the S355 committee minutes)
4. Obtain quotes, liaise with contractors and ensure any invoices are checked against the quality of the final job completion before providing to the treasurer to pay.
5. Where possible, meet contractors on-site prior to work commencing. If necessary, complete a site induction for all contractors, at least annually.
6. Ensure professional contractors are used to undertake any works at the facility.
7. Ensure any Work Health and Safety or other hazards are dealt with to ensure the safety of all visitors to the site.

For questions and support, liaise with Council’s Property Maintenance Coordinator and Risk Officer.

**All S355 Committee Members**

A S355 Committee member may fill more than 1 role (maximum 2 roles). The responsibilities of 1 position may be shared between two S355 Committee members if desirable where an Office Bearer requests any general S355 Committee members for assistance with the role as needed.

The S355 Committee may outsource some of the more ‘workload heavy’ positions, such as the Bookings Officer or bookkeeping or part of the position, if funds permit and approved by Council. (See also Section 7 honorarium payments to a S355 Committee members for more information.)

All Committee members have a responsibility to attend and participate in S355 Committee meetings

(Attendance at meetings and participation is vital to the effectiveness of the Committee). Being respectful of all other members of committee by:

* + - Being well prepared and on time for meetings
    - Allowing others to speak and listening to others ideas and opinions
    - Providing input in a non-judgmental manner and respectful manner
    - Supporting the office bearers in conducting the meeting by adhering to the agenda and meeting processes, moving and/or seconding any motions as appropriate
    - Taking on extra duties and tasks as needed (for example attendance at events, assisting in the Annual General Meeting, attending any relevant training).

**Volunteers (non-committee members)**

Non-committee member volunteers may, from time to time, come forward to assist with events or functions or other activities in relation to the S355 Committee’s work.

Council’s Policy on Volunteering with Council and the associated Guidelines and Procedures for the

Engagement of Volunteers have been developed using best practice in volunteer management.

Some volunteer roles require more preparation than others. For example, a volunteer working with the S355 committee to help deliver a function or event, may be different to undertaking a longer-term project (over a few months for example) on behalf of the S355 Committee.

The latter example will require more preparation for the volunteer role, such as a project plan and training. In all cases, it is advisable to develop a clear job description and provide a basic induction for any volunteer roles. You may need to proactively recruit volunteers for larger projects/events and perhaps provide further training for the activity they will be undertaking.

All volunteers need to complete Volunteer Agreement (Volunteer Appointment Registration Form). Volunteers should have their names noted in the S355 Committee minutes and the application paperwork filed in a safe place. Whilst working under the care and control of Council (ie the S355

Committee of Council), volunteers are protected against public liability claims:

A “Volunteer Registration Form” is required to be completed by a non-committee volunteer.

**See Template** – Volunteer Agreement

**Sub Committees**

The S355 Committee may appoint working groups to report back to the S355 Committee.

These ‘sub-Committees’ can be made up of non-committee members, have no legal standing and must recommend back to the S355 Committee for ratification.

Members of Sub-Committees must be duly noted in S355 Committee meeting minutes and will be covered in accordance with this policy.

**Section 5: Meeting Procedures**

**Annual General Meeting**

An Annual General Meeting (AGM) should be held each calendar or financial year (usually October/November or July/August respectively) to elect / re-elect office bearers, to connect with the users of the facility and the general community. The AGM date must be set at an Ordinary Meeting and publicly advertised by the S355 Committee at least fourteen (14) days prior to the meeting date.

The AGM will report on the activities of the S355 Committee for the year and to develop proposals for development and maintenance of the facility/activity for the following twelve (12) month period. This provides an opportunity for the S355 committee to let users know what is happening with the facility, obtain feedback and also to execute the committee’s responsibility to be accountable to the general community about the running of the facility.

At the AGM, Office Bearers of the S355 Committee stand down and their positions are declared vacant. A Council staff member or a Councillor appointed at the meeting, takes the chair and calls for nominations for the positions of office bearers.

The business of the Annual General Meeting will:

1. receive the annual report

2. receive a report on the programme of activities proposed for the following year

3. receive and adopt the annual financial statement, and

4. elect office bearers to the positions of Chairperson, Secretary, Treasurer and other positions determined by the S355 Committee as being necessary for the efficient functioning of the committee.

5. confirmation of fees and charges for the coming year

6. setting of ordinary meeting dates for the coming year

7. development/review of the facility improvement plan

8. emergency management plan review

9. review of seasonal user agreements (if applicable)

10. contents inventory

**See Template** - Annual General Meeting Advertising Template; Annual General Meeting Agenda

**Procedures for Election of Office bearers**

Nominations can be accepted in two ways:

* in writing, duly seconded, and signed by nominee, prior to the AGM; or
* verbally from the floor to the Council staff member or Councillor running the AGM.

If two or more persons are nominated for a single position a vote must be taken. Persons nominated for election are entitled to vote for themselves. If a tied ballot occurs, the name of each candidate is written on a separate, identical piece of paper, and drawn ‘from the hat’ by the Council staff member or Councillor running the process. The first name drawn is elected to the Office.

The office bearers hold office for a period of twelve months or until their successors have been appointed.

Members should be residents of the Edward River Council Local Government Area (LGA), however in certain circumstances it may be permissible to appoint members from outside the LGA. (where specialist skills are required). If not already appointed by Council, before taking office the incumbent should complete the procedures outline in Section 3 *Appointment of Members.*

A list of duly elected office bearers must be recorded together with the names of nominators and seconders. Minutes of the AGM with the list of duly elected Office Bearers must be sent to Council for (approval where necessary) Council’s information and records within 5 working days.

**General Meetings**

Meetings are to be conducted in accordance with the Councils Code of Meeting Practice.

The Section 355 Committee should meet on a regular basis to discuss relevant business and make decisions affecting the facility. The S355 Committee must hold a minimum of four general meetings in addition to the AGM per year (which may coincide with a quarterly meeting).

S355 Committee members should work together to schedule meetings at a mutually convenient time for all. Ideally, meetings are held at the facility, however if scheduling suitable meeting times becomes difficult due to bookings, they may be held in another public space, such as a café, park, etc. Meetings should not be held on private property.

The secretary must give reasonable notice of all meetings by distributing a notice of the meeting (being the Agenda) to all members at least seven clear days prior to the meeting in accordance with Code of Meeting Practice.

Councillors and staff at their discretion or by invitation may attend meetings of a Section 355 Committee to enable them to gauge the areas of concern of the community and assist in prioritising any proposals for improvement, growth and development plans of the area of responsibility of the Committee.

**Quorum**

A quorum will normally consist of members equal to the number half the Committee plus one. Should a quorum of members not be in attendance 30 minutes after the starting time, the meeting will be adjourned and rescheduled to a fixed time set by the Chairperson.

All meetings will be conducted in accordance with Edward River Councils Code of Meeting Practice.

**Agenda**

Prior to any meeting a notice of meeting, typically including the agenda is prepared.

This is a document that states the date, time and place of the meeting and sets out the business to be dealt with at the meeting. Usually the secretary, in consultation with the chairperson, prepares the agenda, but all S355 Committee members can nominate items of business to be included on the meeting agenda.

S355 Committees are required to use the Ordinary Meeting Agenda template.

Committee members should receive the agenda, including any reports to be considered at the meeting, and minutes from the last meeting at least 48 hours, and preferably one week, before the meeting.

Once the agenda has been sent to Committee members, the order of business for that meeting, or the addition or deletion of items from the order of business, may only be altered by resolution of the S355 committee.

Each item of business is discussed in the order in which it appears on the agenda. Allow adequate time for discussion on important issues. Ensure relevant information on the matter under discussion is available at the meeting.

**See Template** – Ordinary Meeting Agenda Template

**Inward and outward correspondence**

A list of significant correspondence received (Inwards) is presented at the S355 Committee meeting by the Secretary. This action is to inform members of new issues that may have arisen and to report on letters received in response to matters raised at previous meetings. A list of significant correspondence sent out (Outwards) is provided to inform the members of the action taken on their behalf.

Correspondence will be filed for future reference. (Section 11 Filing and Records Management.)

The S355 Committee is not permitted to forward official correspondence to government officials or government departments including the Governor-General, Prime Minister, Premier or government ministers. All official correspondence must be signed by the General Manager or their representative. This includes signing applications and acceptances in relation to grant funding.

**Minutes of Meeting**

**Keeping of Minutes**

Minutes must be kept of the proceedings at all meetings. After confirmation of the minutes, they must be signed by the Chairperson of the meeting at which they are confirmed. It is the responsibility of the Chairperson and the Secretary to ensure Minutes are accurate and to sign the minutes as being a true and accurate record. The original signed copies of all minutes are to be provided to Council at or immediately following the Annual General Meeting each year.

The S355 committee must record in the minutes of each meeting:

* + - the date, time and place of each meeting
    - the names of those present and the names of those who tendered an apology
    - the arrival and departure times of members, including any temporary departures during the course of the meeting
    - all declarations of an interest or conflict of interest of a S355 Committee member
    - every motion and amendment moved, including the mover and seconder of any motion or amendment
    - the outcome of every motion put to the vote
    - any other matter that the Chair thinks should be recorded to clarify the intention of the meeting or reading of the minutes.

**Confirmation of Minutes**

The minutes of the committee meetings must be:

* + - circulated to each S355 Committee member
    - presented to the next meeting for confirmation (the motion endorsing the minutes of a previous meeting should only be moved and seconded by members who actually attended that meeting)
    - signed by the Chair after confirmation.

The Secretary must keep a minute book that will be passed on to the incoming secretary at the end of the Secretary’s term. In the longer term, the minute books must be stored and archived in accordance with the State Records Act 1998 at Council.

A copy of all minutes of meetings are required to be provided to Council within 14 days of the meeting and the confirmed at the next committee meeting. Signed copies of all minutes are to be provided to Council at the Annual General Meeting.

Council will not act on Minutes recommendation/motions alone, a request for information/action etc. by Council must also be put in writing from the S355 Committee.

The S355 Committee is required to be aware of the importance of minutes because of their legal status and their liabilities to subpoena in court cases. Minutes of each meeting are provided to the general public via Council’s website in the interests of transparency and accountability.

Records of Council S355 Committees should be kept for at least 5 years. (Refer Section 11 Filing and records management)

**See Template** – Ordinary Meeting Minute Template

**Voting**

All members of each Committee have voting rights on the Committee, except for any co-opted members.

Normally accepted meeting procedures include the recording of the motion wording, the names of the mover and seconder of the motion and whether the motion was carried or lost. This information must be included in the Minutes of the meeting.

A motion before a meeting of the S355 Committee is to be determined as follows:

* + - A quorum must be present at the meeting.
    - Each member appointed to the S355 Committee is entitled to one vote and must vote.
    - Voting must be by a show of hands.
    - The Chair calls first for those in favour of a motion and then for those opposed to a motion, and then declares the result to the meeting.
    - The motion is determined by the majority of the votes (more than half).
    - If it is a tied vote the Chairperson has the casting vote and where this happens, this should be recorded in the Minutes.

**Conflict of Interest**

A Conflict of Interest may be defined as an interest that a S355 Committee person has in a matter, as a member or employee of a company or other body, because of a reasonable likelihood or expectation of gain or loss (Financial or non-financial) to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the S355 Committee person.

**Dealing with a Conflict of Interest**

If a potential conflict arises, it should be declared as soon as possible and must be recorded in the

Minutes of the Meeting where such conflict is declared.

The potential actions that should be taken in relation to a conflict of interest include:

a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict;

b) have no involvement in the matter, by leaving the meeting and not taking part in any debate or voting on the issue. This should be recorded in the minutes.

c) As a last resort it may be necessary for a Committee member to resign from the Committee where the nature of the conflict is so pervasive that the above actions are not appropriate methods of handling the conflict. Advice should be sought before taking this course of action.

Further advice can be obtained by contacting Council's Governance Officer. Council’s Code of Conduct can be accessed on Council’s website.

**Referring Decisions to Council**

Any decision of the S355 Committee which the Committee does not have delegated power to implement cannot be implemented until approved by the Council.

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

**Section 6: Sustainability and Planning for the future**

**Future Planning**

Planning enables any organisation or committee the best chance to grow and remain successful through the identification of key drivers and potential disablers. There are many useful tools for analysing the future needs of the facility to keep it viable for the community into the future.

Doing this as a group or engaging someone to facilitate this, in close consultation with Council, will help the S355 committee identify the things they hope to maintain and improve as well as any risks they need to mitigate.

An analysis should conclude with a 3–5-year action plan detailing actions, responsibilities, timelines and approximate cost.

This plan will help Council to consider this, and plan for expenditure and improvements whilst enabling the S355 Committee to remain focussed on its priorities.

**Funding**

S355 Committees may require ongoing support to carry out their functions. Whilst some support is allocated in Council budgets according to community priorities and needs, there is often the opportunity to attract new streams of funding through various grants.

Most grants are made available through Commonwealth/state government or via sporting, tourism, recreation, environment, historical, social organisations and associations.

**Grant Applications**

All grant applications before being considered must be first discussed with a Council staff member, and ultimately signed by the General Manager or relevant Director prior to application.

When preparing your application, you will usually be required to submit evidence of a need and the proposed benefits. This information should link back to the S355 Committees 3–5 year strategic plan or the Facility Improvement Plan. Masterplans also need to be considered where they exist for facilities. Major departures from these need to be consulted publicly and endorsed by Council.

Please liaise with Council’s Community Services and Economic Development unit for more information and assistants in relation to applying for Grants.

**Section 7: Financial Management**

**Finances**

The S355 Committee must ensure the effective financial control of the Committee, including the submission of an annual budget to Council for consideration and approval each year.

The S355 Committee must ensure that all accounting functions of the S355 Committee conform to the requirements of Australian Accounting Standards, the Local Government Act 1993 No 30 and relevant regulations.

The Secretary/Treasurer of the S355 Committee must present an operating statement and statements of financial position at the conclusion of each financial year for presentation to the Annual General Meeting of the S355 Committee.

The S355 Committee may enter into contracts, leases or rental agreements on behalf of the Council associated with the management of the Facility with the consent of Council and subject to any requirements of the Act and Instrument of Delegation. Specific contracts must not exceed the value set out in the Instrument of Delegation without Council consent.

Subject to the consent of the Council, the S355 Committee has the power, on behalf of the Council, to raise funds, solicit and receive donations and secure government grants, in accordance with the objectives of the S355 Committee, policies of Council and the budget.

The S355 Committee has the power, on behalf of the Council, to hold or sponsor functions, stalls and other fundraising means, within the constraints of the budget, to enhance the objectives of the S355 Committee.

The S355 Committee may pay, from funds received, the cost of minor maintenance, electricity, water charges or gas used, honorariums, petty cash and secretarial expenses as the S355 Committee budgets and determines.

All monies received by the S355 Committee must be paid promptly into the Committees nominated bank account. Money must only be able to be drawn from that account on the signature of any two of the following office bearers:

* Chairperson
* Secretary
* Treasurer or
* any other authorised Committee member.

A report which reflects the current financial position of the S355 committee must be presented to each meeting of the committee and provided to Council as part of the minutes of that meeting.

The S355 Committee must forward to the Council an annual report including an annual statement of accounts for audit purposes bearing the auditor’s certificates. The Chairperson of the S355 Committee is responsible for ensuring that the report is lodged with the Council by 30 November each year.

**Control**

The General Manager has the authority to direct S355 Committees to process their financial records through the Council’s financial system if he/she is of the opinion that this is a most appropriate method of recording those financial transactions.

**Accounting**

Council requires the following conditions to be met by all S355 Committees who wish to maintain their own bank account. Council will allow S355 Committees to keep their own bank accounts but only if they comply with the requirements of these guidelines as follows:

1. A Bank Account must be opened at any branch of a recognised financial institution within the Edward River Council Local Government Area. The account will be in the name of the Edward River Council S355 Committee with at least 2 Committee members signatures.
2. Account details are to be provided to the Edward River Finance Department.
3. All monies received by the S355 Committee must be banked within 24 hours of receipt or as soon as practicable.
4. The S355 Committee is authorised to draw on its account for such sums as it may require in the performance of delegated function but under no circumstances will the account be overdrawn.
5. Information on income and expenditure must be kept electronically. An excel spreadsheet or suitable accounting software should be used.
6. Receipting: Preferably, payments are accepted via direct deposit into the Committee’s bank account. Where cash or cheque are received, receipts, in the name of the S355 Committee, will be issued for charges and other monies received and duplicates of receipts will be retained for audit.
7. Purchasing: Payment should be made by EFT (electronic funds transfer) or, only when necessary, can be made by cheque.
8. In every case evidence of the need for the payment is to be documented. A tax Invoice is required to be obtained and attached to payment records. A credit card receipt is not a Tax Invoice. (Ensure receipts say ‘Tax Invoice’ and clearly show any GST charged. Where a Tax Invoice is not supplied a “Statement by a supplier” (on an approved ATO Form) must be supplied with the account for payment. Note the ‘Statement by supplier’ will only be required once per year for each supplier that does not have an ABN.)
9. The S355 Committee may authorise its Chairperson, Secretary or Treasurer and one other person to sign on its behalf on the basis that two signatures are required for each payment.
10. All records and books will be made available for inspection whenever required by any inspector of local government accounts, Council’s auditor or an authorised officer of Council.
11. A financial report summarising the income and expenditure and including a bank reconciliation be reported (where available), to each ordinary meeting of the S355 Committee.
12. An annual report of the financial affairs must be provided to Council. This report should include the Cashbook and bank reconciliations. All supporting documentation including bank statements, the deposit book and receipt books, and copies of all tax invoices that support payments made. This information should be submitted to Council by the third week of July each year.
13. The S355 Committee will be entitled to spend all monies raised in the management of the facilities under their control. These monies can only be expended strictly in accordance with conditions prescribed in these guidelines, by the Council, and their delegations, and only upon the facility/function of the Council for which the S355 Committee has been constituted.

**Out of Pocket Expenses**

A S355 Committee member cannot incur out-of-pocket expenses without prior approval by the S355

Committee. This approval and a monetary limit are required to be recorded in the meeting minutes.

Tax Invoices for these out-of-pocket expenses eg fuel, stationery, telephone, are required to be presented to the Treasurer (after committee approval) before reimbursement is made.

**Honorarium Payments to S355 Committee Members**

Payments to Committee Members are generally **not** anticipated.

If the Committee requests this, it will only be considered by means of a Council resolution where appropriate justification exists.

**Approval by Council’s Finance Manager is required prior to implementation to ensure the income generated from the facility is sufficient to sustain these costs within the overall facilities management and maintenance budget.**

If approved by Council, S355 Committees may then vote to pay an honorarium (allowance) to S355 Committee members or agents for duties undertaken in their role on the committee as follows:

1. Up to $100 (excl. GST) maximum per quarter for Booking Officers or other roles determined by the S355 Committee (eg Maintenance Officer, Volunteer co-ordinator).

2. Up to $50 (excl. GST) maximum per month for other Administration positions such as treasurer, secretary, etc.

These payments must firstly be recommended by the S355 Committee and recorded in their Meeting Minutes.

Regular cleaning of facilities and venues should be contracted out to professional cleaners (refer to Section 11 Cleaning).

If a S355 Committee Member is involved in ad hoc cleaning (for example, when a hirer has not adhered to their conditions of hire), and where the committee has resolved, a payment of $20 (excl. GST) per hour may be paid, provided Work Health and Safety procedures are in place and the maximum hours are agreed to by the S355 Committee and recorded in the Committee Minutes.

S355 Committee members or agents receiving payments should note that:

a) The positions are not permanent and can be ceased by the S355 Committee or Council at any time;

b) Payments are performance based and positions will be reviewed by the S355 Committee as

required with the assistance of Council;

c) Payments requested outside of the above will require approval of Council.

**GST**

There is no requirement for a S355 Committee to obtain an ABN or to register for the GST.

S355 Committees are part of the Edward River Council. Therefore, it is Council’s responsibility to ensure that GST on income derived by the S355 Committees, and input tax credits on acquisitions made by the S355 Committees, are properly recorded and included in the Council’s Business Activity Statement. The S355 Committee is undertaking activities under the banner of Council, with Council having delegated the appropriate authority under Section 355 and 377 of the Act.

Council as an entity is required by law to have an Australian Business Number (ABN) and be registered for GST. This requirement means that this also applies to the finances relating to the S355 Committees as they are carrying on a function on behalf of Council.

In this regard it is requested that S355 Committees:

a) Utilise the Australian Business Number of Edward River Council. This number being ABN 90 407 359 958, and showing this number on receipts and invoices issued.

b) Apply GST to fees and charges for use of the facility where appropriate in accordance with Council’s adopted fees and charges.

c) Provide Council with a summary of revenue and expenditure at the end of each quarter during the financial year and the amount of GST collected on revenue and the amount of GST that can be claimed as input tax credits on expenditure.

d) At the end of each quarter during the financial year if the GST amount collected on revenue exceeds GST input tax credits on expenditure then remit the difference to Council.

e) At the end of each quarter during the financial year, if the GST amount collected on revenue is less than GST input tax credits on expenditure then Council will reimburse the S355 Committee the difference. Council will then include the quarterly summary from the S355 Committee in its Business Activity Statements lodged with the Australian Taxation Office.

f) Financial records that relate to the GST calculations are to be kept for at least 7 years so these need to be passed in full to Council at the end of each year.

**Purchasing**

The S355 Committee is not authorised to Purchase goods and services or enter into a contract or procure works exceeding the amount set out in their Instrument of Delegation. The benefit to the S355 Committee is to utilise the purchasing power of Council to reduce costs. S355 Committees are also not authorised to make any alterations or additions to any buildings or grounds that are part of the facilities managed by the S355 Committee.

Where purchases are made that involve a significant amount of GST, Council can make the full payment of the Tax Invoice and the Committee reimburses the Council the invoiced amount less the GST, as Council can claim back the GST Input Credit.

When S355 Committees wish to incur expenditure above their delegated limit and/or make any alterations or additions to any buildings, they must obtain approval from Council. This would be at the discretion of the nominated Council officer, either by way of a letter from the General Manager, who can authorise under his delegated authority, or by resolution of the Council.

A project or purchase, regardless of the cost, may require a Permit (Planning, Building or Environmental Health). This is particularly important where there is a perceived risk. Please contact Council for further information.

**Section 8: Fraud and Corruption**

**Fraudulent or corrupt behaviour**

Fraudulent or corrupt behaviour is unacceptable, may constitute a criminal offence and the individual may be prosecuted.

Suspected fraud or corruption should be reported by a S355 Committee member to one of the following; the Director Corporate Services, General Manager or the Mayor.

All members need to familiarise themselves with Councils Fraud and Corruption Policy and Public Interest Disclosure policy which offers protection against reprisals for anyone performing official functions of council and making a disclosure against another public official.

A member of the public can also report suspect fraud or corruption behaviour of a S355 committee member directly to Council.

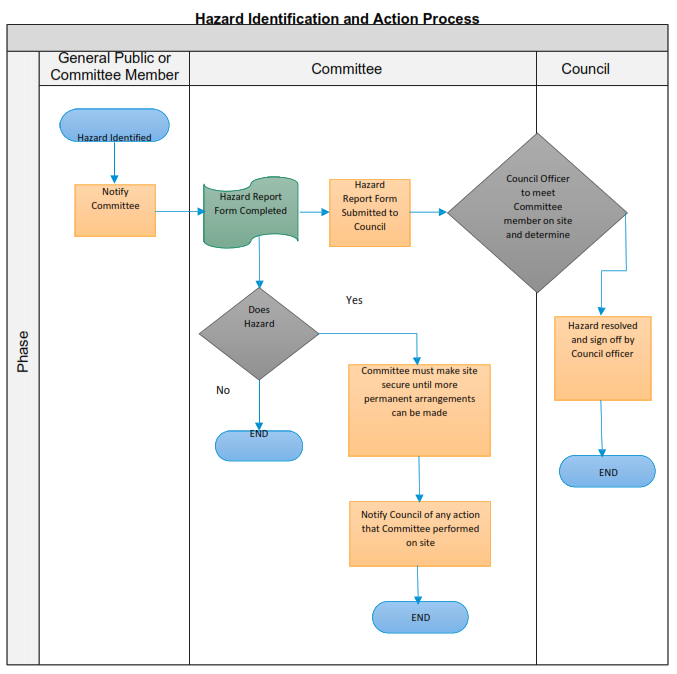
**Section 9: Risk Management/Insurance**

**Risk Management**

Council has an Enterprise Risk Management Policy and Enterprise Risk Management Framework that will help the S355 Committee identify hazards within your facility and help deal with and prevent further risk and injury to user groups, spectators and the general community.

Council encourages S355 committees and clubs to be proactive in their approach to risk management rather than reactive.

Strong communication channels are also needed to be in place between individual clubs and the facility’s Committee. Safety and Injury Prevention will be at its strongest if all user groups are working towards providing a safe environment. An Incident/Near Miss/Hazard Reporting Form must be used in the identification and reporting of potential or existing hazards. The following flow chart examines how the Hazard Reporting Forms deal with potential risks.



Councils Enterprise Risk Management Policy can be found on the Council’s Website.

**See Forms** – Incident/Near Miss/Hazard Reporting Form

**Property Insurance**

Council facilities are covered for risks such as fire, theft and malicious damage. S355 Committees should be aware of the excess applicable to this policy which is currently $5,000.

**Liability Insurance Coverage**

Members of a S355 Committee appointed under the Act are covered under Council’s insurance program for the following:

* Public Liability and Professional Indemnity Insurance cover for S355 Committee members and committee appointed volunteers The activities of officially constituted and properly authorised Council S355 Committee members while performing their management role.
* Personal Accident Insurance cover for S355 Committee members and Committee appointed volunteers.
* Public Liability Insurance for uninsured private hirers of Council owned or controlled buildings.
* Events under the control of the S355 Committee occurring on land or buildings owned or controlled by Council or a delegated S355 Committee.
* Registered volunteers organised and acting under the direct control of Council or a Council established S355 Committee.

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

Instrument of Delegation, S355 committee guidelines, Terms of Reference and Councils Policies. The following ARE NOT covered by Council’s public liability insurance:

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

In the event of an incident involving a S355 Committee that could result in an insurance claim, the usual investigations will be conducted. Whether or not Council’s insurer accepts liability will depend on the outcome of the investigation and the specific circumstances surrounding the incident.

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

Where a claim is under Council’s current excess amount the S355 committee will be responsible for the cost of repairs. However, if the damage is structural the cost will be covered by Council.

**Casual and Regular Hirers’ Insurance Liability**

A Casual and Regular Hirers’ Policy ($20 million) exists in order to cover persons using Council facilities on a non-permanent and not-for-profit basis, e.g. weddings, birthday celebrations or the like are covered under Council’s Casual Hirer’s insurance Policy.

For a Casual or Regular Hirer the claims excess is $2,000 for each and every claim, payable by

Council.

A record by the S355 Committee of the history of bookings is essential for a claim to be made. Note: Fundraising for an individual, a charity or community organisation or group will be covered

under Council’s Casual Hirer’s Policy if the hirer:

a) Is not a sporting group, club, association, corporation or incorporated body;

b) Is not a sole trader or registered business;

c) Is not making a personal financial gain from the activity;

d) Is not a commercial activity;

e) Is not a large (eg the halls capacity) evening event where alcohol will be sold or BYO. f) Provides the S355 Committee a signed statement from the hirer and beneficiary that

identifies the hirer and the intended beneficiary will be receiving all proceeds from the activity.

g) Acknowledges that they are responsible for the claims excess, being $2,000, as applicable, for each and every claim under the policy arising from their event within Council premises.

**Other Hirers’ Insurance Liability**

Persons or groups, not defined in Section 9 Casual and Regular Hirers Insurance Liability must have and provide the S355 Committee with proof of their Public Liability insurance policy in the sum of not less than $20 million if they fit into one of the following categories:

a) Creates an income or profit from the activity eg. yoga, art, Pilates classes charging a fee for service, workshops by charging door entry, participation fee, prepaid fee.

b) Makes a personal financial gain from the activity.

c) Is a sole trader or registered business. d) Corporation or Incorporated bodies.

e) Sporting body, club or associations of any kind.

It is the S355 Committee’s responsibility to ensure that users of the facility that meet any of the above categories have adequate Public Liability insurance.

If there are situations not identified above where a hirer of the facility does not have its own Public Liability Insurance and there is uncertainty as to whether the hirer meets the “Casual or Regular Hirer” or “Other Hirer Guidelines” it may be referred to Council to check with its insurers.

**See Forms** – Public Liability Insurance Checklist

**Personal Injury**

S355 Committee members are covered when injured whilst undertaking duties relating to their role in the Committee.

**Section 10: Incident and Complaints**

**Incidents**

In the event of an incident please report the details to the Manager People and Customer Service within 2 working days of the date of the incident. The S355 Committee first and foremost MUST NOT admit any liability.

An Incident Notification Report Form is provided and must be completed and submitted to the Manager People and Customer Service whenever an incident occurs which involves any of the following:

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

Please note that where an injury occurs to a S355 Committee Member or registered volunteer while undertaking their duties the Incident/Near Miss/Hazard Reporting Form is to be used.

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

Any incident occurring on Council owned or managed property involving either personal injury or property damage must be reported to Council using the Incident/Near Miss/Hazard Reporting Form. The use of a standard form ensures all the necessary information is gathered, in a logical fashion and a record of the investigation is maintained.

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

Before the Council is obliged to pay compensation for any injury, loss or damage suffered, it must be established that the injury, loss or damage was caused through negligence on part of the Council, or employees or agents of the Council.

The proof required to establish negligence can be onerous and quite often, you will be better served seeking compensation through your own household, motor vehicle or medical insurance if you have it as, in most cases, proof of negligence will be not required.

If you require any further information regarding insurance please do not hesitate to contact Council’s

Manager People and Customer Service.

**See Forms** – Incident Notification Report Form

**See Forms** - Incident/Near Miss/Hazard Form

**Dispute Resolution**

In the event of any dispute involving any matter relating to the functions of the S355 committee or any member of a user group of the facility, all parties must make reasonable attempts to promptly resolve the dispute between the parties. In the event that the parties fail to resolve a dispute either party shall notify Council. Council reserves the right to manage or resolve the dispute in any reasonable manner.

Notwithstanding the existence of a dispute, all parties shall continue to perform their duties in accordance with the Instrument of Delegation and the S355 Committees Guidelines.

**Public Complaints**

At some stage, a S355 Committee may receive a complaint from a member of the public about something it did or didn’t do. Most of these complaints will be resolved fairly easily and to everyone’s satisfaction.

Remember that the complaint, decision, actions of the S355 Committee in response and whether the person was satisfied with the outcome should be recorded.

For problems that prove tougher to resolve, the S355 Committee should contact the Council’s Governance Officer. S355 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 S355

Committee has not dealt with them adequately.

If a member of the public or a group disagree with a resolution of the S355 committee, these parties must refer their grievances to the Council in writing for consideration. Where such notice in writing is referred to Council, Council will request a report on the issue from the S355 Committee. Upon receipt of the report, Council officers will endeavour to liaise and mediate the matter with the parties.

Council Officers may choose to involve a third-party mediator for a resolution in any matter involving the S355 committee. If there is no resolution, the matter(s) will be referred to Council for resolution.

Upon Council adopting a resolution, the details of Council’s deliberations will be advised to the S355

Committee and the individual citizen or group of citizens who referred or involved in the matter to

Council.

**Legal Issues**

From a legal perspective it is important for S355 Committees of Council to be aware that they are in fact acting on Council’s behalf. Legally, the S355 Committee is ‘Council’ and an action, which the S355 Committee undertakes is Council’s responsibility.

S355 Committees sometimes believe they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council delegated its authority to the S355 Committee to act on Council’s behalf and Council can withdraw this delegation if it deemed it to be necessary.

**Section 11: Facility Management**

Hiring a facility is central to the purpose of the S355 Committee. Making the facility readily accessible to the community, whilst at the same time, raising funds for its maintenance and future improvements are some of the main objectives of the S355 Committee.

**Conditions of Hire**

There are a variety of people/organisations that are able to utilise the facility. Use of the facility may be either on a seasonal or a casual basis. Everyone that uses the facility must complete a Booking Information and Hire Agreement. They must also have Public Liability Insurance

A letter of contract must be sent out to the hirer once they have returned the booking application to confirm details. Hirers that do not have public liability insurance are not able to use the facility unless they are a casual hirer.

**See Forms** – Booking Information and Application Package Form

**See Forms** - Hire Agreement Casual Users

**See Forms** – Hire Agreement Regular Users

**Casual Users**

When using Council’s facilities casual hirers are covered under the Council’s Insurance Policy. A casual hirer is a user that hires the facility on a one off occasion, for example a private family function. Sporting clubs, incorporated bodies or associations of any kind are excluded and must by law have their own insurance. The completed casual hirer’s agreement must be forwarded to Council for approval prior to use of the facility is allowed.

**See Forms** – Booking Information and Application Package Form

**See Forms –** Hire Agreement Casula Users

**Regular Users**

All user groups who have facilities located on or at the facility must complete a Regular User Agreement.

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

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

**See Forms** – Booking Information and Application Package Form

**See Forms** – Hire Agreement Regular Users

**Fees and Chargers**

The schedule of fees and charges is set by Council, taking into consideration the recommendations of the S355 Committee and the operating requirements of the facility.

Only Council has the power under the Act to set fees and charges. S355 Committees are to review their fees annually and make recommendations to the Council. The S355 Committee will be contacted by Council each year prior to the adoption of the Budget with regard to the fees applicable for the following financial year. The timeline for reviewing Fees and Charges and notifying Council is generally as follows:

|  |  |
| --- | --- |
| November | S355 Committee is contacted to review fees and charges for the following financial year |
| End January | S355 Committee recommendations are due to Council |
| February | Fees and Charges are considered by Council’s Finance Department |
| April | Recommended Fees and Charges are considered by Council |
| May | Fees and Charges are publicly exhibited for 28 days |
| June | Final Fees and Charges are adopted by Council, ready for start of new financial year |

Figures submitted should show the GST inclusive amount. Once the Council has adopted the fees and charges, a list will be supplied to each S355 Committee.

The S355 Committee is not able to provide subsidies or waive hire fees. Requests concerning fee reduction must be referred to Council.

The S355 Committee may use the facility free of charge if fundraising for the facility. Note this is not applicable to a third party hirer even if they are fundraising for the facility.

**Bonds**

As a safeguard against possible damage, the S355 Committee can hold a bond for the facility or equipment, or to cover the need for additional cleaning, where appropriate.

Hirers should be advised that this will be refunded if conditions of hire are adhered to. Abnormal costs associated with the hire of the facility will be deducted from the bond including GST. This may include extra removal of garbage, extra cleaning, repair of damage etc.

**Keys and Security**

S355 Committees are encouraged to manage keys and access to the facility in an efficient manner. This may include installing a key safe for key collection and returns. If a key safe is used, the combination should be changed regularly for security purposes (eg at least monthly). S355 Committees are encouraged to include key bonds/deposits in their fees and charges. Hirers should not be issued with keys of their own.

A complete change of locks may be required if there are too many outstanding or lost keys distributed throughout the community. The S355 Committee should manage keys with the utmost security in mind. Key deposits or bonds collected may help fund a change of locks from time to time. Some halls and venues hire a security contractor to patrol the venue at key times throughout the week.

**Cleaning**

The S355 Committee has the responsibility for the overall cleanliness of the facility under its control. The S355 Committee is responsible for the employment of the cleaner and this should be contracted out to a professional cleaner with the appropriate public liability insurance, an ABN and workers compensation insurance (if they employ people) or personal accident insurance (if a sole trader).

Note: If a S355 Committee Member is involved in ad hoc cleaning (for example, when a hirer has not adhered to their conditions of hire), payment to this S355 Committee Member must be in accordance with Section 7 honorarium Payments to S355 Committee members.

**Correspondence**

Correspondence from the S355 Committee is effectively correspondence from the Council, as the S355 Committee acts on Council’s behalf. Hence stringent conditions are required to ensure appropriate use of Council’s name and logo (refer to 11 Use of Council Logo).

**Letterhead**

If there is an occasion when the Council letterhead needs to be used by the S355 Committee, the letter must be approved and signed by the Council’s General Manager (or delegate).

The use of separately designed letterhead is limited to those Council S355 Committees and areas of activities which:-

1. may have a benefit in being identified in a slightly different way to normal Council activities and where a separate image or presentation may be appropriate, and

2. may be strongly community based.

The letterhead design must be approved by Council and indicate that the function is a S355 Committee of the Edward River Council.

**Purpose of Correspondence**

Correspondence using Council logo and name, is limited to the activities of each specific authorised functional area of the S355 committee and specifically limited to:

a) provision and seeking of information

b) extension of invitation

c) expressions of thank you

d) seeking of sponsorship (after approval of General Manager)

e) general correspondence not committing the Council or making public comment.

The signing of correspondence is limited to the Mayor, General Manger, a member of staff duly authorised by the General Manager, or a chairperson of the S355 Committee duly authorised by Council.

Copies of correspondence from the S355 Committee under Council’s letterhead must be placed in

Council’s filing system within 1 business day of the letter being sent.

**Use of Council Logo**

S355 Committees are encouraged to use Council logo (subject to conditions).

* + - Use of Council logo MUST be approved prior to use.
    - Contact Council to obtain the appropriate file format, size and colour of the logo suitable for the use.
    - Use of the logo is outlined in Council’s Logo Style Guide which has been developed to ensure that Council’s corporate identity is used correctly. The logo is Council’s signature.

**Filing and Records Management**

Council follows the protocol of record keeping as set by the State Records Authority of NSW. The following records are required to be kept by the relevant person on the S355 committee as per the table below. Council keep a range of records generated from S355 committee business and operations.

If the person keeping the records resigns from the S355 committee, the relevant records that are required to be kept for a greater time period than the person’s term on the S355 committee, should be passed to the new person on the committee fulfilling that role, or be returned to Council.

|  |  |  |
| --- | --- | --- |
| **Type of Record** | **How Long to Retain** | **Whom to Retain** |
| Records relating to where the S355  Committee considers operational matters or matters relating to administrative or non-core functions of the organisation, including S355 committees operating under delegated authority from the organisation. Records include:   * agenda and minutes * advice and briefing papers * submissions and reports * recommendations and resolutions * correspondence arising from business discussed or resolutions passed. | Retain minimum of 5 years after action completed, then destroy | Secretary |
| For S355 committees where revenue and expenditure are managing by Council: Records relating to handling money and managing the organisation's finances which are not the primary record of the organisation's financial transactions | Retain minimum of 2 years after end of financial year in which record was  created, then destroy | Treasurer |
| For S355 committee where revenue and expenditure is managed by the committee  (with BAS provided to Council):  Records documenting the organisation's financial transactions which are the primary  record of transaction. Includes revenue,  expenditure, debt recovery, deposits, investments, revenue from levies, banking and rates. | Retain minimum of 7 years after end of  financial year in which record was  created, then destroy | Treasurer |
| Records relating to the hire of the organisation's facilities and buildings for  sporting and other community purposes and events.  Records include:   * bookings and cancellations * applications for the usage and hire of properties, parks and facilities * fees, terms and conditions of use * copies of indemnity and insurance certificates of hirers * administrative records such as listings of vacancies. | Retain minimum of 2 years after action  completed, then destroy | Bookings Officer |
| Records relating to routine maintenance of property, not involving structural changes.  Includes cleaning, painting, grounds  maintenance, electrical and air-conditioning maintenance, minor modifications for disabled  access, pest control etc.  Excludes maintenance/service contracts. Records include requests and arrangements for services and records relating to works carried out. | Retain minimum of 2 years after action  completed, then  destroy | Maintenance  Officer |

Further information on the standards expected with it comes to filing and distribution of S355 committee correspondence, please see Councils Records Management Policy which can be found on Councils website.

**Clerical Support**

It is not the normal practice of Council to provide clerical support to S355 Committees. A S355

Committee may however apply for support and Council will make a determination on whether assistance will be forthcoming.

In general terms, clerical support will only be offered if a Council employee is a member of the S355

Committee and the assistance is an extension of the employee’s duties.

If support is offered, the level of assistance will be subject to negotiation between the S355 Committee and Council and strict duties established. Council supports the principle that a S355 Committee should be self-reliant and provide its own office bearers.

**Marketing and Promotion**

Hiring a facility is central to the purpose of the S355 Committee. Making the facility readily accessible to the community whilst, at the same time, raising funds for its maintenance and future improvements are some of the main objectives of the S355 Committee.

Marketing and promotion of the facility is necessary to maintain a level of awareness amongst the community for many reasons:

* To keep the facility top of mind for residents. This reminds people of its availability as a venue and will assist in encouraging locals to get involved in some way towards using the facility or volunteering in some capacity.
* Helps engender a sense of community ownership and pride in the venue.
* To encourage the facility’s use with the aim of increasing revenue to maintain and improve the hall’s features.
* To promote the facility as a Council asset delivering benefits to the local community as a critical focal point.

Some ideas for marketing and promotion from existing committee members are provided to stimulate discussion for your facility:

1. Develop a vision for the facility – where would you like to be in five years time?

2. How would you like to engage with your local community?

3. What are the target groups for your venue to increase revenue to pay for hall upkeep?

4. Have an easy to use website with online bookings and calendar.

5. Advertise in local newsletters, etc. (Council’s e-newsletter is available to use)

6. Develop flyers for local noticeboards to place in local businesses

7. Have community open days and allow users to showcase their activity

8. Provide a community function or event

9. Have regular themed social functions

10. Use social media avenues

Council would like to work with S355 committees further on marketing and promoting venues, so please contact Council with your ideas, or for assistance. Whilst Council does not have a separate budget specifically for marketing for these facilities, there are economies of scale in working together to promote the facility throughout the Local Government Area.

**Media**

S355 Committee members are not permitted to speak to the media on any Council matters in their capacity as a S355 Committee member. All such requests received must be referred to the General Manager or their representative.

**Social Media**

Council’s Social Media Policy and Social Media Procedures apply to S355 Committee members.

The General Manager, or their delegate, must approve all Edward River Council official social media sites and official use of social media.

The Social Media Procedures outline how social media needs to be used transparently, responsibly and with respect. Social media posts need to be relevant, accurate and timely.

**Facility Improvement Plan**

A Facility Improvement Plan (FIP) outlines the S355 Committee’s aspirations for the use and development of the facility. The FIP should include longer term goals as well as short term goals.

Having longer term goals may assist to enable funding requirements to be incorporated into Council budget processes. S355 Committees should constantly seek to identify and review potential improvements of the facility.

The FIP will detail what the S355 Committee intends to do to develop the facility:

* What are we trying to achieve?
* How will we achieve it?, and
* How will we know if we are achieving our objectives?

Council officers will work with the S355 Committee to assist in developing the FIP.

S355 Committees must not carry out or authorise capital works, extensions, additions or materially alter the building or surround without prior approval from Council. Irrespective of whether the facility is on Council or Crown land, proposed capital upgrades of assets must be referred to, and approved by Council. Permits, where required, must also be obtained by the S355 committee, through Council’s Environmental Services Team.

Funding sources for works could include:

* Council contributions
* In kind contributions (labour and/or materials)
* Direct fundraising
* Financial contributions from hire fees; and/or
* Grants and contributions from external sources

Where a Capital Works proposal requires funding from sources other than Council the application for funding should be prepared by the user group and/or S355 Committee and submitted by the committee.

**Identifying and Prioritising Works to be Undertaken**

As part of the FIP, S355 Committees can undertake the process of identifying and prioritising works to be undertaken at their facility.

Council will consider, evaluate and prioritise all requests for projects received from S355 Committees. A detailed document must be provided to the Council of the specifics of the project including costs. Those selected will then be referred for consideration for inclusion in Council’s future budget(s).

**Section 12: Maintaining the Facility**

**Repairs and Minor Maintenance**

Each S355 Committee has the responsibility for ensuring that the facility under its control is maintained in a state of reasonable repair and does not present hazards to its users. This may entail regular maintenance (eg. cleaning, replacement of consumables – paper towelling, etc., mowing and watering) and periodic maintenance (eg repairing, replacement of worn or broken items).

Minor maintenance/cleaning is defined as non-structural maintenance (including minor repairs) or cleaning of existing works/structures/buildings.

Minor is a sensible and practical repair on a like for like basis for the continuance of preservation, protection, repair to and upkeep, day to day maintenance. Priority should always be given to statutory and other health and safety requirements and any work relating to emergencies such as major electrical failures; floods; fire damage and the like.

Small scale improvement work is defined as work of a non-routine nature that is considered to not be reactive maintenance. Council staff will inspect the facilities from time to time but the S355

Committee is expected to keep Council informed on any substantial repair or upgrading work required on the facility under their control.

Repair work not able to be repaired by the S355 Committee’s own finances and/or over $1,000 in value must be referred to the Council and will be considered with reference to other priorities of Council depending on the availability of funds and the urgency of the works.

Works considered necessary or desirable but beyond the means or over the delegation of the S355

Committee should be referred to Council in writing so that early consideration might be given to their inclusion in a Works Program or the annual Budget.

An Annual Building Inspection and Management Report is requested by Council from the S355

Committee by the end of December each year and must be returned within 7 days of the inspection being completed.

If the inspections are undertaken in the prescribed manner, insurance premiums can be reduced because Council’s level of exposure to risks is minimised.

A template has been designed to assist you with this inspection.

**See Template** - Annual Building Inspection and Management Report Template

**Use of Contractors**

Whilst S355 Committees are not authorised to engage contractors, it may be necessary for the S355 committee to obtain a list of preferred suppliers to be provided to enable urgent works to be undertaken (eg. Broken water pipe, gas leak etc.). In all cases the relevant contact staff member at Council must be advised prior to the remedial action taking place.

All contractors that are working on behalf of the hirer of the facility in any capacity will provide the hirer a copy of their current public liability policy (minimum cover $20 million) prior to engaging in any activity in the facility. **It is the responsibility of the hirer to ensure that a copy of the policy is attached to the application.**

**Purchasing of Goods and Services**

Council has provided Committees with the delegation to approve financial transactions to the value of $5,000.

Under the Act, Council can assist S355 Committees by purchasing goods to be used in association with the S355 Committee approved function. The benefit to the S355 Committee is that the item would be free of GST and utilise the purchasing power of Council to reduce costs.

The S355 Committee must ensure that suppliers of goods and services, including cleaning and minor maintenance works, are carried out by licensed contractors who must:

* Provide a copy of the public liability insurance and workers compensation Policy (if not a sole trader) ($20 million cover) to the S355 Committee;
* Show compliance with WH&S standards and regulations.
* Comply with the Building Code of Australia and relevant Australian Standards.
* Have an ABN.

All contractors undertaking work at a Council workplace must be inducted to the site and have provided Council with their Work Health and Safety plans and Safe Work Methods Statements.

Note that different maintenance tasks may require professional licences/accreditation such as working at heights, operating machinery (including chainsaw), working in confined spaces, etc. If you are unsure, please check with Council with regards to Work, Health and Safety requirements.

Tasks which possibly do not require professional licensing or accreditation include:

* + - * cleaning
      * mowing
      * gardening

Most other tasks will probably require some form of accreditation or licence. Please note that all contractors require the correct public liability insurance and an ABN. If a contractor does not hold an ABN, for example a Sole Trader, an Australian Taxation Office form “Statement by a Supplier” is to be completed and held with Council.

**See Templates** – Emergency Contacts - Visitor Register

**Quotations**

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

For purchasing of goods and services:

|  |  |
| --- | --- |
| **Value of Purchase inc. GST** | **Procurement Method** |
| Less than $1,000 | Verbal quote or Purchase Card |
| More than $1,000 and less than $5,000 | 1 Written Quote |
| More than $5,000 and less than or equal to $25,000 | 2 Written Quotes |
| More than $25,000 and less than or equal to $50,000 | 3 Written Quotes |
| More than $50,000 and less than  $150,000 | Request for Quotation |
| Equal to or more than $150,000 | Public Tender |

The quotations must be recorded in the minutes of a meeting and the successful quotation recommended by the S355 Committee prior to approval by Council.

S355 Committees can only authorise works up to the value of their delegated limit (eg. $5,000). Any works outside of this delegation must be procured in accordance with these guidelines and a recommendation referred to Council for final decision.

**Major Maintenance, Improvements and Services**

Generally, Council will be responsible for major maintenance, improvements and services as follows:

* + - Health and Safety Requirements;
    - Accessibility and Inclusion;
    - Compliance matters;
    - Asset Protection (Asset management plan eg re-roofing, external painting, structural inspections etc.);
    - Security
    - Regular fire equipment inspection

Other major maintenance such as building extensions and major alterations required to the facility must be made by a Budget Submission from the S355 committee (noted in committee minutes) and received by Council by 31 December of each year. This will then be considered by Council and where possible will be included in a following financial year’s budget.

The annual maintenance and upgrade program run by Council will include a number of community buildings each year. The program is generally based on the results of building condition assessments and audits and consultation with S355 committees.

The relevant section 355 Committees for facilities where works are planned will be notified after the adoption of each annual budget and the works will need to be programmed into the facility calendar.

**Committees Responsibilities**

From the income generated by the facility, the S355 Committee is generally responsible, unless otherwise agreed to by Council, for the costs of such items, but not limited to, such works and services as follows:

* + - Cleaning
    - Internal painting (under 2.4m high)
    - Plumbing maintenance (only by licensed plumbers)
    - Electrical maintenance (only by licensed electricians)
    - Minor repairs, such as broken windows and fittings
    - Hygiene Services
    - Electricity
    - Gas
    - Installation of new internal fittings, such as cupboards
    - Excess water
    - Provision and maintenance of furniture and equipment
    - Insurance premiums adjusted per facility (Council pay this, but its allocated as a S355 committee expense)
    - Testing and tagging electrical equipment
    - Checking the condition of the building

**Section 13: Work Health Safety for Volunteers**

**Council’s Responsibilities**

In NSW, Councils are governed by the Work Health and Safety Act 2011 and must meet certain requirements to ensure a safe and healthy workplace. Under the Act, volunteers and organisations who engage volunteers have responsibilities that were not previously in place and penalties apply for non-compliance with the Act.

Council requires volunteers to be registered, inducted and appropriately trained for the work that they do on behalf of the community.

Council has a responsibility, so far as is reasonably practicable, protect the health and safety of all workers, including volunteer works. Council does this by providing as reasonably practical: -

* Safe work premises
* Safe plant and substances
* Safe work procedures
* Protective equipment
* Information, instruction, training and supervision, and
* Adequate facilities.

Volunteers may carry out a wide range of work in a variety of environments and the level of care will depend on the circumstances of that work. Council makes assessments of the hazards and risks volunteers are likely to encounter and take reasonably practicable steps to eliminate or mitigate potential risks.

**Volunteers (workers) Responsibility**

Under the Act, a worker is described as an employee, contractor, volunteer, apprentice, outworker, trainee, visitor and work experience person in a workplace. Volunteers have the same duties as ‘workers’ at the workplace, being:

* + - To take reasonable care for your own health and safety,
    - To take reasonable care that your conduct and acts does not adversely affect the health and safety of others
    - To comply with any reasonable instruction that is given to you by Council, and
    - To cooperate with any reasonable policy or procedure relating to health and safety at the workplace.

To enable council to meet our requirements under the act, all volunteers must complete a council induction.

A “Volunteer Registration Form” is required to be completed.

**Induction and Training**

The Work Health and Safety Act 2011 requires Council to ensure that volunteers have the skills and training necessary to carry out their activities without risk of harm to themselves or others. Council will provide access to relevant training, including safe work practices and emergency procedures, to increase understanding of workplace hazards and strategies to avoid injury.

Volunteers will attend induction training to inform them of the work health and safety requirements that apply to them whilst they are on Council premises or carrying out Council activities.

**Working with Children Permits, Qualifications and other Licences**

Members of Council S355 Committees should ensure that where work is being carried out that requires specific licences, permits or qualifications that these are current.

Any S355 Committee member or volunteer who as part of their S355 Committee activities, is primarily involved in direct contact with children where that contact is not directly supervised, are required to undergo a Working with Children Check.

Any activity requiring use of vehicles or plant and equipment will also require appropriate licences to be in place for the member or volunteer engaged to drive.

Copies of permits, qualifications or licences should be kept on record for any projects or tasks.

**Managing Risks at Community facilities, including managing Contractors**

All volunteers involved in work at Council workplaces and completing work activities, must be inducted to the site, project or activity prior to the initial commencement of work. Therefore, all work must be approved by Council. Each S355 Committee is asked to select a ‘Maintenance Officer’ (refer Section 4 Maintenance Officer) as the primary contact for works in the community facility.

S355 Committee volunteers have delegated authority from Council to undertake minor repairs and maintenance. Minor repairs can be carried out without explicit permission from Council provided these minor repairs do not involve activities that are listed under the heading below – Section 13 Activities Not to be Undertaken by Volunteers.

All contractors undertaking work at a Council workplace must be inducted to the site and have provided Council with their Work Health and Safety plans and Safe Work Methods Statements.

In order to meet this requirement, S355 Committee volunteers must only use contractors to do work on Council-managed facilities who have been contracted through Council’s procurement process.

**Activities Not to be Undertaken by Volunteers**

The following are some, but not limited to the listed activities, that are not permitted be undertaken by volunteers:-

* + - Any work where asbestos is present or potentially present.
    - Chemical handling
    - Confined space entry
    - Excavation, penetration or trenching
    - Use of electrical tools other than battery operated hand tools
    - Use of ‘plant’ and machinery – any equipment beyond hand tools, e.g. chainsaws, ride on mowers, bob cat
    - Work on electrical equipment
    - Work at heights/ ladders
    - Tree branch removal
    - Burn offs, and
    - Unapproved clearing

**Section 14: Relevant Document Information**

Members of S355 Committees are bound by all Laws, Legislation, Regulations and Policies as employees of Edward River Council. Additional Policies that S355 Committees could find as a useful resource are located on the Edward River Council website.

**Relevant Legislation**

Local Government Act 1993 No 30 [NSW] Local Government (General) Regulation 2021

State Records Act 1998

Work Health and Safety Act 2011

**Relevant Policies**

[Policies and Codes - Edward River (nsw.gov.au)](https://www.edwardriver.nsw.gov.au/Council/Council-Information/Policies-and-Codes)

Code of Conduct

Code of Meeting Practice

Enterprise Risk Management Policy

Records Management Policy

Procurement Policy

**Relevant Procedures**

Social Media Procedure

**Section 15: Templates**

15-1 Annual General Meeting Advertising 

15-2 Template Annual General Meeting Report 

15-3 Template Annual General Meeting Agenda 

15-4 Template Annual General Meeting Minutes Template 

15-5 Annual Report Template



15-6 Emergency Contacts

[Emergencies and Disasters - Edward River (nsw.gov.au)](https://www.edwardriver.nsw.gov.au/Residents/Public-Health-and-Safety/Emergencies-and-Disasters)

15-7 Ordinary Meeting Agenda Template 

15-8 Ordinary Meeting Minutes Template 

15-9 Visitor Register Template

(If reading this electronically, Double click on Word document icon for document to open)

**Section 16: Forms**

16-1 Annual Building Inspection and Management Report Form



16-2 Booking Information and Application Package Form



16-3 Facility Booking Register



16-4 Hire Agreement Casual Users 

16-5 Hire Agreement Regular Users 

16-6 Incident/Near Miss/Hazard Form 

16-7 Incident Notification Report Form 

16-8 Public Liability Insurance Checklist 

16-9 S355 Committee Nomination Form

(If reading this electronically, Double click on Word document icon for document to open)