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Committee of Management Review

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## **1** INTRODUCTION

Edward River Council (Council) engaged the Centium Group to undertake a strategic review of its Section 355 Committee Framework and Community Facility Management Model and prepare a report with recommendations on how the current arrangements could be improved to ensure compliance with the provision of the *Local Government Act 1993*. In view of the large number of Committees in operation across the Local Government Area, the Committee Framework review section was expanded to include all Committees in operation at Council that engaged external stakeholders with a view to providing an integrated approach on the Committee Framework to be utilised by Council.

Edward River Council (Council) was proclaimed on 12 May 2016 following the merger of the former Conargo Shire and Deniliquin Councils.

Under Section 355 of the *Local Government Act 1993*, Councils can delegate some of their functions to committees (commonly referred to as "S355 committees"). Both of Council's predecessors, the former Conargo Shire and Deniliquin Municipal Councils, operated S355 committees, which have continued to be operated by Council.

On 15 August 2016, the Office of Local Government (OLG) issued a circular (16-24) highlighting the need for Councils to review the operations of S355 committees, stating that:

"There have been several recent cases of section 355 committees failing to meet basic governance and accounting standards. This creates significant and ongoing risks for Councils.

Where Councils delegate functions to section 355 committees, including the expenditure of Council funds, it is important that the activities of these committees remain transparent and subject to critical oversight.

Committees should be able to demonstrate clear links with the goals of the Council's Delivery Program while meeting required standards of governance."

This review of its Section 355 committees and its committee framework more broadly will enable Council to ensure that it is meeting the requirements of OLG and that it has provided all relevant stakeholders with the opportunity to review the organisation's current approach to managing community facilities.

Additionally, Council has identified a need to review the organisation's existing approach to community facility management and community committee structures. While the Council's committee framework is not documented, it currently operates a range of committees that could be loosely grouped into four categories:

- 1. *Required committees:* Committees that Council is statutorily required to operate under relevant legislation, such as the *Local Government Act 1993*.
- 2. *Advisory committees:* Committees charged with advising Council on a certain issue, policy area or program.
- 3. *Management committees:* Committees that have delegated responsibility for managing community facilities owned by Council.
- 4. *Working groups:* Committees constituted by Council to have oversight of the development and implementation of specific strategy.

In addition, Council utilises three different approaches to managing community facilities:

- 1. Direct management by Council;
- 2. Management committees constituted by Council; and
- 3. Management by user groups/incorporated associations granted licence agreements by Council.

This strategic review was required to provide a report which examines and provides:

- 1. Best practice applicable legislation, compliance requirements and status
- 2. Recommended framework/model
- 3. Implementation/strategic action plan; and
- 4. Provides the consultation and engagement undertaken.

The review will support and guide Council's strategic decision making about the future operation and management of Council committees and Council owned community facilities.

# 2 ALIGNMENT BETWEEN REQUEST FOR QUOTE AND REPORT DELIVERABLES

ACTION REQUIRED BY RFQ	DELIVERABLE
Liaise with all key Council staff to obtain the necessary information and data necessary for the preparation of the strategic review	Staff were consulted as required with all responsible officers invited to a meeting with the Senior Consultant 26 June 2019 to discuss the review.
	The survey was developed in consultation with key staff and approved by the Executive Management Team.
	Responsible staff were emailed, requested to complete the survey and return to the Senior Consultant.
	Fortnightly phone discussions were held between the Director of Corporate Services Trish Kirkland and Centium's Lisa Sampson Director and Gavin Cator Senior Consultant.
Interview and consult with all relevant stakeholders identified by Council, including but not limited to Councillors, Council officers, committee members and user group/incorporated associations to obtain all required information on	After the agreement with Executive Management Team, the approved survey was emailed or mailed to the identified responsible person on 26 July 2019 with a reminder email sent on 4 August 2019.
facility management and committee structure and operations	Follow up emails were also sent to Mayrung and Booroorban and subsequent consultations conducted.
	Interviews were held with all stakeholders identified by Council on the 14 and 15 August 2019 and the 5 and 25 September 2019.
	Council briefing was held on 5 September 2019.
	Further consultation will be held including Executive Management Team and Councillors on 5 December 2019 prior to discussions with the committees.
Undertake a review of Council's community facility management model and Community Committee Framework	Review completed and a Draft Report presented to Council in December 2019.
Identify a preferred community committee and facility management model for Council, taking into consideration the findings of the review	A four-tier committee framework has been recommended with the report identifying the requirements of the Council and the Committees that correspond to each of the 4 models within the framework.
Identify a detailed implementation/strategic action plan for the preferred committee structure and community facility management model	Recommendations have been included in the report which includes detailed actions for Council to consider enabling the committee framework to be implemented.

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## strategic review of the committee framework & community facility management model $\,\,7$

strategic review of the committee framework &	& community facility management model 7
KEY DELIVERABLES	RESPONSE
<ul> <li>Two separate and stand-alone review documents, namely:</li> <li>Community Framework Review; and</li> <li>Community Facility Management Model Review.</li> </ul>	After discussions with Council, it was determined that a single report containing both reviews should be delivered
<ul> <li>Each of the two review documents is to contain, at a minimum:</li> <li>Executive summary</li> <li>Review purpose</li> <li>Integrated planning and reporting framework</li> <li>Existing framework/model</li> <li>Best practice – applicable legislation, compliance requirements and status</li> <li>Recommended framework/model</li> <li>Implementation/strategic action plan</li> <li>Addendum: Consultation/engagement summary</li> </ul>	The Final Report contains all the requirements as stated

## **3 LEGISLATION AND COUNCIL RESPONSIBILITIES**

Edward River Council is responsible for the management of community facilities (assets). Council manages many of these assets itself. A number of community groups manage certain assets on behalf of Council. At present, these management arrangements are not consistent, however, the most common approach taken by Council has been through the formation of Section 355 committees and full or partial delegation of certain functions.

The *Local Government Act* 1993 (the Act) states that Edward River Council can exercise it's functions, particularly the functions of the management of amenities and facilities, by delegating these functions to a committee of the Council using the following section of the Act:

## s 355 - How a Council may exercise functions

A function of a Council may, subject to this Chapter, be exercised:

- (a) by the Council by means of the Councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the Council, or
- (c) partly or jointly by the Council and another person or persons, or
- (d) jointly by the Council and another Council or Councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the Councils concerned are members), or
- (e) by a delegate of the Council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the Council is a member)

Delegating Authority to a S355 Committee is possible pursuant to Section 377 of the NSW *Local Government Act 1993* (as amended and shown below), which identifies what functions Councils can delegate – or more relevant, what they cannot delegate. It is pursuant to this section of the Act that Edward River Council is able to delegate authority to Community Committees.

#### s377 General power of the Council to delegate

- (1) A Council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the Council) any of the functions of the Council under this or any other Act, other than the following:
  - (a) the appointment of a general manager,
  - (b) the making of a rate,
  - (c) a determination under <u>section 549</u> as to the levying of a rate,
  - (d) the making of a charge,
  - (e) the fixing of a fee,
  - (f) the borrowing of money,
  - (g) the voting of money for expenditure on its works, services or operations,
  - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
  - *(i) the acceptance of tenders to provide services currently provided by members of staff of the Council,*

- (k) the adoption of a financial statement included in an annual financial report,
- (I) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- (m) the fixing of an amount or rate for the carrying out by the Council of work on private land,
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work,
- (o) the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the <u>Environmental Planning and Assessment Act 1979</u>
- (p) the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under <u>section 194</u>,
- (q) a decision under <u>section 356</u> to contribute money or otherwise grant financial assistance to persons,
- (r) a decision under <u>section 234</u> to grant leave of absence to the holder of a civic office,
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
- (t) this power of delegation,
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the Council.
- (1A)Despite subsection (1), a Council may delegate its functions relating to the granting of financial assistance if:
  - (a) the financial assistance is part of a specified program, and
  - (b) the program is included in the Council's draft operational plan for the year in which the financial assistance is proposed to be given, and
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the Council's proposed income from the ordinary rates levied for that year, and
  - (d) the program applies uniformly to all persons within the Council's area or to a significant proportion of all the persons within the Council's area.
- (2) A Council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the Council) any function delegated to the Council by the Departmental Chief Executive except as provided by the instrument of delegation to the Council.
- (3) A Council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

Pursuant to S377 (2), Edward River Council can, by resolution, sub-delegate to a committee and therefore this delegation needs to be undertaken with the formation of an instrument of delegation between the committee and the Council. Many of these formal instruments could not be located given that a number were formed by antecedent Councils. These provide for a clear understanding of how the committee operates, whether it operates on behalf of the Council or independent of the Council and provide expectations of Committee responsibilities under the Act. Council also has the responsibility for accounting for the monies held by each committee within it's consolidated yearly accounts which are subject to audit and this isn't currently the practice.

In addition to the above, on 15 August 2016 the OLG issued circular 16-24 / 15 August 2016 / A506736 which stated the following:

## What's new or changing

 Councils are encouraged to review the operations of committees established under section 355 of the Local Government Act 1993 (the Act).

#### Key points

- There have been several recent cases of section 355 committees failing to meet basic governance and accounting standards. This creates significant and ongoing risks for Councils.
- Where Councils delegate functions to section 355 committees, including the expenditure of Council funds, it is important that the activities of these committees remain transparent and subject to critical oversight.
- Committees should be able to demonstrate clear links with the goals of the Council's Delivery Program, while meeting required standards of governance.
- Following the upcoming local government elections, Councils are encouraged to review the operations of all section 355 committees to ensure they continue to be fit for purpose, and their functions and expenditures align with the goals of the incoming Council's Delivery Program.

The review undertaken has been designed to meet the requirements of the OLG.

Another avenue for the Council to explore is the establishment of incorporated associations to operate these community facilities with the incorporated body having a licence to use and maintain the facility. This licence would clearly state the roles and responsibilities of both the Council and the incorporated association.

An incorporated association "is a registered legal entity usually established for recreational, cultural or charitable purposes. ... Incorporation makes an association a legal entity and gives it a legal structure independent of its individual members, making it easier for the organisation to enter into contracts.<sup>1</sup>"

An incorporated association in NSW must consist of the following:

"A group of five or more people may form an incorporated association in New South Wales by registering with NSW Fair Trading. These incorporated associations should be small-scale, non-profit and non-commercial in nature.<sup>2</sup>

Council is also able to have committees, such as Advisory committees, that provide nonbinding advice to it. Such committees provide valuable assistance to Council by indicating either user comments or wider community feedback to certain Council proposals and activities. Advisory committees can either be ongoing or limited tenure committees which have clearly defined terms of reference to ensure that both Council and the relevant committee understand the reasons for the committee and the roles and responsibilities of the committee members. They provide another avenue for the Council when examining the structure of its community committees.

<sup>&</sup>lt;sup>1</sup> https://www.business.vic.gov.au/setting-up-a-business/business-structure/incorporated-association

<sup>&</sup>lt;sup>2</sup> <u>https://ablis.business.gov.au/service/nsw/incorporation-of-an-association/16627</u>

Therefore, the Council can establish three models of community committees

- 1. S355 Committees
- 2. Incorporated community committees; and
- 3. Community committees

Council needs to be aware when deciding on which is the best model for each of the existing committees subject to this report, that no one model will provide for all of its committees and this report will examine the current committee structure as well as the existing community facility managements arrangements and recommend which model(s) should be applied to each specific committee.

# 4 EXISTING COMMITTEES AND THEIR RESPONSIBILITIES

Council has several committees that exist. These are listed, together with a short description of each committee, in **Annexure A.** This report examines the role of the committees that operate in managing the Council facilities and assets in detail while suggesting approaches for Council to take to oversee those committees who do not undertake this function for Council.

## **5 CONSULTATION APPROACH**

The consultation was undertaken by the following methods

- 1. Initial discussions with Council staff
- 2. Survey of the committees nominated; and
- Interviews with representatives of the nominated committees
- 4. Continuing discussions with Council representatives

The following is a summary of these discussions, survey results and interviews with the committee representatives.

## 5.1 Discussions with Council staff

A preliminary meeting was held with Edward River Council staff that had responsibility or contact with the Council committees on 26 June 2019. A discussion was held relating to the composition of the existing committees and how this varied from committee to committee. It was evident from discussions with staff that when this review had been discussed with representatives from various committees that some had expressed reservations.

It was emphasised that any approach to examining the functions, roles and responsibilities of committees needed to be managed carefully, that the purpose of the review needed to be explained and that a variety of consultation mechanisms needed to be used with all relevant stakeholders to optimise the result for Council. The mixed model of consultation was discussed and agreed upon with the distribution of an initial survey and followed by a collective meeting with the committees. Following further discussions, it was decided that individual meetings with the committee representatives at their locations would be preferred rather than a collective meeting.

Upon review of the 26 current committees that exist at Edward River Council, a determination was made that the committees which were to be asked to participate in individual meetings would be limited to those committees that managed facilities on behalf of Council. **Annexure B** provides detail on which committees would be included. Following this, a letter was sent to these committees indicating that the review was to commence and providing an overview of the process involved as detailed in **Annexure C**.

It was also determined that one report would be preferred to the two reports indicated in the original scope.

### 5.2 Survey

The survey was developed in cooperation with senior staff of Edwards River Council and was approved on 26 July 2019 with a copy contained in **Annexure D**.

The approved survey included 60 questions across 10 key focus areas including 1) Committee Details; 2) Relationship with Council; 3) S355 Committee Compliance with the Local Government Act; 4) Meetings and Records; 5) Risk; 6) Sustainability; 7) Finance; 8) Halls and Grounds; 9) Buildings and Maintenance; 10) Promotional Activities and Events.

The survey was emailed or mailed via post to the committee via the identified responsible person.

On 4 August 2019, a reminder email was sent to those committees who did not respond to the original email. The two committees that were sent surveys via surface mail responded to the initial request.

## 5.3 Consultation undertaken

In addition to the survey the following consultation was undertaken:

- 14 August
  - o Conargo Hall Committee,
  - o Blighty Advancement Committee,
  - Friends of Deniliquin Cemetery
- 15 August
  - o Deniliquin Multi-Arts Committee,
  - o Deniliquin Community Garden Committee,
  - Pretty Pine Grounds Committee
  - Wanganella Hall Committee
- 5 September
  - o Briefing of Edwards River Councillors
  - o Edward River Concert Band committee
- 25 September
  - Booroorban Sport and Social Club Committee
  - o Mayrung Hall Committee

Fortnightly meetings with Council's Director of Corporate Services Trish Kirkland and Centium's Lisa Sampson, Director and Gavin Cator, Senior Consultant.

## **6 FINDINGS FROM COMMITTEE CONSULTATION**

Following receipt of the returned surveys, they were collated into a table **Annexure E** with the following being a summary of the results received as well as the discussions held with representatives of the committees following receipt of the survey results.

### 6.1 Relationship with Council

All but one of the committees feel like they are supported by Council. Through discussions, all committees indicated that they would like more involvement with Council and would like to do more at the respective facility with which they were involved. Some committee representatives expressed reservations about whether Council would allow them to undertake some works, but all indicated that they would like clarity around the responsibility split or sharing between Council and the committee.

Specific findings of concern in relation to this focus area from the survey and individual discussions with committees included the following:

- There is no induction for new or continuing committee members offered by Council
- There is no training in Code of Conduct, meeting procedures, committee management, financial management and other compliance requirements offered by Council
- Most committees feel like they have access to ongoing support and know who to contact if they have a problem, however, the spread of contacts included Council's front desk, Councillors and several Council staff members.

## 6.2 S355 Local Government Act

The committees were asked to provide information on how members are appointed to the committee, information on committee members, the committee's understanding of the Local Government Act requirements as these pertain to S355 committees and training received from the Council.

From the results of the surveys and the discussions with the committees, most are aware of s355 obligations, however there is no consistent approach to meeting requirements amongst the committees. How the members are elected or nominated indicates that some thought will be needed for the final structure of the committees established by Council as some may not desire or have the capability to perform all the obligations required from an s355 committee.

Specific findings of concern in relation to this focus area from the survey and individual discussions included the following:

- There was no consistent process for the nomination and election of members, for holding Annual General Meetings or for undertaking business at other meetings. Committee membership issues are due in part to the numbers of community members in small regional communities and the perceived overall willingness of community members to be on committees. Blighty Advancement Committee has a process of two representatives from each user group forming the committee, while elections are held, while the Multi-Arts Committee also has representatives from user groups. This will impact on the type of Council committee that can be recommended.
- Various numbers of people form the committees.

- Most committees report that they are aware of their obligations under s355; however, this was surprising given the other responses received. In discussions with the committees they, while they were aware of s355 committees, particularly those committees in the former Conargo shire, were not generally operating as an S355 committee.
- Most committees notify Council about changes to membership; however, Council does not have a central database for its committees
- Most committees don't have position statements for committee members
- While some committees indicated that they are aware of Pecuniary Interest, no declarations are made at the meetings and in discussions, it appeared that they were not aware of the details of Pecuniary Interest
- While the committees indicate that they are aware of Council's Code of Conduct, they have had no training from Council on this when in discussions the extent of their knowledge is limited.
- All committees indicate that they do not receive any other training from Council

### 6.3 Meetings and records

There is considerable variation in the approach to the keeping of records and the number of meetings, however, all committees indicated that they were happy with the frequency of their meetings. Of the nine committees surveyed, only four committees provided copies of the minutes of meetings. From an examination of these, the standard of minutes is acceptable.

Specific findings of concern in relation to this focus area from the survey and individual discussions included the following:

- Most committees have AGM's however the number of committee members across committees is not consistent
- All committees are satisfied with the number of meetings they hold
- Council generally has a representative attend meetings of committees, especially if requested
- Agendas are generally prepared, however not all committees have minutes
- Risk management issues are not generally discussed at meetings (see 6.4)
- There is no consistent approach to record-keeping of correspondence received by the committee
- A variety of methods are used to keep booking records

## 6.4 Risk Management

Risk management isn't clearly understood by the committees and apart from the Wanganella Hall Committee, Committees do not have risk management guidelines. This exposes Council to a range of risks as the owner of the facilities.

Risk management approaches by the committees rely heavily on Council. While the committees indicate that they undertake regular inspections, upon discussion, these appear to be the annual inspections undertaken by Council. When hiring facilities, the committees don't generally ensure that hirers have appropriate insurances. Committees indicated that Council arranges all contractor work and understand that ensuring contractors have insurance is the responsibility of Council.

Specific findings of concern in relation to this focus area from the survey and individual discussions included the following:

- Council undertakes an annual Workplace Health and Safety assessment, and this is relied upon by the Committees as their risk assessment
- Majority of committees do not have guidelines to address risk issues as they arise
- Committees indicate that regular risk inspections are undertaken, however when questioned this was the Council Workplace Health and safety check
- While some committees indicate that the ensure that hirers have appropriate insurance, no copies are kept

## 6.5 Sustainability

The question of sustainability was not understood by the committees. However, from the surveys and the interviews, there is a heavy reliance on Council to provide both a yearly operating budget allocation as well as the opportunities to apply for capital projects within the budget and grants and to be considered for external grant opportunities. This section was also covered in other areas of the survey.

We were not able to make specific findings of concern in relation to this focus area from the survey and individual discussions.

## 6.6 Finance

Most committees have bank accounts and provide Treasurer's reports to meetings of the committees. However, each committee's accounts are not audited (apart from Wanganella Advancement Committee). As these committees operate these facilities on behalf of Council, the finances need both to be audited and a provision made within Council's consolidated annual statements for the balance of funds in each committee's account.

The Edward River Concert Band Committee rely upon Council for all banking transactions and Council pays the band to enable the employment of a bandmaster. Council also undertakes the management of the Community Garden.

Most committees expressed the view that while Council provided operating budgets for the committees, the expenditure of this allocation was not transparent.

There is some exposure to risk due to this approach to financial management undertaken by the committees.

Specific findings of concern in relation to this focus area from the survey and individual discussions included the following:

- All committees except for the Edward River Concert Band and the Community Gardens committee have bank accounts with these committees relying on Council to provide banking support.
- All committees indicated that a treasurer's report is presented at their meetings, however, not all committees provided a copy of their treasurer's report to us. All these reports were acceptable however were in varying formats
- Conargo Hall committee and the Community Gardens have petty cash arrangements
- Wanganella Hall committee is the only committee to prepare a BAS return as they still are an incorporated body

 Pretty Pine Recreation Committee, Wanganella Advancement Committee and the Community Garden are the only committees that have their accounts audited

#### 6.7 Halls and Grounds

There is a range of risk exposures to Council in the committee operations of the Halls and grounds.

Conargo Hall Committee and the Multi-Arts Committee indicated that their facilities had masterplans, and there are various responses to the other questions asked in the survey. While some committees indicate that they provide hirers with a condition checklist, most do not request that the checklist be returned to the committee. Some committees request hirers for copies of Responsible Service of Alcohol certificates however, these are not recorded.

Most committees reported that hirers are not asked to provide copies of their insurance policies or incident report forms (except for Blighty Advancement committee). Most committees do not use safety inspection checklists (except for the Multi-Arts Committee).

Specific findings of concern in relation to this focus area from the survey and individual discussions included the following:

- Masterplans exist for Conargo Hall and the Multi-Arts precinct
- No formal tenure agreements exist with Council for Crown Lands
- Only three committees use an application to hire forms
- 50% of committees provide hirers with a statement outlining their responsibilities
- While three committees indicate that they collect RSA's from hirers, none could provide details of where these are recorded
- Four committees provide hirers with a condition checklist to complete
- Only one committee askes hirers for a copy of their insurance policies
- No committee provide hirers with an incident report form
- Only one committee uses a safety inspection checklist

#### 6.8 **Building Maintenance**

Responsive maintenance appeared to be the most frequent reason for works being undertaken on the facilities rather than a regular (e.g. weekly or monthly) inspection regime using a checklist that is retained by the committee. While building inspections are undertaken, these are generally by members noticing a maintenance matter that needs attention.

Most committees expressed the view that they would like to do more around their facility. Many expressed some frustration about not being present when Council or Council arranged contractors undertook works. Whilst committees were appreciative of prompt actions taken by Council, many reported that works undertaken were not what exactly was requested by the committee.

Most committees expressed the view that while Council provided operating budgets for the committees, the expenditure of this allocation was not transparent. Many expressed the view that if their Committee were allocated some funds from Council, that they would be able to undertake various works. Committees expressing such views believed that such handling would be a saving for Council as many of the committees had contacts with local contractors and some had skills within the committee to undertake minor maintenance works. This led some Committees to conclude that this would empower them to be more active with building maintenance.

Specific findings of concern in relation to this focus area from the survey and individual discussions included the following:

- Building maintenance is initiated by contacting the Council
- All committees undertake regular building inspections; however, no records are kept.
- No checklists are used for building maintenance inspections

#### 6.9 **Promotional Activities and Events**

Some of the committees use local press and radio, social media and the visitor information centre to advertise events that they hold. Six of the committees hold regular events to bring their communities together such as annual Christmas parties, cricket matches, movie nights etc.

In many ways, these facilities are the centre of the communities and the committee members would be able to provide Council with valuable insight into what is happening within the village and the surrounding community. Council may wish to explore this as an option of expanding the role of these committees (especially those located outside Deniliquin) into community building committees.

While the committees run events and some large events such as the Polocrosse carnival conducted at Pretty Pine Recreation Reserve, no event analysis forms are completed with post-event analysis undertaken at the next meeting of the committee or the working bee held to clean up after the event. No committee prepares traffic management plans.

Specific findings of concern in relation to this focus area from the survey and individual discussions included the following:

- No traffic management plans are in place
- No event analysis form is used
- Variable post-event analysis is undertaken

When examining what Edward River Council should operate its committees that manage facilities and the other committees it is worthwhile to examine what other like-sized Councils and to provide a benchmark for Council consideration. From research conducted into how 5 regional NSW Councils operate their various Committees, the following was information was gleaned:

COUNCIL	COMMITTEE STRUCTURE
Coffs Harbour	s355 Community Venue Management committees s355 Advisory committees
Snowy Monaro	s355 community facility management committees s355 advisory committees
Lachlan Shire	s355 community facility management committees s355 advisory committees
Byron Bay	s355 Committees Advisory committees Panels
Broken Hill	s355 Asset committees s355 Advisory Committees

Examination of the above indicates that all Councils have S355 committees for the management of community facilities and four have S355 committees as advisory committees while Byron Bay has committees that are not S355 committees as advisory committees and Panels. In conclusion, each Council has designed a committee structure that best suits its local government area.

In examining the committees set up by each Council, each has the following features in common:

- Constitutions or Terms of Reference
- All committees that look after assets are S355 committees
- Council representatives on S355 committees are Councillors or Council officers
- Council representatives on other committees are determined on a need's basis

Another avenue for the Council to explore is the establishment of incorporated associations to operate some community facilities with the incorporated body having a licence to use and maintain the facility. This licence would clearly state the roles and responsibilities of both the Council and the incorporated association.

An incorporated association "is a registered legal entity usually established for recreational, cultural or charitable purposes. ... Incorporation makes an association a legal entity and gives it a legal structure independent of its individual members, making it easier for the organisation to enter into contracts.<sup>3"</sup>

<sup>&</sup>lt;sup>3</sup> https://www.business.vic.gov.au/setting-up-a-business/business-structure/incorporated-association

An incorporated association in NSW must consist of the following:

"A group of five or more people may form an incorporated association in New South Wales by registering with NSW Fair Trading. These incorporated associations should be small-scale, non-profit and non-commercial in nature.<sup>4</sup>

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This approach would be particularly attractive to those communities that would not attract significant membership and the functions and requirements of an S355 committee may be onerous on these members.

<sup>&</sup>lt;sup>4</sup> <u>https://ablis.business.gov.au/service/nsw/incorporation-of-an-association/16627</u>

## 8 RECOMMENDED COMMITTEE STRUCTURE

### 8.1 Four Tier Approach

In discussing the proposed structure for committees at Edward River Council there needed to be an understanding of the role and purpose of the committee, the current risks to both the committee and the Council, the assets and facilities that they have under their management and the usage of those facilities, the ability of the committees to attract and retain members as well as the capability of the individual committee members. The historical nature of the current committee is less important to this review.

Taking the above into account, the responses to the surveys, interviews with the committees with facility management responsibilities and discussions with Council staff the following four-tier structure is recommended

- S355 Committees
- Advisory Committees
- Single Purpose Project Reference Groups
- User Group Reference Committees

The following section of the report provides for the structure of each tier, which committees that should be formed under each tier and any other applicable observations.

## 8.2 S355 Committees

The following is recommended for the s355 committees.

#### 8.2.1 Structure

Each committee would have documentation from the Council

- Delegations from Council with the ability to
  - Hold bank accounts
  - Ability to raise and expend funds
  - o Obligations under the Local Government Act
- Terms of reference or guidelines which provides for, as a minimum the following
  - o Obligations under the Local Government Act
  - o Governance and good management practice
  - Reporting requirements
  - Financial management obligations
  - Committee membership
  - Conduct of meetings
  - Office bearers
  - The clear understanding of what asset responsibilities are Council is responsibility and the committee responsibility
  - o Risk management

#### 8.2.2 Which Committees Would This Be Applicable To?

- Blighty Advancement Committee
- Conargo Hall Committee
- Deniliquin Multi-Arts Centre Committee

- Pretty Pine Recreation Reserve.
- Long Paddock Committee

#### 8.2.3 Other observations and recommendations based on Survey & Discussions

During interviews, most committees expressed the view that

- Council operating budgets for committees were not transparent; and that
- They could assist Council with minor maintenance.

As such Council should build a process in the annual budget cycle that requires Council officers to meet with the committees and inspect the facilities and discuss the needs of the committee and then refer the required minor and major capital works of the committees to the Council budget deliberations. Together with this, each committee would then become responsible for all minor maintenance under \$1000 ensuring that any works undertaken are in accordance with Councils purchasing policy.

Council needs to undertake training for committee members once the Terms of Reference or Guidelines are adopted to ensure there is a clear understanding of the committees' obligations.

Risk management isn't clearly understood by the committees and as such this needs to be discussed with the committees as a priority.

Therefore, it is recommended that Council:

- 1. Develop in cooperation with the committees and adopt by resolution delegations for each S355 Committee. A suggested delegation is shown in **Annexure H**
- Develop in cooperation with the committee's Terms of Reference/Guidelines that provide the basis for the committee's operations Annexure F has the suggested contents for Terms of Reference/Guidelines
- Build a process in the annual budget cycle that requires Council officers to meet with the committees and inspect the facilities and discuss the needs of the committee and then refer the required capital works of the committees to the Council budget deliberations; and
- 4. Each committee becomes responsible for all minor maintenance under \$1000 ensuring that any works undertaken are in accordance with Councils purchasing policy.
- 5. Council develop and provide induction training (incorporating risk identification and management) to each Committee, preferably on an annual rotational basis that includes existing and new committee members)
- 6. Council should provide initial and ongoing training on its Code of Conduct to Committee members.
- 7. Council develop downloadable templates (or non-negotiable inclusions for same) for use by each Committee which includes (but are not limited to) the following:
  - a. AGM Minute format
  - b. Schedule of entity-affecting changes about which to notify Council
  - c. Meeting Agenda formats
  - d. Meeting Minute formats
  - e. Committee Nomination form
  - f. Pecuniary Interest Declaration form
  - g. Bookings Register
  - h. Hirer Application form (including Venue Condition Checklist and Incident Report Form)
  - i. Hirer Responsibilities form

- j. Building Inspection Checklist
- k. Traffic Management form
- I. Post-Event Analysis Form
- Council examine its current management arrangements with the Edward River Concert Band Committee arrangement. This committee may be best transitioned to an incorporated association.
- 9. Council examine if it wishes to continue its management arrangement with the Deniliquin Community Garden.

## 8.3 Advisory Committees

The following is recommended for the Advisory Committees

#### 8.3.1 Structure

- Terms of Reference adopted by Council
- The committee exists for the term of Council
- Has no delegated authority from Council
- Council staff in attendance at committee meetings
- Formal meeting structure and compliance with the Act (election of members, conflict of interest etc.)

#### 8.3.2 Which committees would this be applicable to?

- Cemetery Advisory Committee
- Australia Day Advisory Committee

#### 8.3.3 Other observations and recommendations based on Survey & Discussions

In discussion with officers relating to the roles of the committees, it is recommended that the Edward River Tidy Towns Committee be disbanded as they don't currently have any real purpose as a Council committee they meet informally and are able to bring any matters they require assistance with to the Council.

In addition, officers advise that the draft Tourism Development Plan recommends disbanding this committee in favour of several business and tourism sector engagement activities undertaken each year.

As Edward River Council Heritage Committee no longer exists however there is no Council resolution disbanding the committee.

It is recommended that Council:

- 1. Disband via resolution the Edward River Council Heritage Committee
- 2. Disband via resolution the Deniliquin Promotions Advisory Committee
- 3. Disband via resolution the Edward River Tidy Towns Committee.
- 4. Develop and adopt via resolution Terms of Reference for each current and all future Advisory Committees. A suggested Terms of Reference is shown in **Annexure G**

## 8.4 Single Purpose Project Reference Groups

The following is recommended for the Single Purpose Project Reference Groups.

#### 8.4.1 Structure

- Terms of Reference adopted by Council with clear objectives stated
- The group exists for a specific purpose with a short timeframe
- No delegated authority from Council
- Council staff in attendance at committee meetings
- No formal meeting structure but meeting agenda and actions are recorded
- Reports to Council following which the committee disbands

#### 8.4.2 Which committees would this applicable to?

- Deniliquin Town Hall Revitalisation Project Reference Group
- Edward River Open and Public Space Planning Group

#### 8.4.3 Other observations and recommendations based on Survey & Discussions

It is recommended that Council develop and adopt via resolution Terms of Reference for each current and all future Single Purpose Project Reference Groups

### 8.5 User Group Reference Committee

The following is recommended for the User Group Reference Committee

### 8.5.1 Structure

- Terms of Reference adopted by Council with clear objectives stated
- No delegation
- Clear objectives, generally support Council activities
- Council has management and control of facilities

#### 8.5.2 Which committees would this be applicable to?

- Edward River User Group
- Memorial Park Users Group
- Rotary Park User Group
- Edward River Council Airport Advisory Committee (change name to Edward River Airport User Reference Group)

#### 8.5.3 Other observations and recommendations based on Survey & Discussions

It is recommended that Council develop and adopt via resolution Terms of Reference for each current and all future

#### **INCORPORATED ASSOCIATION** 9

During the consultation with the various committees, there was a differing level of committee maturity within each committee, with some operating within the existing s355 structure (albeit without current delegations and up to date guidelines) with others not at this level. Council may not be able to place the latter committees within the s355 Local Government Act guidelines with some seeing this as overly onerous. Council needs to understand these concerns and develop another alternative. As indicated earlier in the report forming Incorporated Associations for the committees as identified will ease the compliance requirements for these committees.

The Edward River Concert Band Committee relies on the Council for the overall management of the committees and that Council pays the band to enable the employment of a bandmaster. Council should examine if it wishes to continue this arrangement, as it is the only committee that it offers this level of support. This committee should be transitioned to an incorporated association.

Council also undertakes the management of the Community Garden, due to some historical issues that existed however this should be examined in the short to medium term to determine if this function should continue with a recommendation that it be also transitioned to an incorporated association.

Council should assist these committees to become incorporated and it is recommended that a transition date of 30/05/20 is both reasonable and achievable.

The following is therefore recommended for the Incorporated Bodies.

## 9.1 Structure

- Committee to become incorporated
- Licence agreement to use the facilities which would contain
  - The area and facilities are contained in the licence
  - The minimum expectation from Council regarding
    - Financial management
    - Governance
  - A clear understanding of what asset responsibilities are Council is responsibility and the committee responsibility
- Council to provide assistance to these committees to become Incorporated

## 9.2 Which committees would this be applicable to?

- **Booroorban Hall Committee**
- Mayrung Hall
- Wanganella Hall
- Edward River Band Committee
- **Deniliquin Community Gardens**

## 9.3 Other observations and recommendations based on Survey & Discussions

During interviews, most committees expressed the view that

- Council operating budgets for committees were not transparent; and that
- They could assist Council with minor maintenance

As such Council should build a process in the annual budget cycle that requires Council officers to meet with the committees and inspect the facilities and discuss the needs of the committee and then refer the required minor and major capital works of the committees to the Council budget deliberations. Together with this, each committee would then become responsible for all minor maintenance under \$1000 ensuring that any works undertaken are in accordance with Councils purchasing policy.

Council needs to undertake training for committee members once the Terms of Reference or Guidelines are adopted to ensure there is a clear understanding of the committees' obligations.

As risk management isn't clearly understood by the committees that this be discussed with the committees as a priority.

Therefore, it is recommended that Council, in addition to recommendations numbered 2 to 6 as shown in 8.2.3 above

- 1) Assist the committees to become Incorporated Associations
- 2) Develop Licence agreements for Incorporated Associations for Council resolution

# **10 ADDITIONAL OBSERVATIONS**

#### **10.1 Conargo Bequest**

The Conargo Hall and Recreation Reserve committee have received a substantial bequest. Both Council and the committee wish to establish a process so that funds bequeathed are used for the purpose intended and the money is to be provided to the committee to be dispensed and reported on in line with the terms of the bequest.

The committee wishes to establish an education fund with a scholarship(s) provided on an annual basis for local persons following an application process.

Council has received legal advice which in closing states 'it is therefore open to Council to review and update its instrument of delegation.' This would necessarily involve drawing up an instrument of delegation.

Subject to further legal advice, the following may suffice for the committee and the Council.

- Reference in the instrument of delegation Council's agreement to the terms of the bequest, subject to compliance with reporting requirements under the law
- Establishing a Trust and developing terms for the trust deed that satisfies the committee and the Council.

To ensure that the funds are used for the purposes as established by the current committee and Council, it should be considered that Councillors or a senior responsible Council officer (e.g. the General Manager) be a member of the trust.

In addition to the above, it may be preferable to have a bank account with joint signatories between Council and trust committee.

## **10.2 Development of a Terms of Reference/User Guidelines**

Council will need to develop Terms of Reference or user guidelines to assist it's S355 committees and Incorporated Body Committees.

There are three options available for Council;

- Start with a blank canvas (headings only and work with the committee to develop the guidelines)
- Draft the guidelines and work with the committee and then consult with the committees to finalise
- Present to the final guidelines to the committee

Due to the differing maturity of the committees, it would be preferable that Council draft the guidelines and work with the committee and then consult with the committees to finalise. This will enable Council to provide what is required in the guidelines however seek community input to ensure the requirements of S355 and the *Incorporation Associations Act* is met without placing onerous requirements on the voluntary committees.

It would be envisaged that while there would two guidelines will be developed to ensure compliance with both the Local Government Act and the Incorporation Associations Act.

## **10.3 Single point of contact**

All committees expressed the view that they had excellent to very good relationships with the Council. When examining the surveys and following the interviews with the committee's Council should consider a single point of contact for each of the committees. Whether this is an officer of the status that can make decisions on behalf of Council allocated to a committee of a single officer who is given responsibility for all committees is for Council to determine.

## **10.4 Community building**

In most cases, the facilities are the centre of activity for the surrounding communities in the villages outside Deniliquin the committee members would be able to provide Council with valuable insight into what is happening within the village and the surrounding community. Council may wish to explore an option of expanding the role of these committees (especially those located outside Deniliquin) into asset-based community development committees.

## **10.5 Numbers of committees**

Council has several committees that appear to have a similar role or maybe a committee that does not undertake a role for the Council and has existed for historical reasons. This review was not tasked with the responsibility of examining the functions of each of the committees however it would be worthwhile when implementing the new structure that all committees be examined to ensure they are performing a worthwhile function for the Council. Following the review of the committee structure and how the facilities are being managed the following recommendations are made in addition to those shown earlier in this report

- 1. A four-tier structure for committees be adopted with recommendations as shown being implemented
  - a. S355 Committees
  - b. Advisory Committees
  - c. Single Purpose Project Reference Groups
  - d. User Group Reference Committees
- 2. Implement Incorporated Associations for those committees for which the four-tier structure does not apply
- 3. With each existing committee being advised of the results of the review and which tier to which they have been assigned
- 4. Implement a staged approach to implementation of this structure
- 5. Council develop and maintain a master database of Committees that clearly define which model within the framework has been adopted for each Committees and standardized operational information
- 6. Assist Conargo with the trust deed associated with the bequest
- Examine the purchase of an accounting package (Xero, MYOB) for the S355 committees and Incorporation Associations to allow consistency of information provided to Council for consolidating within its accounts
- 8. Examine of expanding the role and responsibility S355 committees and Incorporated Associations (outside Deniliquin) to include Asset Based Community Building activities.
- 9. Provide a single point of contact for each of the committees.
- 10. Examine the need for/combining some of the existing committees
- 11. Continually review the operations of committees to ensure that they are adding value to the Council operations

## **12 DEVELOPMENT OF AN IMPLEMENTATION PLAN**

The following chart and table provide an estimated timeline for undertaking the actions and recommendations as detailed in this report.



Required Action	Start Date	Estimated Completion Date
Council to adopt the recommendations with or without amendment	1/12/2019	31/12/19
Meet with the committees to advise of the final position of the Council	6/01/2020	28/02/2020
Commence and finalise terms of reference, trust deed and other documents for the Conargo Hall Committee and bequest management	6/01/2020	30/04/2020
Disband via resolution Committee's recommended for disbanding, e.g. the Edward River Council Heritage Committee, Deniliquin Promotions Advisory Committee and the Edward River Tidy Towns Committee.	1/05/2020	30/05/2020
Prepare delegations and adopt via resolution S355 Committees	1/05/2020	30/09/2020
Assist committees to become incorporated associations	1/05/2020	30/09/2020
Develop licence agreements and adopt via resolution for incorporated bodies	1/06/2020	30/09/2020
Develop Terms of Reference/Guidelines for committee operations with committees	1/06/2020	30/09/2020
Develop standard Terms of Reference for Advisory committees, Single Purpose Project Reference Groups and User Group Reference Groups	1/06/2020	30/09/2020
Commence the process to seek membership of the committees	1/12/2020	28/02/2021
Adopt by resolution the members of the S355 committees	1/02/2021	28/02/2021
Develop the master database of committees	30/08/2020	30/01/2021
Develop and commence training of the committee's	30/11/2020	30/01/2021
Develop downloadable templates (or non-negotiable inclusions for same) for use by each Committee	30/09/2020	28/02/2021
Examine the purchase of accounting package for S355 and Incorporated bodies	30/01/2021	31/03/2021
Build a capex budget process with S355 Committees	01/11/2020	31/03/2021
Assess the single point of contact for each committee	1/10/2020	30/01/2021
Assess expanding the role of the S355 and Incorporated associations into community building committees	30/11/2020	30/05/2021
Assess the existing committees, Deniliquin Community Garden and the Edwards River Concert Band committee	30/11/2020	30/05/2021

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# **13 ANNEXURES**

- **A.** Existing committees of Edward River Council,
- **B.** The detail on which committees would be included.
- c. Introductory Letter sent to committees
- **D.** Survey sent to the committees
- E. Collated returned Surveys
- F. Possible contents for the Committee Guidelines
- G. Possible Terms of Reference for Advisory Committees
- **H.** Possible Delegations for S355 Committees

## **13.1 ANNEXURE A: Existing committees of Edward River Council,**

ADVISORY COMMITTEES	
Australia Day Committee	Aids Council with the organisation and holding of Australia Day activities
Cemetery Advisory Committee	Provides support to Council in maintenance activities at the Deniliquin Cemetery
Deniliquin Community Garden Committee	Oversees the operation of the Deniliquin Community Gardens
Deniliquin Promotions Advisory Group	Tourism/Promotions group for Deniliquin
Edward River Concert Band Committee	Operates the Edwards River Municipal Band
Edward River Council Airport Advisory Committee	Advises Council on Airport operations
Edward River Council Floodplain Risk Management Advisory Committee	Advises Council on floodplain management
Edward River Council Heritage Committee	Disbanded
Edward River Council Tidy Towns Committee	Undertakes annual Tidy towns activities
Edward River Users Group	Stakeholders of the Edward River users group
Long Paddock Committee	Joint committee between Councils to support and promote the Long Paddock (Cobb Highway)
Memorial Park Users Group	Users of Memorial Park that assist and advise Council
Rotary Park Advancement Committee	Committee that assists with the betterment of Rotary Park
COMMUNITY FACILITY MANAGEMENT CO	DMMITTEES
Booroorban Hall Committee	Committee who manage and operate the Booroorban Hall and Recreation Reserve
Blighty Advancement Committee	Committee who manage and operate the Blighty Hall and Recreation Reserve
Conargo Memorial Hall and Recreation Ground Committee	Committee who manage and operate the Conargo Hall and Recreation Reserve
Deniliquin Multi-Arts Centre Committee	Committee who manage and operate the church, Childcare centre and the church hall
Mayrung Hall Committee	Committee who manage and operate the Mayrung Hall, tennis courts and recreation reserve
Pretty Pine Hall Committee	Committee who manage and operate the Pretty Pine Hall, recreation reserve
Wanganella Hall Committee	Committee who manage and operate the Wanganella Hall and surrounds
PROJECT REFERENCE GROUPS/COMMIT	TEES
Deniliquin Town Hall Revitalisation Project Reference Group	Council reference group assisting with the Hall revitalisation
Edward River Open and Public Space Planning Group	Reference Group for the Open Space and Public Space Strategy
REGULATORY AND STATUTORY COMMIT	TEES
Audit, Risk and Improvement Committee	Statutory committee, not subject to this review
Central Murray Regional Library Committee	Statutory committee, not subject to this review
Local Area Traffic Committee	Statutory committee, not subject to this review
Staff Consultative Committee	Statutory committee, not subject to this review
Work Health and Safety Committee	Statutory committee, not subject to this review

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## **13.2 ANNEXURE B: Detail on which committees would be included**

ADVISORY COMMITTEES
Cemetery Advisory Committee
Deniliquin Community Garden Committee
Deniliquin Promotions Advisory Committee
Edward River Concert Band Committee
Edward River Council Airport Advisory Committee
Edward River Council Floodplain Risk Management Advisory Committee
Edward River Council Tidy Towns Committee
Edward River Heritage Committee
Edward River Users Group
Long Paddock Committee
Memorial Park Users Group
Rotary Park Advancement Committee
COMMUNITY FACILITY MANAGEMENT COMMITTEES
Booroorban Hall Committee
Blighty Advancement Committee
Conargo Memorial Hall and Recreation Ground Committee
Deniliquin Multi-Arts Centre Committee
Mayrung Hall Committee
Pretty Pine Hall Committee
Wanganella Hall Committee
PROJECT REFERENCE GROUPS/COMMITTEES
Deniliquin Town Hall Revitalisation Project Reference Group
Edward River Open and Public Space Planning Group

## **13.3 ANNEXURE C: Introductory Letter sent to committees**



180 Cressy Street Deniliquin NSW 2710 T: 03 5898 3000 F: 03 5898 3029 Council@edwardriver.nsw.gov.au www.edwardriver.nsw.gov.au ABN 90 407 359 958 Address all correspondence to: General Manager, PO Box 270 Deniliquin NSW 2710

Addressee Committee Address SUBURB NSW XXXX

Email:email address

Dear [Addressee],

Strategic Review of Committee Framework - Survey

In December 2018, Council's General Manager, Mr Adam McSwain, wrote to your committee advising that a strategic review of Council's committee framework and community facility management model would be undertaken later in the first half of 2019.

Council is very conscious of the dedication and work undertaken by Committee members in various towns and villages across the Edward River Region to ensure various community functions and facilities are fit for purpose and available for use by the community. We recognise that the work done by Committees helps us collectively build a great place to live, a prosperous and vibrant economy and bolster our region's infrastructure.

In light of the Council amalgamation and the different ways in which Committees have operated, it has been determined that the best way forward is to engage an external agency with the relevant experience, to undertake a review of our Committees and the community facility management model employed by Council. I am pleased to confirm that Centium has been chosen through a competitive procurement process to undertake these reviews, and that the review project has commenced.

Council is responsible for ensuring the Committees and the facilities they manage are compliant with relevant Australian law. We need to appreciate the full depth and breadth of Committee responsibilities and how they are currently discharged in order to fulfil our obligations as a local government authority. We look to work in partnership with all Committees to accomplish this task collectively in service of our community.

As a starting point for the strategic review, Centium has developed a survey for completion by each of Council's committees. The survey explores the responsibilities discharged to each committee and how this is done. After reviewing all survey responses received, Centium's project manager, Mr Gavin Cator, will undertake one-on-one discussions with committee members.

This survey and one-on-one consultations will help inform the development of Centium's final recommendations to Council on how we can better resource and support the functioning and development of committees now and into the future. As such, your participation in this process is appreciated.

Centium will be contacting the chairperson of each Committee via email providing the survey for completion by the chairperson or another delegated Committee member.

The survey has a number of questions that explore the responsibilities discharged by the Committee and how this is done. Centium will be reviewing surveys completed by the delegated Committee member on behalf of each Committee and delivering a report to Council. Centium's report will also include an action plan on how we can better resource and support the functioning and development of Committees into the future.

Thank you for working together with Council to see our region achieve its potential.

You are kindly requested to table this correspondence and discuss this matter at your next meeting. Updates on the strategic review will be provided, as the process progresses.

Should you require any further information regarding this matter, please do not hesitate to contact Mr Cator on 0428 680 418 or via email at Gavin.Cator@centium.com.au.

Yours sincerely,

Trish Kirkland **Director Corporate Services**


## Committee Operations & Community Facility Management QUESTIONNAIRE

### **Edward River Council S355 Committee Members**

### **PART 1. Your Details**

Council values the voluntary contribution our committee members make to bettering our community and appreciates your participation in this review. Your feedback will help us in developing a stronger, more effective committee framework.

Should you have any questions regarding this questionnaire or require clarification on any of the questions, please contact Gavin Cator on 0428 680 418 or by email at gavin.cator@centium.com.au

1	Please provide your name:	
2	Name of committee:	

### **PART 2. Relationship with Council**

3	Do committe following app	e members receive an in pointment?	nduction from Council	Yes 🗆 No 🗆
4		e members receive trair cedures, committee man it, etc?		Yes 🗆 No 🗆
5	support/knov	w who to contact if they h	/ have access to ongoing have a problem? <sup>-</sup> assistance with various	Yes □ No □
	Issue	Name	Position	

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### **PART 3. Section 355 Local Government Act**

6	How are members appointed to your Committee? Please describe (feel free to attach an additional statement at the close of this Questionnaire):	Additional Statement attached: Yes □ No □
7	How many committee members do you have?	Number:
8	Please list of the names and positions of all current members below:	Names and Positions Listed:
	Name Position	Yes 🗆 No 🗆
9	How are these committee members elected? Please describe (feel free to attach an additional statement at the close of this Questionnaire):	Membership and Election Rules attached Yes □ No □
10	Are you aware of your collective and individual obligations as a committee member as described in Sec 355 Local Government Act?	Yes 🗆 No 🗆
11	Is Council notified of Changes to membership? If so, how? (Feel free to attach an additional statement at the close of this Questionnaire):	Yes D No D Additional Statement attached: Yes D No D

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## PART 3. Section 355 Local Government Act (continued)

12	Do you have documented the responsibilities of the:	
	<ul> <li>a. Chairperson</li> <li>b. Secretary</li> <li>c. Booking Officer (if you have one)</li> <li>d. Treasurer</li> <li>e. Committee members</li> </ul>	Yes
	If your answer is 'Yes' to any of the above, please attach the above or other existing responsibility statements.	Statements attached: Yes □ No □
13	Are Committee Members aware of their Pecuniary Interest obligations?	Yes 🗆 No 🗆
14	When was the last election held?	Date: //
15	Is the committee aware of the Council Code of Conduct?	Yes 🗆 No 🗆
16	Has the committee received training from Council on the Code of Conduct?	Yes 🗆 No 🗆
17	Has the committee received any other training from Council? Please describe (feel free to attach an additional statement at the close of this Questionnaire):	Yes 🗆 No 🗆

## **PART 4. Meetings and Records**

18	Do you have Annual General Meetings (AGMs)?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach the last AGM Minutes.	Last AGM Minutes attached
		Yes 🗆 No 🗆
19	How often are committee meetings held?	Number of meetings per
	Please describe (feel free to attach an additional statement at the close of this Questionnaire):	year:
20	Are you happy with the frequency of your meetings?	Yes □ No □

## **PART 4. Meetings and Records (continued)**

21	Does a Councillor or a Council representative regularly attend your meetings?	Yes 🗆 No 🗆
	Please provide their name/s and now often the person/s attend? (feel free to attach an additional statement at the close of this Questionnaire):	Additional Statement attached:
		Yes □ No □
22	Do your meetings have agendas?	Yes □ No □
23	Do the agendas consider Risk Management issues?	Yes 🗆 No 🗆
24	Do you have minutes of meetings?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach minutes of the last 3 meetings.	Minutes of last 3 meetings attached
		Yes 🗆 No 🗆
25	How is incoming/outgoing correspondence and other records relating to the operation of the committee created and stored?	
	Please describe the kinds of records you keep (feel free to attach an additional statement at the close of this Questionnaire):	Additional Statement attached:
		Yes □ No □
26	How are facility booking records managed?	
	Please describe (feel free to attach an additional statement at the close of this Questionnaire):	Additional Statement attached:
		Yes □ No □

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### PART 5. Risk

27	How does the committee address risk management issues? Please describe (feel free to attach an additional statement at the close of this Questionnaire):	Additional Information attached: Yes □ No □
28	Do you have guidelines to address risk issues?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach the guidelines.	Guidelines attached:
		Yes □ No □
29	Do the agendas consider Risk Management issues?	Yes □ No □
30	Do you undertake regular inspections of your property to identify potential risks?	Yes 🗆 No 🗆
31	Are inspection reports available?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach the last inspection report.	Inspection Report attached:
		Yes □ No □
32	Do you ensure those who use or hire your facility have the appropriate insurances?	Yes 🗆 No 🗆
33	When contractors work on your facility do you ensure they have appropriate insurances?	Yes 🗆 No 🗆

### **PART 6. Sustainability**

34	What actions do you take as a committee to ensure the ongoing sustainability of the facility you manage?	Additional Information attached:
	Please describe (feel free to attach an additional statement at the close of this Questionnaire):	Yes 🗆 No 🗆

NOTES:

- 1. We recognise that community-minded people who take on formal Committee-based responsibilities are contributing to the future of the region.
- 2. Sustainability, for the purposes of this section, should be understood to mean any actions you take in order to ensure that the facility is maintained and potentially improved over time so as to ensure it is fit for purpose for present users in line with its function as intended, whilst also preserving it for future generations of users.
- 3. Feel free to include information related to steps you take in relation to environmental sustainability here too, if you wish.

### **PART 7. Finance**

35	Does your Committee operate a bank account?	Yes □ No □
36	Do you prepare a Treasurer's Report for each meeting?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach the Treasurer's Report for the last 3 meetings.	Treasurer's Reports attached:
		Yes □ No □
37	Do you use a petty cash book?	Yes 🗆 No 🗆
38	Do you prepare BAS returns?	Yes 🗆 No 🗆
39	Do you prepare annual Financial Statements?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach the last Annual Financial Statement.	Last Annual Financial Statement attached:
		Yes □ No □
40	Are these financial statements audited?	Yes □ No □
41	Do you provide these statements to Council?	Yes 🗆 No 🗆

## **PART 7. Finance (continued)**

42	Do you have any other comments in relation to finances?	Additional Information
	Please describe (feel free to attach an additional statement at the close of this Questionnaire):	attached:
		Yes □ No □

## **PART 8. Halls and Grounds (if you manage a hall or ground)**

43	Do you have a Masterplan in place for the facility?	Yes 🗆 No 🗆
		Masterplan attached:
		Yes 🗆 No 🗆
44	Do you have any formal tenure agreements in place from the current Council, antecedent Councils or under arrangements	Yes 🗆 No 🗆
	pertaining to Crown Lands such as a lease or licence?	Agreement/Lease attached:
		Yes □ No □
45	Do you issue potential hirers with an Application to Hire form?	Yes □ No □
	If your answer is 'Yes', please attach the Application to Hire form.	Application to Hire Form attached:
		Yes □ No □
46	Do you provide hirers with a statement outlining their responsibilities?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach the Hirer Responsibilities Statement.	Hirer Responsibilities Statement attached:
		Yes 🗆 No 🗆
47	Do you collect Responsible Service of Alcohol (RSA) Certificates with Application Forms based on the information completed by hirers?	Yes 🗆 No 🗆

## **PART 8. Halls and Grounds (continued)**

48	Do you provide hirers with a Venue Condition Checklist for completion before use?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach the Venue Condition Checklist.	Venue Condition Checklist attached:
		Yes □ No □
49	Do you require copies of hirers' insurance policies?	Yes 🗆 No 🗆
50	Do you provide Hirers with an Incident Report form?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach a copy of the Incident Report form.	Incident Report form attached:
		Yes □ No □
51	Do you use safety inspection checklists?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach a copy of any safety inspection checklists you use.	Safety Inspection Checklist/s attached:
		Yes □ No □

## **PART 9. Building Maintenance (if you manage a hall or ground)**

52	How do you initiate building maintenance? Please describe (feel free to attach an additional statement at the close of this Questionnaire):	
53	Do you undertake regular inspections?	Yes □ No □
54	Do you use checklists for Building maintenance?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach any Building Maintenance Checklists you use.	Checklist(s) attached:
		Yes □ No □
55	Do you have any other comments in relation to building maintenance?	Additional Information attached:
		Yes 🗆 No 🗆

## **PART 10. Promotional Activities & Events**

56	Do you undertake any promotional activities?	Yes 🗆 No 🗆
	Please list any advertising forums you utilise (e.g. local press, Visitor Information Centre materials etc.) and social media pages you maintain (e.g. Facebook Page, Instagram account, EventBrite events etc.)	
57	Do you hold events?	Yes 🗆 No 🗆
	Please describe (feel free to attach an additional statement at the close of this Questionnaire):	
58	Do you use an Events Analysis form?	Yes 🗆 No 🗆
	If your answer is 'Yes', please attach your Events Analysis form.	Events Analysis form attached:
		Yes □ No □
59	Do you prepare traffic management plans (for large events)?	Yes 🗆 No 🗆
60	Do you undertake post event analysis?	Yes 🗆 No 🗆
	Please describe (feel free to attach an additional statement at the close of this Questionnaire):	Additional Information attached:
		Yes □ No □

Please return the completed Survey with all attached documentation by Friday 19 July 2019 to:

Gavin Cator Senior Consultant Centium Group 239 Rivergum Drive East Albury NSW 2640

THANK YOU MOST KINDLY FOR YOUR PARTICIPATION

## **13.5 ANNEXURE E: Collated Responses from Surveys**

## **Relationship with Council**

	Conargo Hall Committee	Blighty Advancement Committee	Multi Arts Committee	Wanganella Advancement committee	Booroorban Sport and Social Club	Pretty Pine Recreation Committee	Mayrung Hall Committee	Edward River Concert Band	Community Garden
Do committee members receive an induction from Council following appointment?	No	No	No	No	No	No	No	No	No
Do committee members receive training in Code of Conduct, meeting procedures, committee management, financial management, etc?	No	No	No	No	No	No	No	No	No
Do committee members feel like they have access to ongoing support/know who to contact if they have a problem?	yes	No call the front desk and leave a message	yes	Yes, Cr M Wallace, various Council staff, Paul O'Donnell Committees accountant advisor	Yes, Crs P McCrabb and Mac Wallace, Adam McSwain	Yes but no names provided	Yes Cr Nick Metcalf	Yes, Belinda Perrett, Mayor Councillors and the ERB secretary	Yes, Julie Rogers Manager Environmental Services

## Section 355 Local Government Act

	Conargo Hall Committee	Blighty Advancement Committee	Multi Arts Committee	Wanganella Advancement committee	Booroorban Sport and Social Club	Pretty Pine Recreation Committee	Mayrung Hall Committee	Edward River Concert Band	Community Garden
How are members appointed to your Committee?	AGM election	No, each user appoints 2 people to represent their group, football, netball, daycare, school, fire brigade Community Hall tennis	Nominated by the groups	No, the office bearers are the committee after discussion at general meeting	Yes, by vote at the AGM	Volunteer	Volunteer	No, by invitation of the committee	No, at the moment it is just the members of the garden meeting with Council (Julie Rogers) approximately every 4 – 7 weeks
How many committee members do you have?	11	12	11	3	4	8	9	12	20
Please list of the names and positions of all current members below	AGM minutes	List provided	Refer to minutes	List provided	List provided	List provided	List provided	List provided	No positions at the moment but one member Wendy Johnston (garden member) is designated to liaise between the gardens and the Council
How are these committee members elected?	AGM no rules	No nominated by their organisation	No comment	Yes, nomination and election, Rules in constitution	By vote at the AGM	At the AGM	volunteer	By invitation, Bandmaster is paid by Council	No
Are you aware of your collective and individual obligations as a committee member as described in Sec 355 Local Government Act?	no	Yes	No	Yes	Yes	Yes	No	yes	No
Is Council notified of Changes to membership?	yes	Yes, by email and hardcopy	No	Yes, minutes emailed to Council following meeting usually no changes between AGM's	Yes, via email and word of mouth	Yes but no details of how	No	Yes, though meeting minutes	Yes, Council handles Garden Membership
Do you have documented the responsibilities of the: f. Chairperson g. Secretary	no	Yes Yes Yes Yes Yes	No	Yes Yes No Yes Yes	No	No	No	No	No

	Conargo Hall Committee	Blighty Advancement Committee	Multi Arts Committee	Wanganella Advancement committee	Booroorban Sport and Social Club	Pretty Pine Recreation Committee	Mayrung Hall Committee	Edward River Concert Band	Community Garden
<ul> <li>h. Booking Officer (if you have one)</li> <li>i. Treasurer</li> <li>j. Committee members</li> </ul>		No statements attached		In constitution					
Are Committee Members aware of their Pecuniary Interest obligations?	Yes	Yes	Yes	Yes	Νο	no	Aware that we don't have one	Yes	No
When was the last election held?	Oct 18	13/08/2018	No comment	26/06/2019	08/03/2019	20/03/2019	No comment		n/a
Is the committee aware of the Council Code of Conduct?	No	No	No	Yes	Yes	No	No	Yes	Yes
Has the committee received training from Council on the Code of Conduct?	No	No	No	No	No	No	No	No	They are aware of it and will receive some training from Director Corporate Services
Has the committee received any other training from Council?	No	No	No	No	Unsure, not to the best of my knowledge	No	No	No	No

## **Meetings and Records**

	Conargo Hall Committee	Blighty Advancement Committee	Multi Arts Committee	Wanganella Advancement committee	Booroorban Sport and Social Club	Pretty Pine Recreation Committee	Mayrung Hall Committee	Edward River Concert Band	Community Garden
Do you have Annual General Meetings (AGMs)?	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No
How often are committee meetings held?	¼ ly and as required	5 and more if required	¼ ly meetings	4-6	As required	3 to 5 depending on need	As needed	6 or when considered necessary	Every 4 – 7 weeks
Are you happy with the frequency of your meetings?	Yes	Yes	Yes	Yes,	Yes	yes	Yes	yes	Yes
Does a Councillor or a Council representative regularly attend your meetings?	Yes	Yes, Nick Metcalfe and Robert Scott	Yes, Cr P Forgarty, M Cobb	Yes, Cr Wallace and Adam McSwain	Yes, Adam McSwain, Crs Maccrabb and Wallace	no	Yes Cr Nick Metcalf when invited	Yes Cr M Bull	Yes, Julie Rogers
Do your meetings have agendas?	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Do the agendas consider Risk Management issues?	no	Yes	No	If necessary	yes	No	No	No	No
Do you have minutes of meetings?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
How is incoming/outgoing correspondence and other records relating to the operation of the committee created and stored?	Hard copy filed	By email and letter in files	No comment	Corro/printed copies of financial reports and function planning filed in folders, office bearers create folders relating to the Hall on own computers	Financial records, Events records to monitor progress	Correspondence is generally through a variety of mediums, phone calls SMS or email. The latter is stored on a hard drive if relevant	No correspondence	Meeting records kept by Council	Council's record management system
How are facility booking records managed?	Completed application to booking officer, bookings recorded on online calendar	Through Sec diary kept	Noted in a diary	President or Secretary contacted re hiring hall and noted on own calendars, also noted at the store	Filed in folders	President or caretaker take bookings which are noted in year diary	Verbal not many bookings	By the Bandmaster and the Band Members	N/A

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### Risk

	Conargo Hall Committee	Blighty Advancement Committee	Multi Arts Committee	Wanganella Advancement committee	Booroorban Sport and Social Club	Pretty Pine Recreation Committee	Mayrung Hall Committee	Edward River Concert Band	Community Garden
How does the committee address risk management issues?	Annual Council WH&S risk assessment	No when required by Council	No	Volunteer safety handbook covering risk management available at all times at the hall	Through Council and ongoing meetings	No	We dont	Any issues arising are referred back to Council	No comment made
Do you have guidelines to address risk issues?	No	No	No	Yes	No	No	Νο	No	No
Do the agendas consider Risk Management issues?	No	No	No	Yes	Yes	Yes	No	No	No
Do you undertake regular inspections of your property to identify potential risks?	Yes	Yes, Council do this	Yes	Yes, Council does this	Yes	Yes	Yes	Yes, as required by Council staff	No
Are inspection reports available?	No	Yes, not been sent report	No	Yes, latest inspection conducted 18/07/2019	unsure	Yes, the last report we have on record was from 2016	No, verbal and electronic notification to Council	Yes, inspection report available from Council	No
Do you ensure those who use or hire your facility have the appropriate insurances?	No	Yes	Yes	Yes, often only a couple of hours at a time therefore covered by Council insurance	Yes	No	No	No, that is a matter for Council	N/A
When contractors work on your facility do you ensure they have appropriate insurances?	No, contractors are hired by Council	Yes, done by Council employees. If we have a contractor have been cleared by Council in the past	Yes, usually Council	Council does this	Yes	No	We don't engage contractors; the committee is seldom contacted when contractors come	No, that is a matter for Council	No

## Sustainability

	Conargo Hall Committee	Blighty Advancement Committee	Multi Arts Committee	Wanganella Advancement committee	Booroorban Sport and Social Club	Pretty Pine Recreation Committee	Mayrung Hall Committee	Edward River Concert Band	Community Garden
What actions do you take as a committee to ensure the ongoing sustainability of the facility you manage?	Fund raising activities to assist Council with facility upkeep	No weekly check by secretary and before after function hire	No comment	The community is encouraged to use and enjoy the facilities, and regular change of office bearers is aimed at. regular use/working bees for cleaning cupboards, windows etc. there is great pride	Not answered	Work with Council, report risks and aim to develop facility to meet the needs of the local community	Facility kept clean and tidy and Council notified for any maintenance work required	All property is vested in the Council	No Doing some of their own fundraising, regular working bees grant applications
1. We recognize that community m				taken by the community in our facilities					

 We recognise that community-minded people who take on formal Committee-based responsibilities are contributing to the future of the region.
 Sustainability, for the purposes of this section, should be understood to mean any actions you take in order to ensure that the facility is maintained and potentially improved over time so as to ensure it is fit for purpose for present users in line with its function as intended, whilst also preserving it for future generations of users.

3. Feel free to include information related to steps you take in relation to environmental sustainability here too, if you wish.

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## Finance

	Conargo Hall Committee	Blighty Advancement Committee	Multi Arts Committee	Wanganella Advancement committee	Booroorban Sport and Social Club	Pretty Pine Recreation Committee	Mayrung Hall Committee	Edward River Concert Band	Community Garden
Does your Committee operate a bank account?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	no	No
Do you prepare a Treasurer's Report for each meeting?	Yes	Yes, treasurer away have not all reports	Yes	Yes, no report provided	Yes	yes	No	No	No
Do you use a petty cash book?	Yes	No	No	No	No	No	No	No	Yes
Do you prepare BAS returns?	No	No	No	Yes, McCleary accounts have done the last few still incorporated	No	no	No	No	No
Do you prepare annual Financial Statements?	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes
Are these financial statements audited?	No	No not at present	No	No	Unsure	Yes	No	As per Council audits	Yes
Do you provide these statements to Council?	No	No	No	Yes	If needed	Yes	No	Council prepares these statements	Yes, Done as part of Council's audit
Do you have any other comments in relation to finances?	no	No	No	No	Νο	No	No	no	Yes, the gardens have handed any cash they were holding to Council. They have a small amount of petty cash that they can spend at their discretion which is managed by Council. I have set up some 'expenditure rules' to manage a few financial issues they were having e.g. members committing the gardens to large expenditure without following the appropriate process

# Halls and Grounds (If you manage a hall or ground)

	Conargo Hall Committee	Blighty Advancement Committee	Multi Arts Committee	Wanganella Advancement committee	Booroorban Sport and Social Club	Pretty Pine Recreation Committee	Mayrung Hall Committee	Edward River Concert Band	Community Gardens
Do you have a Masterplan in place for the facility?	Yes, 5-year plan drawn up by Council	Yes	Yes	No	No	No	Yes	No	no
Do you have any formal tenure agreements in place from the current Council, antecedent Councils or under arrangements pertaining to Crown Lands such as a lease or licence?	No	No	No comment	No	No	No	No Council are trustees and hold any arrangements	No	no
Do you issue potential hirers with an Application to Hire form?	Yes	Yes	No	Yes	No	No	No	No	N/A
Do you provide hirers with a statement outlining their responsibilities?	Yes	Yes	No	Yes	Unsure	Yes	No	No	N/A
Do you collect Responsible Service of Alcohol (RSA) Certificates with Application Forms based on the information completed by hirers?	No	Yes	No	Yes	Yes	No	No	No	N/A
Do you provide hirers with a Venue Condition Checklist for completion before use?	Yes	Yes	No	Yes	No	Yes	No	No	N/A

	Conargo Hall Committee	Blighty Advancement Committee	Multi Arts Committee	Wanganella Advancement committee	Booroorban Sport and Social Club	Pretty Pine Recreation Committee	Mayrung Hall Committee	Edward River Concert Band	Community Gardens
Do you require copies of hirers' insurance policies?	No	Yes	No	No	No	No	No	No	N/A
Do you provide Hirers with an Incident Report form?	No	No	No comment	No	No	No	No	No	N/A
Do you use safety inspection checklists?	No	No comment	yes	No	Unsure	No	No, the hall is hardly hired out	No	N/A

## Building Maintenance (if you manage a hall or ground)

	Conargo Hall Committee	Blighty Advancement Committee	Multi Arts Committee	Wanganella Advancement committee	Booroorban Sport and Social Club	Pretty Pine Recreation Committee	Mayrung Hall Committee	Edward River Concert Band	Community Gardens
How do you initiate building maintenance?	Advise Council of maintenance issues	As required contact Council	Done through Council	Any maintenance issues are referred to Council if any needed between these regular inspections	Annual working bees	Liase with Council	Local inspection and then Council notification	Done by Council as referred to by the minutes	No comment
Do you undertake regular inspections?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No, minor hiring only	no
Do you use checklists for Building maintenance?	No	No	No	No	No	Yes	No	no	no
Do you have any other comments in relation to building maintenance?	No	yes, more communication between Council and committee	No comment	No	No	No	Gounds maintenance done on a voluntary basis. Structural work by volunteers is discouraged by Council	No, checking is under Council jurisdiction	no

## **Promotional Activities & Events**

	Conargo Hall Committee	Blighty Advancement Committee	Multi Arts Committee	Wanganella Advancement committee	Booroorban Sport and Social Club	Pretty Pine Recreation Committee	Mayrung Hall Committee	Edward River Concert Band	Community Gardens
Do you undertake any promotional activities?	No	Local press	No	Local press, tourist information centre, Deniliquin, Wanganella Community Facebook page	Social media (Facebook, 2710, Booroorban) Local papers (Hay and Deniliquin)	Yes, local press and Facebook	no	Yes, advertising in the Pastoral times, 2QN, posters and Councils Facebook page	Yes, currently using Facebook and occasional newspaper article
Do you hold events?	Yes	Yes, Christmas party	No	Community Ball. Community Christmas Tree Party	Yes, annual camp oven, annual Christmas tree, other events such as motivational speakers, bands performing etc	Yes, Annual Father's Day market and fun day, Christmas tree, local cricket matches, Camp drafting, Polocrosse carnivals, Pistol Club have monthly shoots	School productions, training days (RFS and others) information days and social events	Yes, annual concert, regional recitals, Australia Day, ANZAC day, Carols by candlelight and an annual recital at the Historical society	Yes, little events e.g. pruning workshop
Do you use an Events Analysis form?	No	No	No	No	Unsure	No	no	no	No
Do you prepare traffic management plans (for large events)?	No	No	No	No	No	No	yes	No	No
Do you undertake post event analysis?	no	no	no	Yes, usually done at the next general meeting, Event success or not, discussion as to what worked well and any ways to improve on management	Yes during the working bee following the events	Yes, at meetings following events	Yes, informal and verbal	Yes, reviews are done by the band	no

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The following is a layout of a Committee Guideline Manual

### **Functions and Delegations**

- Introduction
- Delegation of Function
- Why Does Council Have Section 355 Management Committees?
- How are Section 355 Management Committees Established?

### Responsibility

- Responsibility
- Limitation of Powers
- Code of Conduct
- Accountability

### Appointment and Membership

- Appointment
- Committee Membership
- Dissolution of Committee
- Vacation of Office
- Procedure for obtaining new membership
- Representation on Committee
- Committee Executive Positions

#### **Committee Members' Roles and Responsibilities**

- Chairperson Responsibilities
- Secretary's Responsibilities
- Treasurer's Responsibilities
- Bookings Officer's Responsibilities
- Maintenance Officer's Responsibilities
- Committee Members Responsibilities

### **Meeting Procedures**

- Annual General Meeting
- General Meetings
- A Quorum
- Agenda
- Conduct of Business
- Correspondence
- Minutes of Meeting
- Voting
- Pecuniary and Non-Pecuniary Interest.
- Referring decisions to Council

### **Financial Matters**

- Financial Issues
- Control
- Accounting
- Out of Pocket Expenses
- Honorarium Payments to Committee Members
- GST
- Purchasing

### **Risk Management/ Insurance**

- Property Insurance
- Committee Members' Public Liability and Personal Injury Cover
- Casual and Regular Hirers' Insurance Liability
- Other Hirers' Insurance Liability
- Incident reporting
- Definitions

### **Management of The Facility**

- Conditions of Hire
- Fees and Charges
- Bonds
- Keys and Security
- First Aid Kit
- Cleaning
- Purchasing of Goods and Services
- Development Application (DA) Requirements
- Legal Issues
- Correspondence
- Letterhead
- Purpose of Correspondence
- Filing and Records Management
- Clerical Support
- Sub Committees
- Use of Council logo
- Marketing and Promotion
- Social Media
- Dispute resolution
- Facility Improvement Plan

### Maintaining the Facility

- **Repairs and Minor Maintenance** •
- Use of Contractors
- Purchasing of Goods and Services
- Council responsibility
- Committee's Responsibility

### Work Health Safety for Volunteers

- Council's Responsibilities •
- Volunteers (Workers) Responsibilities •
- Hazard and Risk Management •
- Managing Risks at Community facilities, including managing Contractors
- Activities Not to be Undertaken by Volunteers

### **Standard Formats for Meetings and Correspondence**

- Standard Format Ordinary Meeting Agenda •
- Standard Format Annual General Meeting Agenda •
- Standard Format Meeting Minutes
- Standard (formal) Procedure– Motions/Recommendations
- Standard Procedure Correspondence

### 13.7 ANNEXURE G: Possible Terms of Reference for Advisory Committees

The following is a possible Terms of Reference for Council's Advisory Committees that the Council may wish to use as a guide

### EDWARD RIVER COUNCIL XXXXX ADVISORY COMMITTEE

#### **TERMS OF REFERENCE**

For Review xxxx 20xx

#### Purpose

The purpose of the xxxxxx Advisory Committee is to provide advice to Council in relation to the on-going functioning and performance of the xxxxxx.

#### Objectives

The objectives of the xxxxxx Advisory Committee are to provide advice to Council in relation to:

- the continuing operation of the xxxxx in accordance with all relevant regulatory requirements;
- future development opportunities and requirements for xxxx; and
- ensuring effective liaison and communication between the users, the community and the Council.

#### Role of the xxxxx Advisory Committee

The xxxxx Advisory Committee is appointed in an advisory capacity to the Edward River Council. It has no executive authority, but it does:

- make recommendations to Council on the procedures, rules, conditions of use and proposed capital works necessary for the proper management of the xxxxxx, and if requested, give advice on specific issues;
- in recommending any procedures, rules and conditions of use, act consistently with the objectives of the committee;
- assist Council with the resolution of conflicts with other users where these occur
- convene or cause to be convened, such meetings, forums, seminars or other activities as may be deemed of value by the Committee to meet or assist in meeting its objectives
- liaise with the Council and its staff to ensure continuing cooperation and coordination of xxxxxx;
- not commit, or permit to be committed, any act which will render the operation of any of the Council's insurance policies invalid;
- publicise and promote interest in the facility;
- not discuss matters noted as confidential.

#### **Committee Membership**

The Committee shall comprise of a minimum of five members and a maximum of xxx members, appointed by resolution of the Council. The composition of the Committee will be as follows:

- Up to xx representatives from the xxxxx
- Up to one representative from the xxxxx
- Up to four Community Representatives
- etc

All xxxx appointed members will have voting rights.

The term of office for appointed members will be for xxx years commencing with the date of appointment.

The Committee shall elect a member to serve as Chairperson with each appointment being for two years. Chairpersons will submit a nomination prior to election by the Committee.

Vacated community positions will be subject to public nomination, with the outgoing member/s eligible for reappointment.

The Council will call for nominations to fill vacant community positions by way of notice in the public notice section of the Pastoral times and the Edward River web site. Community representatives will be selected from expression of interest received.

If a member does not attend a scheduled meeting for more than three consecutive meetings, membership may be reviewed by the Committee and may prompt a vacancy on the Committee.

#### **Council Attendance at Committee Meetings**

Council representation at the Committee Meetings will be as follows:

- xxx Councillor(s)
- At least one senior staff member (list)
- etc

#### **Roles and Responsibilities of Council Attendees**

Roles and responsibilities of Council attendees will be as follows:

- Councillor(s) to represent the interests of the wider Edward River Council community
- Senior Member to report on strategic matters
- etc

#### **Committee Meeting Procedure**

Meetings of the Committee shall be conducted in accordance with the following procedures:

- The Chairperson shall chair all meetings at which he or she is present. In the Chairperson's absence the Committee shall appoint an Acting Chairperson who will chair that meeting.
- The Committee's position on any issue under consideration will be made upon a majority vote by members present. In the event of a tie, the Chairperson shall have an additional casting vote.
- The Committee shall have a quorum which is equal to 50 per cent plus one of the total numbers of Committee Members appointed to the committee.
- When the Committee's business involves matters in which one or more members have a conflict of interest, or when their presence may inhibit full discussion, those members should withdraw from this portion of the meeting.
- The Committee shall meet at least six times per year on a bi-monthly basis.

Council will provide secretarial support to the committee.

#### **Committee Conduct Principles**

Committee members are expected to:

- actively participate in Committee discussions and offer their opinions and views,
- treat all persons with respect and have due regard to the opinions, rights and responsibilities of others,
- act with integrity,
- attend each meeting where practical, and
- avoid conflicts of interest (noting that committee members are not decision makers)

Committee members must not, whether during or after their membership of the xxxxx Advisory Committee, unless expressly authorised by the General Manager or in accordance with law make any disclosure or use of:

- any confidential information or trade secrets of the Council
- the position of the Council or of any Councillor or Council Officer on any confidential matter, or
- any other information whatsoever, the disclosure of which may be detrimental to the interest of the Council or of any other person who has provided it to the Council on a confidential basis, unless required to disclose the information by law. Committee members must use their best endeavours to prevent the improper publication or disclosure or use of any such information by anyone else.

#### Review

The terms of reference for the xxxxx Advisory Committee will be reviewed at the first meeting after the appointment by Council of a new committee.

#### 13.8 ANNEXURE H: Possible Delegations for s355 Committees

The following is a possible Delegations for Council's s355 Committees that the Council may wish to use as a guide

### GUIDELINES APPLYING TO THE DELEGATION OF AUTHORITY TO THE xxx COMMITTEE OF MANAGEMENT

### APPLICATION OF GUIDELINES AND DATE EFFECTIVE

The delegation to the \_\_\_\_\_ Committee of Management must be exercised in accordance with these Guidelines. These Guidelines were authorised by resolution of the Council on \_\_\_\_\_ and have effect from \_\_\_\_\_.

### **DEFINITIONS:**

In these Guidelines, the following terms have the meanings indicated:

"Act" means the Local Government Act 1993;

"**Committee**" means the \_\_\_\_\_\_ Committee of Management established by the Council under section 355 of the Act;

"Council" means the Edward River Council; and

"Facility" means the property and/or buildings known as \_\_\_\_\_\_ as highlighted on the attached plan.

### COMMITTEE STRUCTURE

#### Policy, Rules and Procedures

In furtherance of its power and functions, the Committee must:

- make procedures, rules and conditions of use necessary for the proper management of the Facility;
- in making any procedures, rules and conditions of use, \_\_\_\_\_\_ act consistently with the objectives of the Committee stated in the Instrument of Delegation, these Guidelines and any policies of the Council;
- require all users of the Facility to abide by any conditions of use or rules made by the Committee which are applicable to the Facility;
- require all users of the Facility to abide by any conditions of use, rules or local law made by the Council which are applicable to the Facility; and
- report any breaches of rules, conditions of use and local laws, which cannot appropriately be dealt with by the Committee, to the Council.

#### **Capital Works**

The Committee must:

- not carry out or authorise any capital works, extensions or additions which materially alter the buildings or surrounds of the Facility without prior approval from the Council; and
- make recommendations to the Council on the development of future capital works and the provision of future facilities and amenities for the Facility.

#### Governance and Good Management Practice

The Committee has the authority to seek advice, assistance and expertise as is necessary for the proper and efficient management of the Facility within the constraints

of its budget and delegation, including the ability to invite persons to the meetings of the Committee as observers or advisers.

#### Reporting

The Committee must:

- provide a written report to the Council on the operation of the Facility on an annual basis (which shall be deemed to be the annual report);
- resolve conflicts where these occur in the requirements of the community using the Facility;
- convene or cause to be convened such meetings, forums, seminars or other activities as may be deemed of value by the Committee to meet or assist in meeting its objectives;
- liaise with the Council and its staff to ensure continuing co-operation and co-ordination of the Facility;
- ensure compliance with all Acts, regulations and other legal requirements concerning safety at the Facility;
- not commit, or permit to be committed, any act which will render the operation of any of the Council's insurance policies invalid;
- publicise and promote interest in the Facility;
- ensure that the Facility is always kept in a clean condition and is used in a reasonable and lawful manner by organisation or individuals; and
- 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 to playing surfaces or surrounds or any other equipment.

#### Finance

The Committee must ensure the effective financial control of the Committee, including the submission of an annual budget to Council for consideration and approval by 30 April in each year (for each financial year beginning on 1 July and ending the following 30 June).

The Committee must ensure that all accounting functions of the Committee conform to the requirements of Australian Accounting Standards, the Local Government Act 1993 and relevant regulations.

the Secretary/Treasurer of the 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 Committee

The 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. Specific contracts shall not exceed \$xxxx p.a. without Council consent.

The Committee shall have the power to, on behalf of the Council, raise funds, solicit and receive donations and secure government grants, in accordance with the objectives of the Committee, policies of Council and the budget, subject to the consent of the Council;

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

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

All monies received by the Committee must be paid promptly into the bank account referred to in the Schedule to the Instrument of Delegation. 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.

The 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 Committee shall be responsible for ensuring that the report is lodged with the Council by 31 October each year.

#### COMMITTEE MEMBERSHIP

The Committee shall comprise up to \_\_\_\_\_ members representative of the \_\_\_\_\_ community, appointed by resolution of the Council.

Members will be appointed for a period of 2 years (but may be removed by the Council at any time). A member of the Committee shall be eligible for re-appointment at the expiration of his or her period of office.

The Committee may co-opt as many additional members as it sees fit, but:

- no such co-option will take effect until the Council has passed a resolution appointing the co-opted person as a member of the Committee; and
- no such co-opted members shall have any voting rights at Committee meetings.

The Council will call for registrations of interest from the community by way of a notice in the public notice section of the Pastoral Times and the Edward River Web site before appointing community representatives to the Committee.

Notwithstanding anything else contained herein, a Committee member who is absent from three consecutive committee meetings without approval by the Committee shall cease to be a member of the Committee.

#### MEETINGS

### **Annual General Meeting**

The Committee shall hold an annual general meeting on a date fixed by the Chairperson. The business of the annual general meeting shall be:

- to receive the annual report;
- to receive a report on the program of activities proposed for the following year;
- to receive and adopt the annual financial statement; and
- to elect office bearers to the positions of Chairperson, Secretary, Treasurer and other positions determined by the Committee as being necessary for the efficient functioning of the Committee.

The Secretary shall give notice of the annual general meeting by way of a notice in the public notice section of the local newspaper circulating in the area.

#### **General Meetings**

The Committee shall hold at least four other meetings during the year on such dates as the Chairperson appoints.

The Secretary shall give reasonable notice of all meetings by distributing a notice of the meeting to all members at least seven clear days prior to the meeting.

#### **Special Meetings**

The Chairperson may call a special meeting on his or her own initiative and must call a special meeting forthwith upon receiving from any three members of the Committee a written request that such a meeting be so called. The notice of the meeting by the Chairperson and the request by the three Committee members shall contain a statement of the purpose of the meeting.

The meeting must be held on such date and at such time as fixed by the Chairperson, provided that, in cases where the Chairperson calls a meeting in response to a request, the meeting shall be held within 21 days of the Chairperson receiving such request.

The Chairperson shall arrange for notice of the meeting to be given to all Committee members. No other business shall be transacted at that meeting except that specified in the notice.

#### Notice to the public

The Chairperson of the Committee must provide reasonable notice to the public of meetings of the Committee.

#### **Meeting Procedures**

The quorum at any Committee meeting shall be a majority of members of the Committee.

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

- each member of the Committee who is entitled to vote is entitled to one vote;
- unless otherwise prohibited by the Act, each member of the Committee present must vote;
- unless the procedures of the Committee otherwise provide, voting must be by show of hands;
- the motion is determined by a majority of the vote; and
- if there is an equality of votes, the Chairperson has a second vote.

The Chairperson shall take the chair at all meetings at which he or she is present. In the Chairperson's absence, the members present may appoint one of their number to chair the meeting.

Minutes shall be kept of the proceedings at all meetings. After confirmation of the minutes, they must be signed and certified by the chairperson of the meeting at which they are confirmed. Copies of minutes must be forwarded to Council within fourteen days of a meeting.

Each member of the Committee must comply with the Act with respect to any pecuniary interest of the member.

Any meeting or special meeting of the Committee must be open to members of the public, subject to clause xxxxxx.

The Committee may resolve that a meeting be closed to members of the public if the meeting is discussing any of the following:

- personnel matters;
- the personal hardship of any resident or ratepayer;
- industrial matters;
- contractual matters;
- proposed developments;
- legal advice;

- matters affecting the security of Council property;
- any other matters which the Committee considers would prejudice the Council or any person; or
- a resolution to close the meeting to members of the public.

If the Committee resolves to close a meeting to the public, the reason must be recorded in the minutes of the meeting.

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

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

The Committee may form sub-committees from among its members for the purpose of recommending on matters, provided that no decision may be acted upon until adopted by the full Committee.

The Chairperson shall be an ex-officio member of all sub-committees.

Sub-committees shall only be established by resolution of the Committee and shall only carry out those functions stated in such resolution.

#### **Office Bearers**

As the last item of business at an annual general meeting, the Committee shall elect the following office bearers:

- Chairperson;
- Secretary;
- Treasurer; and

any other office the Committee may wish to appoint.

Office bearers shall hold office until -

- the next annual general meeting,
- they resign their office; or
- they cease to be a member of the Committee -

whichever first occurs.

#### Honorarium

The Committee may agree to pay an annual honorarium of up to, but not exceeding, \$xxx to the Secretary of the Committee.

#### **Terms of Review**

At the end of the first twelve months of its appointment, the Committee will have the opportunity to review its instrument of delegation and these Guidelines and discuss any potential amendments.