



**SECTION 355  
ASSET COMMITTEE  
MANUAL**

**BROKEN HILL**

**CITY COUNCIL**

**AUSTRALIA'S FIRST  
HERITAGE LISTED CITY**

QUALITY CONTROL		
KEY DIRECTION	4 Our Leadership	
OBJECTIVE	4.1 Openness and transparency in decision making	
STRATEGY	4.1.1 Support the organisation to operate its legal framework	
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ASSOCIATED LEGISLATION	Section 355 Local Government Act 1993 (Committees) Section 377 Local Government Act 1993 (Delegations) Section 441-443 Local Government Act 1993 (Pecuniary Interest) Disability Inclusion Act 2014 Legislation can be found <a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>	
ASSOCIATED COUNCIL POLICIES	<ul style="list-style-type: none"> <li>• Asset Management Policy</li> <li>• Compliance &amp; Enforcement Policy</li> <li>• Code of Conduct Policy</li> <li>• Community Assistance Grant Policy</li> <li>• Drug and Alcohol-Free Workplace Policy</li> <li>• Equal Employment Opportunity Policy</li> <li>• Procurement Framework and Policy</li> <li>• Records Management Policy</li> <li>• Enterprise Risk Management Policy</li> <li>• Enterprise Risk Management Framework</li> <li>• Smoke Free Playgrounds and Sporting Reserves</li> <li>• Tree Management Plan</li> <li>• Volunteers</li> <li>• Workplace Smoking</li> </ul>	
ASSOCIATED DOCUMENTS	Draft Community Strategic Plan 2040 Long Term Financial Plan 2017- 2026 Draft Delivery Program 2022-2026 Schedule of Fees and Charges (current year) Committee Constitutions Section 355 Asset Committee Template Guide	

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## 1. INTRODUCTION

### 1.1 What is the Section 355 Asset Committee Framework?

The Section 355 Asset Committee Framework is a comprehensive suite of documents that together provides the rules and guidelines by which a committee must abide.

The Section 355 Asset Committee Framework includes:

- Section 355 Asset Committee Manual
- Committee Constitution
- Section 355 Asset Committee Template Guide

### 1.2 The Section 355 Asset Committee Manual

The Section 355 Asset Committee Manual outlines:

- Management and maintenance responsibilities;
- Clear and concise guidelines to assist committees to adequately carry out their duties on behalf of Council;
- Functions and operations of community facilities and programs; and
- Clarifies Council's and Committee Member's roles in this partnership.

Upon Council's formal approval of a Section 355 Committee and approval of committee memberships, all committee members are required to adopt and adhere to the conditions set out in the Framework.

The provisions of the Framework after its initial adoption by Council may only be varied or amended by Council resolution.

### 1.3 The Committee Constitutions

Council sets out its delegation of the Committee in a Constitution formally adopted/amended at a formal meeting of Council.

Constitutions will be reviewed by Council following each Local Government General Election, by Council resolution, at the request of the Committee or at the discretion of the General Manager.

### 1.4 The Section 355 Asset Committee Template Guide

The Section 355 Committee Template Guide provides an overview of templates to use for:

- Nomination Form
- Ordinary and Extraordinary Meeting Agenda
- Annual General Meeting Agenda
- Ordinary and Extraordinary Meeting Minutes
- Annual General Meeting Minutes
- Annual Report
- Finance Report
- Term Report
- Works Request
- Asset Inspections Checklist

The Section 355 Advisory Committee Template Guide applies to both Advisory Committees and Asset Committees.

### 1.5 Scope

This Framework applies to all Section 355 Asset Committees.

## **1.6 Legislative Requirements**

There are a number of legislative requirements to which s355 Committees of Council must adhere.

Section 355 *Local Government Act* (Committees)

Section 377 *Local Government Act* (Delegations)

Section 441-443 *Local Government Act* (Pecuniary Interest)

Related Legislation can be viewed by visiting [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

## **1.7 Council Policies**

All committee members must adhere to Council adopted policies including:

- Asset Management Policy
- Compliance & Enforcement Policy
- Code of Conduct Policy
- Community Assistance Grant Policy
- Drug and Alcohol-Free Workplace Policy
- Equal Employment Opportunity Policy
- Procurement Framework and Policy
- Records Management Policy
- Enterprise Risk Management Policy
- Enterprise Risk Management Framework
- Smoke Free Playgrounds and Sporting Reserves
- Tree Management Plan
- Volunteers
- Workplace Smoking

Council policies are available on Council's website [www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)

## **1.8 Code of Conduct**

All committee members must abide by Council's Code of Conduct.

A copy of Council's Code of Conduct will be provided to all committee members at the commencement of their term of office. On the occasion that Council reviews and amends this document, revised copies will be provided to all committee members.

## **1.9 Community Strategic Plan**

This Framework has been developed to support the achievement of:

- Key Direction 1: Our Community
- Key Direction 4: Our Leadership

The Community Strategic Plan is available on Council's website [www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)

## 2. WHAT IS A COMMITTEE?

### 2.1 What is a Section 335 Committee?

A Section 355 Committee is a committee established under Section 355 of the *Local Government Act 1993*, to assist Council with the operation and maintenance of various Council facilities and services.

Under the *Local Government Act 1993* Council is able to delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community members to manage its facilities or functions through a Section 355 Asset Committee.

Section 355 allows Council to exercise a function of Council and Section 377 allows Council to delegate functions of Council.

### 2.2 Why Does Council Have Section 355 Asset Committees?

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

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

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

### 2.3 How are Section 355 Asset Committees Established?

Committees are established under Section 355 of the Act, with delegations from Council under the provision of Section 377 of the Act.

Requests for new committees must be presented to Council with a Business Plan for consideration.

Committees are established by resolution of Council. The formation of Committees is entirely at the discretion of the Council.

All Councillor Representatives must be formally appointed by Council.

All Community Representatives must be formally appointed by Council.

### 2.4 What happens once a Committee is established?

Council will write to the Councillor Representatives appointed to each Committee advising them of the new members and their contact details.

Councillors will be encouraged to call the initial meeting of the Committee, at which the Executive will be appointed. Following initial appointment, Council will arrange induction training.

### 2.5 Committee Review

Review of all Section 355 Committees and their structures will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements.

Failure to adhere to and comply with the Section 355 Asset Committee Framework will result in an internal investigation into the operations and conduct of the committee with a full report and recommendation presented to Council.

Committees must be mindful that Council have the authority to disband any non-functioning Committee.

## **2.6 Committee Disbanding**

The Council, by resolution, can disband a Committee at any time for any reason, including:

- To carry out the control of the facility itself;
- If the Committee is not complying with the roles and responsibilities of the Committee;  
or
- That it no longer requires a Committee for the purpose for which it was established.

In the event membership reduces to fewer than four (4) persons or quorum, Council has established the following guidelines to address this issue:

- If a Committee chooses to remain active, it is given six (6) months to re-establish a viable membership (i.e., minimum of 4 members); or
- If a Committee or facility becomes inactive or inoperable, the Committee will be dissolved and all responsibilities will be taken over by the designated Council department (in this instance, consideration will need to be given to the long-term viability of the facility or function).

The Committee can also recommend to Council that the Committee be disbanded. Upon the Committee being disbanded, assets and funds of the Committee shall, after payment of expenses and liability, be handed over to Council.

Committee members are eligible for re-appointment to committees. Council will advertise for and receive nominations and present nominations to Council per standard practice.

## 3. COMMITTEE MEMBERSHIP

Council aims to appoint Committees which are representative of the local community or interest group of the particular service/facility.

### 3.1 When are committees appointed?

Committees are appointed every 4 years, within 6 months of a Local Government General Election.

### 3.2 Term of Membership

The term of a committee is the same term as the elected Council.

Members must nominate for re-election following each Local Government General Election if they wish to remain on the committee.

A calendar of events is shown below:

ACTION	TIMEFRAME
Letter to committee secretaries advising of: <ul style="list-style-type: none"> <li>• upcoming elections</li> <li>• upcoming declaration of vacant positions</li> <li>• provision of nomination form for interested existing members to renominate for a position</li> </ul>	August
Committees enter a caretaker mode in accordance with Council's business operations until such time as new committee membership is adopted and a new executive is elected.	August
Local Government Election	September
First Council Meeting of the newly elected Council	September
All councillor representatives formally appointed by Council	September
S355 manuals and constitution are adopted	September
Advertise for community representation on the Committee after the Local Government Election	October
All community representatives must be formally appointed by Council	October – March*
Council will write to the Councillor Representatives appointed to each Committee advising them of the new members and their contact details. Councillors will be encouraged to call the initial meeting of the Committee, at which the Executive will be appointed. Following initial appointment, Council will arrange induction training. AGM will be held within six months of a Council Election to elect a new executive.	October – March
Induction training for all committee members	March – April*

\* If insufficient nominations are received, Council will advertise again for nominations. If sufficient nominations are received, actions may be completed earlier.



### **3.3 Membership**

The Committee membership should generally reflect the community organisations which utilise the function/facility and must be open to representatives of user groups and interested community members. Equal representation of each user group is recommended.

The Committee shall generally consist of:

- One (1) member of each organisation which is granted use of any portion of the facilities on a license, annual, seasonal or longer-term basis.
- A number of community representatives as detailed in the committee constitution.
- Councillor representatives appointed by Council annually in September

### **3.4 Membership Criteria**

To hold office, be responsible for the management of a Council facility, and be entitled to vote and take part in meetings, all applicants will be assessed against a set of criteria and appointed by Council.

The criteria is:

- Be aged 18 years or over; and
- Have established ties to the Broken Hill community, and
- Be a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council; Relevant experience
- A commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential.

Council must also appoint new members before they are able to vote and take part in meetings of the Committee.

### **3.5 Membership Fees**

Members of Committees are volunteers and therefore do not receive payment for services.

Fees are not to be charged for Membership of the Committee.

Payment to a Committee Member is not permitted under any circumstances except for reimbursement of out-of-pocket expenses on presentation of detailed receipts. This will only occur for the Booking Officer relating to telephone and postage reimbursement. Any other requests for payment to Committee members must be referred to Council for approval.

### **3.6 Member Vacation of Office**

A person shall cease to be a member of a Committee if the:

- Member becomes bankrupt;
- Member resigns from office by notification in writing to the Committee and Council;
- Member is absent for three (3) consecutive meetings without leave from meetings of the Committee;
- Council passes a resolution to remove the member from the Committee;
- If the member fails to comply with Council's Code of Conduct;
- Member holds any office of profit or income under the Committee;
- Member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the Act;
- Member while holding that office is convicted of an offence referred to part 4 of the *Crimes Act 1900* (offences relating to property);

- while serving a sentence (whether or not by way of periodic detention) for a felony or other offence, except a sentence imposed for a failure to pay a fine;
- member is prohibited by Order under Section 230 of the Corporations Law from managing a corporation within the meaning of that Section;
- member becomes a mentally incapacitated person; or
- upon the death of a member.

Resignations, or a Committee member ceasing to hold office because of any one of the above circumstances, will be reported to Council for information and any action if required.

### **3.7 Procedure for Resigning from the Committee**

Where a member of a Committee resigns a written resignation will be presented to the Committee and forwarded to the General Manager.

Upon receipt of a resignation from a committee member, Council will call for nominations for the committee vacancy in the community and any nominations received will be presented at the next available Council meeting for appointment.

### **3.8 Committee Member Rights**

All committee members have the right:

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

## 4. COMMITTEE STRUCTURE

### 4.1 How is a committee structured?

Committees consist of office bearers (also known as the Executive) and other Committee members. The Committee elects their own office bearers at its first meeting of the committee term and thereafter at each Annual General Meeting.

Office bearers are elected for a 12-month period. Particulars of all appointments must be notified in writing to Council as soon as possible after appointment is made, including committee position, name, address, contact details and the user group represented (if any).

The Committee Executive will consist of:

- Chairperson
- Deputy Chairperson
- Secretary
- Treasurer

The Committee may, from its own members, elect a Grounds/Building Committee, groundsman or caretaker to handle the allocation and/or maintenance of grounds or other sub-committees necessary to handle a specific function or report on a specific issue. Note: Committees must not have paid members, therefore groundsman or caretaker roles are strictly volunteer base.

A maximum of two relatives of any one family can be office bearers on the same Committee at the same time.

Each member of the Executive shall hold the position on the Executive for a period of twelve (12) months from the date of the appointment at the Annual General Meeting or on the expiration of the Constitution, whichever occurs first.

### 4.2 Committee roles and responsibilities

The Executive do not have greater decision-making powers than other Committee members, other than the Chairperson who has a casting vote in the event of a tied vote.

Whilst the Executive usually have defined roles, each Committee member plays an important part in the functioning of the Committee. Office bearers must have access to a computer, have basic computer skills and be able to use email as a major form of communication.

Where a Councillor is a member of the Committee and that Councillor indicates that he or she wishes to be Chair of the Committee, that Councillor shall be the Chair of the Committee. Where no Councillor expresses a desire to be Chair of the Committee any other member of the Committee willing to accept appointment as Chair of the Committee, any such person may, by a vote of the majority of the members of the Committee, be appointed Chair of the Committee.

#### 4.2.1 Chairperson

The Chairperson (or Deputy Chairperson) is responsible for:

- Chairing meetings of the Committee;
- Acting as the official representative of the Committee;
- Acting on behalf of the Committee in an emergency or urgent situation;
- Assisting in direction, forward planning and vision for the committee; and
- Further specific meeting related tasks as outlined in Section 15.14.1 "Roles of the Executive - Chairperson".

### TIPS FOR A WELL FUNCTIONING COMMITTEE

- Schedule meetings to suit all
- Share a big picture/ vision for the venue
- Develop the venue and extend its use
- Share the load - don't let one or two people burn out
- Seek out new activities, new ways to engage with the community
- Brand and visibility are important – get out there
- Common goals, structured meetings, good minutes, regular meeting attendance
- Keep on top of reports

#### **4.2.2 Deputy Chairperson**

The Deputy Chairperson is to undertake the role of the Chairperson if the Chairperson is not available, and those responsibilities outlined in 4.2.1 Chairperson.

#### **4.2.3 Secretary**

The Secretary is responsible for:

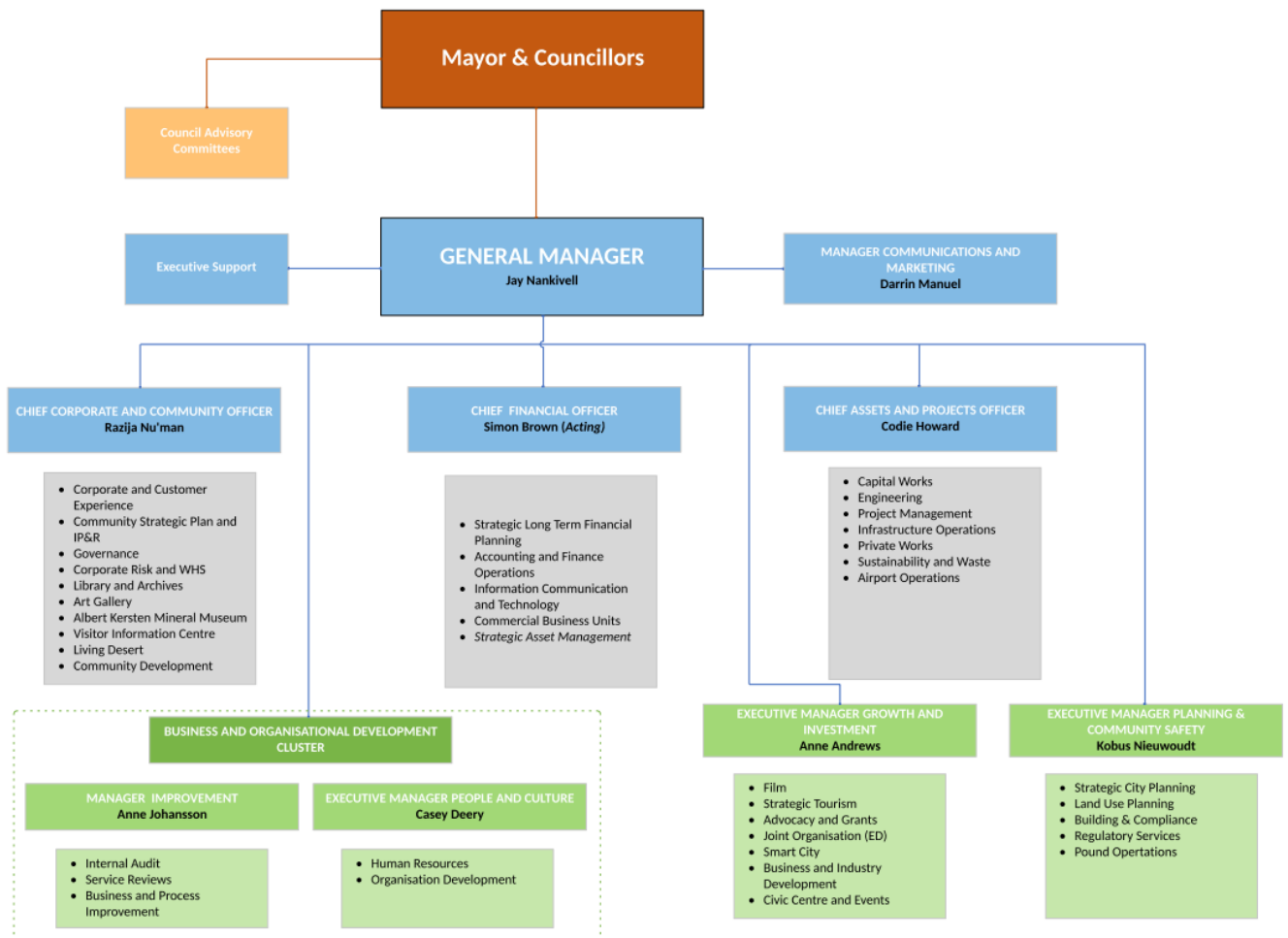
- Correspondence to and from the Committee;
- Notifying all members of meetings;
- Issuing the Agenda with any instructions from the Chairperson;
- Taking and distributing meeting minutes;
- Forwarding minutes and reports to Council;
- Ensuring there is a flow of information to and from the Committee;
- Ensuring that official files and records are kept and maintained;
- Assisting the Chairperson with finalisation of Annual and Term Reports;
- Further specific meeting related tasks as outlined in Section 15.14.2 "Roles of the Executive - Secretary";
- Liaise with all booking applicants;
- Arrange all booking forms and ensure they are completed as required; and
- Arrange payment of all bookings, including any refunds of booking bonds;

#### **4.2.4 Treasurer**

The Treasurer is responsible for:

- Handling the movement of money within the Committee;
- Recording income and expenditure; and
- Assisting with preparation and finalisation of financial reports when required.

## 5. COUNCIL STRUCTURE



### 5.1 Council Staff Roles and Responsibilities

#### 5.1.1 General Manager

The General Manager is responsible for:

- The efficient and effective operation of the Council's organisation;
- The oversight of all functions and Committees of Council;
- Ensuring the implementation, without undue delay, of decisions of the Council;
- To manage the Council on a day-to-day basis and to direct staff; and
- To exercise such of the functions of the Council as are delegated by the Council to the General Manager

#### 5.1.2 Ex-officio Members

The General Manager may appoint at least one Council Officer (Committee specific Council Officer) to serve as ex-officio (non-voting) members of each committee to provide advice to the Executive, where requested by the Committee or at the discretion of the General Manager. The ex-officio member may change at any time.

### **5.1.3 Council Public Officer**

The Public Officer:

- May deal with requests from the public concerning Council's affairs;
- Has the responsibility of assisting people to gain access to public documents of Council;
- May receive submissions made to Council;
- May accept service of documents on behalf of Council;
- May represent Council in any legal or other proceedings
- Has such other functions as may be conferred or imposed on the Public Officer by the General Manager or by or under the Act; and
- Is subject to the direction of the General Manager.

### **5.1.4 Council Contact Officer**

Council will assign all Committees a Council Officer to act as a Contact Officer, who will be responsible for:

- Developing, implementing and maintaining the Committee Framework;
- Advertising for nominations to the Committees;
- Providing overall direction and advice to the management of Committees;
- Organising and providing induction to Committees;
- Organising ongoing training and development to Committees;
- Developing tools and templates to assist the operations of Committees; and
- Act as a single point of contact at Council to liaise internally with other relevant staff regarding:
  - Technical advice to the Committees
  - Maintenance for Assets in conjunction with Committee
  - Purchasing supplies for Committees

## 6. COUNCIL AND COMMITTEE RESPONSIBILITIES

### 6.1 Council Responsibilities

- Funding Major Improvement
  - Funding and erection of all major improvement works in accordance with Council's adopted Plan of Management for Open Spaces, Asset Management Plans and availability of funds.
- Insurance:
  - The Council shall fully insure all buildings and all fixtures, fittings, and contents (other than those of hirers).
- Insurance of Committee Members:
  - The Council shall insure the Committee.
- Fees and Charges:
  - The Council shall consult with the Committee regarding any proposed variation of hire, membership fees or other charges proposed for the ensuing year (commencing 1 July) by 31 January in each year. Fees and charges will be endorsed by Council as part of the Operational Plan and take effect 1 July each year.
- Improvement Recommendations:
  - The Council shall consider with its annual budget process all improvements suggested by the Committee. These improvement recommendations must be submitted to the General Manager no later than 31 January each year.
- Training of Committees:
  - Initial training outlining committee structure and requirements, member roles, member and Council responsibilities, and Code of Conduct will be arranged and conducted by Council, at the commencement of the four-year term of office
  - Other relevant training will be offered where appropriate.

Management of the facility is delegated to the Committee by Council as specified in the Committee Constitution. Whilst the Committee has control over the facility, Council may exercise overriding authority and may revoke the powers of the Committee.

#### 6.1.1 Induction Training

Council will provide all Committee members, as volunteers, an induction program, provided locally at no cost to the member.

Induction training will provide an overview of committees, member requirements and responsibilities, Council responsibilities, Code of Conduct, Risk and Insurance, Workplace Health and Safety, and any other information or topics Council deems relevant.

#### 6.1.2 Ongoing Training

Ongoing training will be provided to all committee members as it is made available, whether provided by Council or a third party.

### 6.2 Asset Committee Responsibilities

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- Care includes:
  - Duty of care to ensure the health, safety and welfare of persons using the facility or participating in a function of the Committee.
  - Maintaining the facility and protecting the physical assets from damage, misuse and deterioration.

- The Committee will ensure that the facility is kept secure at all times.
- Advising Council of any potential insurance risk that may arise in regard to buildings and users.
- Ensuring sufficient and equitable access of the facility by the community.
- Ensure that all users of the facility execute the hirer agreement and indemnity prior to any use of the facility.
- Control includes:
  - Holding regular meetings with a copy of recorded minutes submitted to Council within 14 days of each meeting, for endorsement.
  - Submitting an annual report of activities to Council by the third (3rd) week in August each year.
  - Recommending hire fee structures and charges for determination by Council.
  - Administering and overseeing the use of the facility by other groups.
  - Clearly defining the role of officer bearers and committee members.
  - Submitting an estimate of income and expenditure for the period, that is, estimated revenue from fees and charges and suggested program of works or events for each financial year.
  - Submitting a current list of all contents of Council buildings/facilities directly in the control of the Committee (not user groups) for inclusion in Council's Insurance Policy, by 31 January each year.
  - Maintaining an email account or nominated postal address to which all correspondence will be forwarded; or advising Council of a street address for the forwarding of all correspondence.
  - Submitting a current list of all Committee members including the address and phone number to Council immediately following any change to Committee membership details.
  - Submitting the names of office bearers to Council following the first meeting for the term and after the Annual General Meeting.
- Operation includes:
  - Ensuring that all written material provided to potential hirers or used to promote the facility or program acknowledges the Council, including display of the Council's logo.
  - Ensuring that the standard hire forms including Terms and Conditions are used.
  - Being aware of, and involved in, appropriate community activities, which are compatible with the goals of the facility.
  - Developing and updating long term plans.
  - Recommending policies and procedures, which contribute, to the effective management of the facility.
  - Being accountable to the community and the Council for the Committees actions and initiatives in respect of the facility.

The Committee may not make decisions concerning the following:

- The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.



- Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control);
- Borrowing any monies;
- The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended);
- The acceptance of tenders which are required to be called by Council, i.e., in excess of Council's discretionary tender threshold (currently \$150,000 GST inclusive);
- Formation of submissions to government policies or implementation of policies without the prior written consent of Council;
- The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting;
- The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work);
- As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Secretary for phone calls made in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council;
- Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available; and
- Vote on monies for expenditure on the works, services or operations of Council.

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

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

## 7. MANAGEMENT OF THE ASSET

### 7.1 Development Plan for Facility

The Committee will prepare a Development Plan for the facility that covers future improvements for the facility.

The Development Plan proposals will be prioritised by the Committee and referred to Council for endorsement.

Upon gaining endorsement from Council, the prioritised list will be considered in conjunction with Council's Annual Budgets.

### 7.2 Variation of Development Plans

Committees must not vary the overall development plan for the facility without Council's prior written approval.

### 7.3 Plans of Management

Council are currently developing Asset Management Plans for both Buildings and Open Spaces. The Asset Management Plans are expected to be presented to Council for adoption and once adopted will be provided to all committees.

All activities conducted within the facility must conform to these plans adopted by Council.

### 7.4 Allocation of Playing Fields

The following procedure will be followed for the allocation of playing fields:

- For regular hirers/users' application must be submitted each year at least two months prior to the commencement of the season nominating the dates and times of use of the playing fields.
- Where playing fields are not being fully utilised, an advertisement will be placed in the local press three months in advance calling for applications for the use of the playing fields for the coming season.
- The closing date for all applications is one month prior to commencement of the season.
- Applications will be received by the Committee.
- Allocations of the playing fields will be made according to the applications received with regular seasonal hirers given priority. No allocations will be made to clubs which fail to submit an application form. All applicants will be advised of allocations and payment of the appropriate charges notified by the Committee to Council will be invoiced by Council within 30 days.
- Hire rights may be suspended if payment is not received and a penalty prescribed in Council's adopted fees and charges applied for the period of payment unless prior arrangements for payment are made with the Committee.
- Priority will be given to local sporting clubs which have the majority of its members residing in Broken Hill LGA.
- New clubs applying for fields must provide details of membership, club history, financial status and proposed use of the fields. Any special requirements must be requested on the application form and paid for in full prior to the use of allocated sporting field.
- Where electricity is used, the hirer is required to pay its proportion of the usage.

- The Committee must be notified of any changes to the club's application within twenty-one (21) days from the date of notification of field allocations. Clubs will be liable for payment for all fields allocated to them until the Committee is notified of the changes.
- Use of the grounds is prohibited outside the times and days nominated by the club and approved by the Committee. The Committee retains the rights to hire fields outside times and days nominated by the clubs. The Committee must be notified as soon as possible of any special events including registrations, presentations, knockouts, State Competitions and Gala days etc.
- Where an application is rejected by the Committee, the hirer shall be notified in writing with an explanation for the rejection.
- Wherever possible only one (1) club will be allocated to each field on a seasonal basis. Where usage patterns on a particular field are low, the Committee may allocate two (2) or more clubs to that field with each club being considered as a hirer under the terms of these Conditions of Hire. Where regular hiring of a field exists, additional hire will follow only after consultation with preferred hirer. Sub-rental by sporting bodies which have been allocated the use of a particular sporting field is prohibited.

### **7.5 Contribution/Ownership**

Sporting or Community groups contributing items for the permanent embellishment of the facility will be informed by the Committee that such a contribution will become the property of Council and will not be for that group's exclusive use.

Any items provided and funds raised by Committees are the property of Council, however, Council will ensure where possible these items and funds will be put into the development of the relevant facility.

## 8. MAINTENANCE OF THE ASSET

### 8.1 General

The Committee has responsibility for the overall cleanliness and maintenance of the facilities under their control.

The Committee is to provide Council with details of maintenance work completed in each financial year, including the information in their Annual Reports.

If Committees have improvement works conducted by contractors, a report on the nature of work, and outcome of the works are to be included in the next available meeting minutes.

Every contract in excess of \$1,000 must have the prior approval of Council prior to any commitment being made by the Committee and the appropriate funds voted by Council.

### 8.2 Annual Maintenance Advice

The Council is required to ensure effective use of funds available for all its service and works throughout the community.

In setting priorities, Council identifies needs, which are then funded in an annual budget developed in February each year, adopted in June and implemented in the ensuing financial year (i.e., July 1 – June 30).

Council provides funds for:

- Urgent repairs due to damage, excessive wear, safety or security;
- Needs to carry out licensing or statutory requirements; and
- Periodic maintenance.

The Committee can make a written request to Council's Infrastructure Assets Team to undertake upgrades or improvements. Such requests are to be forwarded to Council in November each year for consideration in the budget process. Approved projects may commence in July of that year.

### 8.3 Repairs and Minor Maintenance

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

The NSW Department of Fair Trading defines the class of minor maintenance/cleaning refers to the non-structural maintenance (including minor repairs) or cleaning of existing works/structures/buildings.

Council staff will inspect the facilities from time to time, but the Committee is expected to keep Council informed on any substantial repair or upgrading work required on the facility under their control.

Repair work not able to be repaired by the Committee's own finances (or under the Committee's delegation of \$1,000) must be referred to Council and will only be delivered depending on the availability of funds and the urgency of the works. Works considered necessary or desirable but beyond the means or over the delegation of the Committee should be referred to Council in writing so that early consideration might be given to their inclusion in a Works Program or the Annual Budget.

Quarterly Facility Hazard Inspection Checklists are required by Council from the Committee at the end of each quarter.

The Committee must ensure that suppliers of goods and services, including cleaning and minor maintenance works, are carried out by professional contractors who, as a minimum, must:

- Provide a copy of the public liability insurance and workers compensation Policy (if not a sole trader) (\$20 million cover) to the Committee;
- Show compliance with WH&S standards and regulations.
- Comply with the Building Code of Australia and relevant Australian Standards.
- Have an ABN - if a contractor does not hold an ABN, for example a Sole Trader, an Australian Taxation Office form "Statement by a Supplier" is to be completed and held with Council.

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

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

- cleaning
- mowing
- gardening

WORKS	EXAMPLE	RESPONSIBILITY
<p><b>Minor Repairs/Improvements</b></p>	<p>May include:</p> <ul style="list-style-type: none"> <li>• Weeding</li> <li>• Painting</li> <li>• Maintenance to minor fittings such as lights, handles</li> <li>• Cleaning</li> <li>• Carpet cleaning</li> <li>• Window cleaning</li> <li>• Graffiti removal</li> <li>• Air conditioning/heating maintenance/services</li> <li>• Internal painting (under 2.4m high)</li> <li>• Plumbing maintenance (only by licenced plumbers)</li> <li>• Electrical maintenance (only by licenced electricians)</li> <li>• Telephone charges</li> <li>• Hygiene Services</li> <li>• Electricity charges</li> <li>• Gas charges</li> <li>• Installation of new internal fittings, such as cupboards</li> <li>• Excess water charges</li> <li>• Provision and maintenance of furniture and equipment</li> <li>• Insurance premiums adjusted per facility</li> <li>• Music copyright licences (APRA and PCCA)</li> <li>• Testing and tagging electrical equipment</li> </ul>	<p>Asset Committee</p>

WORKS	EXAMPLE	RESPONSIBILITY
<b>Major Repairs/Improvements</b>	May include: <ul style="list-style-type: none"> <li>• Major repairs to roof, walls and floor including any structural repairs</li> <li>• Building extensions and major alterations</li> <li>• Pest control</li> <li>• Health and Safety requirements;</li> <li>• Accessibility and Inclusion;</li> <li>• Compliance matters;</li> <li>• Asset Protection (Asset management plan e.g., re-roofing, external painting, structural inspections etc);</li> <li>• Regular fire equipment inspection</li> </ul>	Council
<b>Cleaning</b>	Committees are to seek quotations every two years for services. This process needs to be undertaken in an open and transparent manner. Three quotations must be sought. The Committee then assesses the quotations and by resolution agree to recommend a contractor to Council.	Asset Committee – source quotations  Council – approve contractor
<b>Security</b>	Council to contract Security Contractor where required.	Council – approve contractor

## 9. HIRING OF THE ASSET

### 9.1 General

Some of the main objectives of the Committee are to ensure the facility is readily accessible to the community whilst at the same time raising funds for its maintenance and future improvements.

### 9.2 Inclusion

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

Consideration of disability and inclusion is now managed by new legislation, the *Disability Inclusion Act 2014*. The Act requires all government departments and certain public authorities, including councils in NSW, to have a Disability Inclusion Action Plan.

The Plan will focus on four key areas:

- Attitudes and behaviours
- Liveable communities
- Employment, and
- Systems and processes

There is a greater emphasis on consultation at all stages of planning, implementation, monitoring and direction on how to conduct inclusive consultation. There is new public monitoring and reporting requirements through Local Government Annual Reports. Council has a Disability Inclusion Action Plan.

For Section 355 Management Committees, this means that inclusion needs to be considered in all areas of planning and operation of the hall or facility. Critical areas that this needs to be considered include access to the hall and facilities (including toilets and kitchen), making written and web materials available to sight and hearing-impaired people and supporting access to sporting and recreation opportunities.

### 9.3 Conditions of Hire

It is essential that hirers sign a Hire Agreement which shows that they abide by the Terms and Conditions of Hire set out by the Committee, and in accordance with Council policies.

### 9.4 Bookings

The Committee will be responsible for all bookings and hiring of the facility. This ensures that the facility is accessible to the community and citizens do not need to travel distances to a central authority to gain access to the facility.

Each Committee will have a designated Secretary who is responsible for the bookings of the facility. It is anticipated that the person's name and telephone number is well publicised for the benefit of the community.

To make a booking, a person or group contacts the Secretary and books the facility for a particular day and time.

The Secretary will advise the hirer of the fees, bonds and deposits required, provide the applicant with the S355 Community Committee Venue and Booking Application Form including Terms and Conditions and enter the relevant information into the Booking Diary.

The Secretary is to advise potential hirers that fees and charges are subject to change each financial year. Fees charged are to be those applicable for the time the function actually takes place and not when the venue is booked (e.g., If a booking is made in March for an event in August – if the fees increase in July the new increased fee is to be charged).

Formal advice of the booking is to be provided to Council in the next applicable meeting minutes.

For each booking the following information must be recorded:

- Date when preliminary booking was taken.
- Name, address and telephone number of the hirer.
- Type of function.
- Times of hire.
- Hire charge and damage deposit (if any).
- Insurance policy details (Copy of certificate of Currency should also be provided).
- Date advice of the booking given to Council to invoice bond fees and charges, etc.
- Caretaker's comments on the condition of the facility and equipment after the function.

Funds raised from hiring the facilities assist in the provision of maintenance and meet operating costs as well as provide for improvements to the facility.

In hiring out these facilities, compliance is required with all applicable legislation including the following:

- *Environmental Planning and Assessment Act 1979;*
- *Local Government Act 1993;*
- *Liquor Act and Regulations 2007 and Regulations;*
- *Protection of Environment Act 1997;*
- *Work Health and safety Act 2011 and Regulations;*
- *Workplace Health and Safety Act 2011;*
- *Insurance Act 1984;* duty of disclosure
- *Anti-Discrimination Act 1977;*
- *Disabilities Discrimination Act 1992;*
- *Privacy and Personal Information Protection Act 1998;* and
- Any other laws and regulations governing the conduct of the Committee are also to be complied with.

## **9.5 Fees and Charges**

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

Only Council has the power under the Act to set fees and charges. Committees are to review their fees annually and make recommendations to the Contact Officer by 31 January for assessment and inclusion in Council's annual review of fees and charges.

Figures submitted should show the GST (Goods and Services Tax) inclusive amount. Once Council has adopted the fees and charges, a list will be supplied to each Committee. Adopted fees and charges are effective from 1 July each financial year.

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

**FEES AND CHARGES MAY NOT BE VARIED WITHOUT THE PRIOR WRITTEN APPROVAL OF COUNCIL**



## **9.6 Bond/Damage Deposit**

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

Hirers should be advised that this will be refunded if conditions of hire are adhered to.

Abnormal costs associated with the hire of the facility will be deducted from the bond including GST. This may include extra removal of garbage, extra cleaning etc.

## **9.7 First Aid Kit**

Council is a Person Conducting a Business or Undertaking (PCBU) and as such has a duty to provide First Aid equipment, facilities and trained personnel. The level of provision should be determined after considering relevant matters listed below:

- The nature of the work being carried out at the workplace (e.g., committee meetings, any committee functions);
- The nature of the hazards at the workplace (e.g., are these kitchen related, heavy lifting related or trip hazards);
- The size and location of the workplace (e.g., you might include sunscreen in your first aid kit);
- The number and composition of the workers and other persons at the workplace (e.g., older people, young children);
- Committees will be responsible for keeping the First Aid Kit stocked and doing regular checks on the Kit.

## **9.8 Use of Liquor**

Committees are responsible for advising hirers of conditions relating to the use of alcohol.

These prohibit:

- the consumption of intoxicating liquor by persons under the age of 18;
- bringing bulk alcohol or kegs into a community facility; or
- selling alcohol on the premises without a Functions Licence.

Persons serving alcohol must have Responsible Service of Alcohol Certificate.

Hirers wishing to sell alcohol can find further information on the Liquor and Gaming NSW website <https://www.liquorandgaming.justice.nsw.gov.au>

Council requires copies of all licences to be provided to Council prior to any event taking place.

Note: Council does not allow exemptions for any organisation to take alcohol into Council's facility.

## **9.9 Wet Weather**

If sports grounds or their preparation have been adversely affected by the weather to the extent that use would be detrimental, the Council shall have the power to suspend occupation of the ground by notifying the user and if possible, the Secretary or Booking Officer of the Committee, prior to 10am of the day scheduled for use.

A decision concerning the use of the playing fields for the first day of weekend competition will be made prior to 4pm on the day prior to the weekend, notifying the user and, if possible, the Secretary or Booking Officer of the Committee. For other days on the weekend, the Committee will have the power to determine if the fields are playable.

The Committee has the authority to close a ground due to wet weather but does not have the authority to reopen the grounds that have been closed by the Council except in accordance with the above paragraph.

Any club using a closed field may be liable for the full cost of repairs to the field surface.

## **9.10 Hire by Schools**

Schools will be charged as per Council's Fees and Charges

Schools must apply to the Committee for permission to use the field.

Teachers are to ensure that the grounds are left clean and tidy after use. Schools may incur a charge to clean up a sporting field and surrounds if left in an untidy state.

Schools are to ensure that they provide a copy of their Public Liability Insurance Cover of \$20 million noting Broken Hill City Council for their respective rights and interest (FTRR&I) prior to using the sporting facilities. This can be provided annually for ongoing bookings. Council requires a copy to be provided by the Committee.

Individual clubs cannot accept bookings from schools

Any misuse of sporting fields by schools is to be reported to Council and appropriate action will be taken by Council.

## 10. FINANCE INFORMATION

### 10.1 Financial Arrangements

Committees appointed under Section 355 of the Act are subject to the same standards of accountability as Council, and it is therefore important that Committees manage their operations and the community facilities and assets they care for appropriately. All assets held by the Committee belong to Council. The Committee is responsible for the care, control maintenance, repair, beautification, improvement and management in accordance with the delegations received from Council.

Council has determined that the financial operations in respect of all of its Committees will be managed consistently and all Committees are responsible for substantiating where its money has been spent or sourced. This must be done through tabling of minutes at meetings and reporting to Council via minutes and in Annual Financial Statements.

Council provides the following Committees with an annual financial operating subsidy:

- Alma Oval
- Memorial Oval
- Norm Fox Sporting Complex
- Picton Sportsground

In addition, the following applies to all Committees:

- Committees will operate their own bank accounts.
- Bank Accounts will be operative by cheques, signed by at least two members of the committee.
- As the Committee will operate within Section 355 of the Act, not only is Council required to provide for the audit function but should also include the income and expenditure of the centre within the framework of Council's annual estimates, quarterly financial statements and annual Statements of Accounts which are required by the Department of Local Government. That is, in addition to the end of financial year statements, the Committee must provide Council with estimates of income and expenditure for the forthcoming year.
- The requirements of the Act, make it necessary that committees appointed by Council comply with certain accounting standards. Accounts are to be kept by each Committee in the form prescribed by Council and according to certain legal requirements.
- Council must approve the purchase of any assets (purchase exceeding \$1,000) and this would normally be done by including the proposed asset purchase in the Committee's annual budget to be presented to Council for consideration or written request to the Contact Officer.
- Committees may arrange approved asset purchases through Council's Infrastructure Department.
- Committees are not required to submit audited financial statements to Council.
- Committees do not prepare GST compliance statements.
- Section 377 of the Act, precludes any committee delegated powers by Council from being able to make a charge, fix a fee, vote money for expenditure on works, services or operations, accept tenders, adopt a financial statement or grant financial assistance.

## 10.2 Purchasing

Committees must adhere to Council's Procurement Policy.

It is essential that any purchase of items is related to the use of Council's facility or function.

## 10.3 Contracting

Prior approval should be obtained from Council's contact officer for contracts in excess of \$1,000. Should Committees need to engage the services of a contractor (e.g., a plumber or cleaner) at standard commercial rates, the Purchasing Framework and Policy should be followed (i.e., between \$501 and \$2,000 two documented telephone quotes) and authorisation may be obtained by applying the following steps:

- Check documentation to ensure registered and licenced (Gold Licence, expiry date, name on licence);
- View the contractor's Workers Compensation and Public Liability Insurance (\$20 million cover). Council's insurance does not cover the contractor; and
- Obtain two (2) work related referee reports on the contractor's past performance.
- No work to commence without Council approval by way of official Council order.

## 10.4 Fees and Charges

The Schedule of Fees and Charges is set by Council, taking into consideration the recommendations of the Committee and the operating requirements of the facility.

Only Council has the power under the Act to set fees and charges. Committees are to review their fees annually and make recommendations to the Contact Officer by 31 January for assessment and inclusion in Council's annual review of fees and charges.

Committee will be contacted by Council each year prior to the adoption of the Budget with regard to the fees applicable for the coming financial year. The timeline for reviewing Fees and Charges and notifying Council is generally as follows:

ACTION	TIMEFRAME
Committee is contacted to review fees and charges for the coming financial year	November
Committee recommendations are due to Council	January
Fees and Charges are considered by Council's Finance Team	February
Recommended Fees and Charges are considered by Council at a Council meeting	April
Fees and Charges are publicly exhibited for 28 days	May
Final Fees and Charges are adopted by Council, ready for start of the new financial year	June

Figures submitted should show the GST (Goods and Services Tax) inclusive amount. Once Council has adopted the fees and charges, a list will be supplied to each Committee. Adopted fees and charges are effective from 1 July each financial year.

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

**FEES AND CHARGES MAY NOT BE VARIED WITHOUT THE PRIOR WRITTEN APPROVAL OF COUNCIL**

## **10.5 Donations**

Committees are not permitted to make donations.

Committees can accept donations, which are to go to the care, maintenance and improvements of the facility.

## **10.6 Income and Expenditure recording**

Income and expenditure needs to be recorded in an excel spreadsheet or suitable accounting software. This record is sometimes called the Journal or Ledger. The Income and Expenditure Record is the organisation's record of what money is received and spent, the transactions (both incoming and outgoing) that have occurred, and how much cash is on hand at any one time.

Update the records on a regular basis so it does not become a big job. Bank fees, interest, etc should be recorded in the month they appear on the bank statement. This will ensure the reconciling of the records to the bank statement at the end of each month.

## **10.7 Expenditure/ Payments documentation**

A Tax Invoice is required to make a payment to a supplier for goods or services. A Tax Invoice shows the supplier's ABN and whether GST is charged or not. These should be kept in payment order and noted with the internet banking receipt number (or cheque number) and date of payment for easy reference and to prevent double payment.

Where a Tax Invoice is not supplied a "Statement by a supplier" (on an approved ATO Form) must be supplied with the account for payment. Note the 'Statement by supplier' will only be required once per year for each supplier that does not have an ABN.

Payments to suppliers should be made by electronic funds transfer where possible (internet banking).

## **10.8 Income/ Receipts documentation**

Hirers and users of the facility should be encouraged to pay by direct deposit into the Committee's bank account.

A receipt must be issued for every payment received and monies should be banked regularly. Internet receipts are acceptable, or if you receive a cheque as payment, a manual receipt will be needed. The receipt of cash is an area where strict control is required. The safest method is to have only a limited number of approved people who have the responsibility for receiving funds, issuing receipts and banking monies.

## **10.9 Monthly bank account reconciliations**

The Treasurer should reconcile the committee's bank account at the end of every month and submit to Council:

- A copy of income/receipts taken for the month
- A Request for Reimbursement of expenses for the month

A Bank Reconciliation Instructions and Form is available to assist completing bank reconciliation. It is a good idea to provide an up-to-date financial report to each Committee meeting held.

## **10.10 Quarterly GST Reporting to Council and providing Council with Annual Financial Statements**

The treasurer will need to undertake a quarterly reconciliation and submit to Council:

- A profit and loss statement
- A balance sheet
- Completed GST Calculation Template for BAS at the end of the financial year. An Annual Financial Report and balance sheet for the entire financial year will need to be submitted.

## **10.11 Keeping records**

Committees are required to keep complete and accurate records. The following guidelines and procedures have been prepared to give members of Committees a greater understanding of the tasks they have undertaken.

Steps required to keep complete and accurate records:

- Open and maintain a bank account in the Committee's name.
- Make as many payments as you can electronically (internet banking). Avoid paying cash.
- Bank receipts promptly into the bank account.
- Record details in the electronic income and expenditure record. Keep the record updated regularly - at least monthly.
- Reconcile the bank account regularly - monthly or each time a bank statement is received and at the end of the financial year.
- Retain supporting documentation or evidence of payments.

The Income Tax Assessment Act requires records to be retained for seven years. It is important to retain invoices and other supporting documentation.

## **10.12 Manual account records**

All of the section above (section 10) applies, and below is information about how to keep accounts manually. Please note that manual records, books and forms in hard copy, are being phased out.

To keep accurate accounts records, Committees need to maintain the following books and forms:

- Cheque Book
- Expenditure documentation
- Receipt Books
- Cash Book
- Bank Deposit Book
- Reporting of financials to each meeting
- Monthly bank account reconciliations and providing necessary paperwork to Council for reimbursements
- Quarterly GST Reporting and Annual Reporting to Council

### **10.12.1 Cheque Book**

The cheque book should normally be held by the treasurer and must only be drawn upon with the joint signatures of two of the executive. Payments on behalf of the Committee made by cheque will be crossed and marked "Not Negotiable".

Payments will have some form of supporting documentation.

Payments will be authorised by the Committee.

Payments must be entered in the Cash Book under the appropriate cost heading.

### **10.12.2 Expenditure/Payments Documentation**

A Tax Invoice is required to make a payment to a supplier for goods or services. These should be kept in payment order and noted with the cheque number and date of payment for easy reference and to prevent double payment.

Where a Tax Invoice is not supplied a "Statement by a supplier" (on an approved ATO Form) must be supplied with the account for payment. Note the 'Statement by supplier' will only be required once per year for each supplier that does not have an ABN.

### **10.12.3 Receipts/Income Documentation**

Receipt books must bear the Committee's name (a stamp will do), have a fixed duplicate copy and be numbered. A receipt book can be supplied by Council. A receipt must be issued for every payment received and monies should be banked regularly. The receipt of cash is an area where strict control is required. The safest method is to have only a limited number of approved people who have the responsibility for receiving funds, issuing receipts and banking monies.

Keep a record of receipt books detailing the number and location (i.e., in use or not). Record receipt number in the Committee's Cash Book under the appropriate income heading and on the deposit form retained by you. Never give change for a cheque payment.

Avoid altering amounts on receipts. If it is necessary to alter a receipt, cross through the incorrect entry and insert the correct amount. Always initial alterations. It is more acceptable to cancel a receipt and retain both the original and duplicate in the book than to alter a receipt.

Amounts must show whether it is "GST inclusive" or not.

### **10.12.4 Cash Book**

This book is sometimes called the Journal or Ledger. The Cash Book is the organisation's record of what money is received and spent, the transactions (both incoming and outgoing) that have occurred, and how much cash is on hand at any one time.

A twelve (12) or eighteen (18) column cash book gives most Committees enough room for details or electronic accounting may be used. It is essential to have receipts and payment on separate pages or in some cases, separate section of the cash book. Across the page the columns are headed to allow the date, receipt or cheque number, cost or income allocation and totals. Have appropriate and sufficient cost or income headings for frequent transactions, try not to have too many items under sundries or miscellaneous - it makes things difficult when preparing end of year figures.

Update the Cash Book on a regular basis so it does not become a big job. The totals down the page should always equal the totals across the page - do this each time you rule off a page. Check that the totals carried forward onto the next page are correct.

Bank fees, interest, etc wherever possible should be written in the Cash Book in the month they were raised or when bank statements are received. This assists with reconciling the cash book to the Bank statements.

Show payments made either by cheque or direct credit, during the month in the cash book whether they have been presented or not. Show income received during the month whether banked or not.

For Committees banking through Council a monthly report will be provided to the Committee that is required to be reconciled in accordance with Section 5.3.

### **10.12.5 Bank Deposit Book**

If not banking through Council, the bank you have nominated supplies this book and it is where the income is recorded for deposit into the Committee's account.

### **10.12.6 Monthly Bank Account Reconciliations**

Check off the amounts received, and cheques written out in the cash book against the bank statement figures. From this, you can compile a list of outstanding deposits or unpresented cheques and it also verifies that an incorrect figure does not appear in either record. Tick or cross entries only once - there is no need for multiple marks against each entry. Simply compare the cash book entry against the bank statement and if they agree, mark each once only. If the bank reconciliation does not agree, find the discrepancy. It will be either a mistake in the Cash Book or on the statement.

The Treasurer should submit to Council at the end of every month:

- A copy of income/receipts taken for the month
- A Request for Reimbursement of expenses for the month

#### **10.12.7 Keeping the Books**

Committees are required to keep complete and accurate records.

The following guidelines and procedures have been prepared to give members of Committees a greater understanding of the tasks that need to be undertaken.

Steps required to keep complete and accurate records:

- Open and maintain a bank account in the Committee's name.
- Make as many payments as you can electronically (internet banking) or pay by cheque. Avoid paying cash.
- Bank receipts promptly into the bank account.
- Write up the cash book regularly - at least monthly.
- Reconcile the bank account regularly - monthly or each time a bank statement is received and at the end of the financial year.
- Retain supporting documentation or evidence of payments.

#### **10.12.8 Writing up the Cash Book**

Cash books are available in various sizes from stationers and office supplies such as Newsagents.

Cash Payments:

- Enter appropriate headings in the book, ensuring the first column is "Bank" and the last one "Sundries".
- Enter cheques in cheque number order.
- Ensure every cheque is recorded in the book.
- Record cancelled cheques, but at no value.

#### **10.12.9 Cash Receipts**

- The same procedures as for cash payments.
- Amounts received must be receipted.

#### **10.12.10 Reconciliation**

Bank reconciliations need to be performed regularly because:

- They keep track of cheques that are outstanding and possibly lost;
- They ensure that a complete record is kept of transactions;
- They enable your accountant to prepare a balance sheet and accounts for your Committee.;
- Take the monthly bank statement and write items such as bank fees, direct debits, etc into the cash book;
- Total up the columns; ensure they add the same across as well as down;
- Tick off items appearing in the cash book against the bank statements, noting those that are outstanding.

Finally, to complete reconciliation:

- Take - total Cash Book balance (brought forward from previous financial year);
- Plus - Income received to date in current financial year;
- Less - payments to date in the current financial year;
- This should equal - the balance on the bank statement; - (less unrepresented cheques) - (plus unbanked deposits).



### **10.12.11 Retention of Records**

The *Income Tax Assessment Act* requires records to be retained for seven years. It is important to retain invoices and other supporting documentation.

The financial reporting may be done electronically. A copy of the accounting must be backed up and available to the Council upon request.

Note: Records of Committee, minutes of meetings, reports, invoices, receipts and the like should be provided to Council as soon as possible to ensure accurate record management.

## 11. LEGAL INFORMATION

### 11.1 Legal Issues

It is important for Committees to be aware that they are in fact acting on Council's behalf. Legally, the Committee is "Council" and any action which the Committee undertakes is Council's responsibility.

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

### 11.2 Legal Action

The Committee is unable to enter into legal action.

### 11.3 Committee Record Keeping

The Australian Standard on Records Management (AS 4390-1996, Part 1. Clause 4.2.1) defines a record as recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

- No incoming or outgoing correspondence may be destroyed, with the exception of advertising material, newsletters, and magazines.
- Records should be stored in an area away from potential hazards, e.g., fuel, water, fire, vermin.
- Records should be stored in a secure location, e.g., locked cupboard or room.
- Release of original or photocopied records to any person, other than a current Committee member or an authorised officer of the Council, is prohibited.
- Access to records by persons other than current Committee members or an authorised officer of the Council is prohibited.
- Request for access to records, for persons other than those stated above, must be made through Council's Public Officer.
- The Committee acknowledges it has a responsibility under the *Privacy and Personal Information Protection Act 1998* to protect the personal information and privacy of individuals in general. The Committee will not provide to any person other than a committee member any personal information unless it has been specifically collected for the purposes for which it is being requested. This includes contact details for a member of the Committee unless that member has agreed those details can be provided to members of the public.

Records of Committees, e.g., minutes of meeting, reports, invoices, receipts etc should be provided to Council as soon as possible to ensure accurate record management.

Committees may keep electronic and paper copies of records for the duration of their term, but these should be secondary copies as the originals must be provided to Council's records management team via email [council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au)

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

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

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

At the end of the term of the Committee, all records must be provided to Council.

#### **11.4 Intellectual Property**

The Committee acknowledges and agrees:

- It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.
- The Committee, as a delegate of Council, has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council.
- Council retains ownership of all intellectual property created by Committee members in the course of their Committee work.
- The Committee refer to the Responsible Officer any questions relating to intellectual property rights or the use of another organisation's document.

#### **11.5 Pecuniary Interest**

Chapter 14 of the Act includes a new and separate framework for the handling of alleged breaches of the pecuniary interest provision of the Act.

The Act is about openness, accountability and transparency in decision making by Councils.

A Pecuniary Interest is one of financial benefit.

It is the responsibility of members of committees (who are not Councillors or designated persons):

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

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

#### **11.6 Declaration of Interests**

To protect individual members as well as the whole organisation, all committee members should declare their interests in advance. If a potential conflict arises, it should be declared as soon as possible. Where some financial, political or personal benefit is potentially involved, committee members should do one of the following:

- State their involvement in another organisation or business etc and the committee should be aware of this;
- State their involvement and ask that they not take part in discussion or decisions about the issues where there could be conflict; and leave the meeting room while such issues are being considered;
- State their other involvements and ask that the group determine whether they stay involved, or how they can participate without compromise; and
- State their involvement and that they believe they should resign from the committee because of this conflict.

## **11.7 Conflict of Interest**

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

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

The conflict may lead to:

- Financial benefit e.g., Sale of goods or privileged knowledge;
  - Political benefit e.g., Gaining or losing electoral support; or
  - Personal benefit e.g., Career advancement or increased standing in the community.
- Committee Members are required to adhere to Council's Code of Conduct.

## **11.8 Disputes**

### **a) External**

Where individual citizens or groups of citizens of the LGA disagree with a resolution of the Committee or actions of the Committee, these bodies have the right to refer their grievances in writing to the Committee for reconsideration.

Where the Committee refuses to alter its decision or actions, the individual resident or group of citizens from within the LGA may present their grievance to Council in writing, for reconsideration.

Where such notice in writing is referred to Council, Council will request a report on the issue from the Committee. Upon receipt of the report the matter will be referred to Council for resolution.

Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Committee and the resident or group of citizens who referred the matter to Council.

### **b) Internal**

All disputes between members of the Committee are to be resolved within the Committee where possible.

Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome, where this is not possible the Chairperson will have the casting vote.

There will be no right of appeal when the Committee has determined its resolution of a dispute; but where disputes are considered irreconcilable by the Committee, they will be referred to Council for resolution. Council's decision is final.

## 12. CORPORATE INFORMATION AND SOCIAL MEDIA

### 12.1 Correspondence

Correspondence from the Committee is effectively correspondence from the Council, as the Committee acts on Council's behalf. Hence stringent conditions are required to ensure appropriate use of Council's name and logo.

### 12.2 Letterhead

Committees are to design and implement their own letterhead and logo for all correspondence.

The letterhead design must be approved by Council and indicate that the function is a Committee of Broken Hill City Council. The Council logo must be included in the design.

The Council logo and rules around logo use will be provided to all committees.

### 12.3 Purpose of Correspondence

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

- Provision and seeking of information
- Extension of invitation
- Expressions of thank you
- Seeking of sponsorship (after approval of General Manager)
- General correspondence not committing the Council or making public comment.

### 12.4 Filing

Copies of correspondence from the Committee under Council's letterhead must be placed in Council's filing system within 1 day of the letter being sent.

### 12.5 Signatures

The signing of correspondence being limited to the Mayor, General Manager, a member of staff duly authorised by the General Manager, or a Chairperson of the Committee duly authorised by Council.

### 12.6 Clerical Support

It is not the normal practice of Council to provide clerical support to Committees. A Committee may however apply for support and the General Manager will make a determination on whether assistance will be forthcoming.

In general terms, clerical support will only be offered if a Council employee is a member of the Committee, and the assistance is an extension of the employee's duties.

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

## **12.7 Sub Committees**

The Committee may appoint working groups to report back to the Committee. These "Sub Committees" can be made up of non-committee members, have no legal standing and must recommend back to the Committee for ratification.

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

## **12.8 Use of Council logo**

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

- Use of Council logo MUST be approved prior to use.
- Council's Contact Officer will provide all Committees with the appropriate file format, size and colour of the logo suitable for use.
- Use of the logo is outlined in Council's Corporate Style Guide.

Council's logo was refreshed in 2016 and the Kangaroo Logo and Council Crest should no longer be used.

## **12.9 Marketing and Promotion**

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

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

## **12.10 Social Media**

Council's Social Media Policy and Social Media Guidelines apply to Section 355 Asset Committee members.

## **MARKETING AND PROMOTION IDEAS**

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

- Develop a vision for the hall/venue - where would you like to be in five years' time?
- How would you like to engage with your local community?
- What are the target groups for your venue to increase revenue to pay for hall upkeep?
- Have an easy-to-use website with online bookings and calendar.
- Advertise in local newsletters.
- Develop flyers for local noticeboards/to place in local businesses.
- Have community open days and allow hall users to showcase their activity.
- Provide a community function or event, such as a bush dance.
- Have regular themed social functions.
- Consider Facebook and other social media avenues.

Council would like to work with committees further on marketing and promoting venues, so please contact Council with your ideas, or for assistance.

# 13. RISK MANAGEMENT

## 13.1 General

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

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

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

A Risk Management Framework has been developed to ensure the appropriate documentation is kept to evidence the due diligence process and ensure all responsible steps are being taken to identify the risk to the committee and users of the facility.

Copies of the Risk Management Framework can be made available by contacting Council.

## 13.2 COVID 19

COVID 19 pandemic which has affected Australia and the World since 2020 has resulted in the Australian and State Governments imposing and legislating a number of restrictions and requirements to manage the health and wellbeing of all citizens.

Council continues to comply with all NSW Government legislative requirements in management of its operations including 355 committees and other volunteer groups, accordingly from time-to-time Council will need to implement additional regulations and restrictions on access and operations of its facilities which will impact 355 committees and their volunteers.

Council will provide ongoing information and guidance on any regulations and restrictions that relate to the COVID 19 pandemic and operations of 355 Committees as they are required to e

## 13.3 Hazards

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

Committees are urged to apply some common sense rules for hirers of facilities such as restacking of tables and chairs, cleaning spills from floors, rubbish removal e.g., "chairs must be stacked in sets of no higher than (specify number) and placed against the wall".

## 13.4 Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on how to use it. If this is not available Council must be notified immediately. Equipment will be inspected twice (2) annually by a professional qualified contractor. This is organised by Council's Infrastructure Department. If the equipment is used irresponsibly by a hirer this should be deducted from the hirer's bond.

## 13.5 Emergency Exits (Buildings)

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

## 13.6 Inspections

Regular inspections are essential to identify potential risks, and to assist in the defence of claims brought against Council. Inspections must be thoroughly documented.

The Committee will be responsible for inspection of the facilities under their control. Inspections may be either formal or informal.

### **13.6.1 Formal Inspections**

Inspection of the facilities under the Committee's control must occur and be documented using checklists at least once quarterly using the Facility Hazard Inspection Checklist. A copy can be forwarded to Council for action if required

Informal inspections are incidental in the course of Committee business. Any defect or problem discovered must be dealt with according to the Request for Work to be Scheduled form.

### **13.6.2 Safety Inspections by Hirers**

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



## 14. INSURANCE

### 14.1 General

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

- Public Liability;
- Workers Compensation;
- Property;
- Professional Indemnity;
- Casual Hirers; and
- Personal Accident

### 14.2 Notification

Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council using Council S355 Incident/Injury Form as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests.

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

### 14.3 Volunteer Labour

For projects involving volunteer labour, an estimate of numbers and details of the project must be forwarded to the Contact Officer as soon as possible to ensure the project is covered by and noted on the appropriate policy.

Voluntary labour can be utilised to assist/or complete the project; but volunteers must be approved and inducted by Council.

To ensure that projects are not unnecessarily jeopardised, the following procedure will apply:

- At commencement of the improvement project all works and materials to be defined along with the sources of financial, material and labour inputs.
- Council's financial involvement is to be clearly defined as well as all items to be paid for by Council. Any items to be paid for will be ordered by Council.
- The project is to be discussed at a joint meeting between Council officers and responsible members of the particular Committee.
- The discussions, source of funds and responsibilities for various parts of the project are to be confirmed by letter.
- The names of any volunteers must be forwarded to Council prior to any work being carried out.
- The Committee is required to maintain a register of volunteers detailing the names and addresses of volunteers, duties performed, the date and time particular work was commenced and completed and details of any incident involving injury to a volunteer.
- All volunteers carrying out any work on, or associated activities in relation to, the Committee are required to give due regard to the safety of themselves and others, with respect to all activities/work being carried out and equipment being used and shall receive cover in accordance with Council's Public Liability and Personal Accident insurance.

#### **14.4 Public Liability Insurance**

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

If a third party suffers property damage or personal injury as a result of Council or Committee negligence, they are covered under the public liability policy.

The Committee should note that the policy does not cover participants of events/and or groups/associations or incorporated bodies. By law, all incorporated bodies, sporting clubs must have their own public liability insurance as they are excluded from Council's policy.

#### **14.5 Workers Compensation Insurance**

Council's Workers Compensation Policy only covers Council employees including volunteers of Council. If contractors are engaged, they must provide a copy of a current workers compensation policy.

#### **14.6 Property Insurance**

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

Any new equipment purchased by the committee must be notified to Council for inclusion in Council's asset register.

Other equipment belonging to sports clubs, playgroups etc is not covered by Council's policy and such groups must be advised to affect their own cover for such items if stored at the facility.

#### **14.7 Professional Indemnity Insurance**

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

As discussed previously it is essential that all potential claims are reported as soon as practicable, and all documentation is collected and investigations conducted as soon as possible.

#### **14.8 Casual Hirer Insurance**

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

#### **14.9 Personal Accident Insurance**

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

Compensation will not be payable for those under the minimum age of 10 years and over the maximum age of 90 years.

## 15. MEETING PROCEDURES

### 15.1 Code of Meeting Practice

Meetings are to be conducted to a standard based on Council's adopted Code of Meeting Practice Policy. Specific standard requirements are detailed in this section and include:

- that a quorum be present;
- that appropriate notice is given;
- that business on the agenda is properly conducted; and
- that correspondence and minutes are recorded.

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

### 15.2 Types of Meetings

Typically, there are three types of meetings that a Committee may hold.

#### 15.2.1 Ordinary Meetings

Ordinary Meetings of the Committee are required to address correspondence, hiring of the facilities, finance matters, risk management matters and maintenance of the facility.

#### 15.2.2 Annual General Meeting

The Annual General Meeting of the Committee is required to report on the activities of the Committee for the previous 12-month period and to develop proposals for development and maintenance of the facility for the coming 12-month period.

Appointment of all office bearers for the coming 12-month period will also take place at this meeting.

#### 15.2.3 Extraordinary Meeting

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

An agenda will be prepared and circulated to all members of the Committee with at least 2 days' notice.

### 15.3 Frequency of Meetings

#### 15.3.1 Ordinary Meetings

There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

#### 15.3.2 Annual General Meeting

This meeting should be held once per year.

#### 15.3.3 Extraordinary Meeting

This meeting should be held as required.

## **15.4 Agenda**

The agenda is an organised list of headings of the major items, in order, that will be discussed at the meeting. A copy of the agenda is distributed to the Committee members at the commencement of the meeting, or before if it is possible. Late matters can be added to the agenda at the opening of the meeting as the Chairperson calls for discussion on the agenda.

Each item of business to be discussed at the meeting needs to be included on the agenda.

Unfinished business and reports on actions taken since previous meetings are included in the agenda under 'Business arising from previous minutes.'

If items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

The agenda is required to be sent out to all Committee members and Councillor Representatives at least one (1) week prior to the meeting.

## **15.5 Correspondence**

### **15.5.1 Inwards Correspondence**

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

### **15.5.2 Outwards Correspondence**

A list of significant correspondence sent out (Outwards) is provided to inform the members of the action taken on their behalf.

Correspondence is to be suitably filed together for future reference.

## **15.6 A Quorum**

A quorum is the minimum number of members who must be in attendance to hold a meeting.

A quorum is reached when more than one half of the members are present.

If a quorum is not present within half an hour after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson; or those present can hold an informal meeting to discuss matters, however no decisions can be made where a quorum is not present. Any decisions/motions are to be taken to a subsequent meeting where a quorum is present for recommendations and/or clarification.

## **15.7 Conduct of Business**

Each item of business is discussed in the order in which it appears on the agenda. It is best to allow adequate time for discussion on important issues and to ensure relevant information on the matter under discussion is available at the meeting.

## **15.8 Voting**

Voting allows members to express their agreement or disagreement. Voting can be conducted in one of three ways:

- a) Vote verbally
  - o The chairperson asks people to say 'for' or 'against' and then decides which group is the largest.
- b) Vote by show of hands
  - o The chairperson asks people in favour of a decision to raise their hands, counts hands and announces the total, and repeats the same process for those against.

For motions/recommendations, the Committee needs to have an agreement concerning the way a vote will be conducted (either a) or b) above), e.g., for the vote to be carried, you will

need a simple majority (more than half). If it is a tied vote the Chairperson has the casting vote and where this happens, this should be recorded in the Minutes.

## **15.9 Minutes**

Minutes of the meeting must be recorded and a motion/recommendation put forward by the Committee members. The motion/recommendation after being voted on by the Committee should be recorded as "carried" or "lost" (see part 15.8 Voting).

This document is to be an accurate recording on what happened at the meeting.

The draft Minutes of each meeting must be sent to Council within 14 days after the meeting and confirmed at the Committee's next meeting.

On receipt of the Minutes by Council they will be reviewed and the Committee may be contacted if required. Council will not act on Minutes recommendation/motions alone, a request for information/action etc. by Council must also be put in writing from the Committee via a Works Request Form.

The Committee is required to be aware of the importance of minutes due to their legal status and their liabilities to subpoena in court cases and be used for Access to Government Information release. Minutes of each meeting will be provided to the general public via Council's website in the interests of transparency and accountability.

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

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

## **15.10 Committee Records**

Records of Committees, e.g., minutes of meeting, reports, invoices, receipts etc should be provided to Council as soon as possible.

See further information regarding records in section 11.4.

## **15.11 Roles of the Executive with Meetings**

### **15.11.1 Chairperson**

Before a meeting:

- Prepare the agenda (in consultation with the Secretary) setting out the items of business to be considered.
- Ensure the meeting is properly convened in accordance with these guidelines e.g. A quorum is present.

During a meeting:

- Chair the meeting, open the meeting, welcome and introduce members and guests.
- Keep members at the meeting focused on the topics being discussed and encourage all members to participate. Give all members an opportunity to speak on each topic.
- Ensure correct meeting procedures are followed and that control of the meeting is maintained, keeping track of time.
- Make sure that recommendations are relevant and understood by members. Ensure that the minute taker has recorded all recommendations that the Committee wishes to forward on to Council.

- Close the meeting.

### 15.11.2 Secretary

Before a meeting:

- Prepare the agenda (in consultation with the Chairperson).
- Make copies of the agenda if required and distribute to all members.

During the meeting:

- Take the minutes.
- Record all recommendations that are to be forwarded to Council.

After the meeting:

- Type minutes and distribute to all members.
- Ensure that accurate minutes are kept.
- Complete any actions as decided at the meeting.
- Provide a copy of the minutes and all inwards and outwards correspondence to Council.

### 15.11.3 Treasurer

Before/During the meeting:

- Provide a financial situation update

DOCUMENT	SENT TO COMMITTEE MEMBERS / COUNCILLOR REPRESENTATIVES	SENT TO COUNCIL
Agenda – Ordinary Meeting	At least one (1) week prior to the meeting	No
Agenda – Annual General Meeting	At least one (1) week prior to the meeting	No
Agenda – Extraordinary Meeting	At least two (2) days' notice	No
Correspondence List	To be sent with Agenda	No
Minutes		Yes - within 14 days after the meeting date
Records	Keep for term of Committee	Immediately

## 16. REPORT REQUIREMENTS

### 16.1 Annual Report

Committees are to provide Council with an annual report with inclusive financial statements by third (3rd) week in August each year.

Annual Reports are to detail the following information:

- Number of meetings conducted and dates of meetings
- A breakdown of attendance at meeting by each member
- Activities/Projects/Achievements
- Ongoing Issues
- Completed Maintenance
- Financial Report (bank balance etc)

### 16.2 Finance Reports

Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.13

### 16.3 Quarterly GST Reporting

Quarterly GST Reporting is to include the following information:

- A profit and loss statement
- A balance sheet
- Completed Business Activity Statement (BAS)

### 16.4 Term Report

A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

Term Reports are to detail the following information:

- Overview of the responsibilities of the Committee
- Activities/Projects/Achievements/Highlights
- Ongoing Issues

REPORT	WHEN TO SEND TO COUNCIL
Annual Report	By the 3rd week in August - annually
Finance Report	By the 3rd week in August - annually
Quarterly GST Report	By the end of the 1st week following the end of the quarter
Term Report	By the 3rd week in August – quadrennial

# 17. DEFINITIONS

In this Manual the following definitions will apply:

The “**Act**” shall mean the *Local Government Act 1993*.

“**Advisory Committee**” shall mean Committees that report through to the General Manager and are established to provide advice on the implementation of Strategy. These Committees are not responsible for the care, control or management of Council Assets.

“**Asset Committee**” shall mean Committees that report directly through to Council and are responsible for the management responsibilities, functions and operations of community facilities, such as buildings and ovals.

“**Chairperson**” shall mean:

- for a meeting of the Council – the Mayor;
- for a meeting of a Committee of the Council – a member of the committee whose appointment has been approved by Council

“**Committee**” shall mean the body of persons appointed by Council to the Section 355 Committee in accordance with this framework.

“**Constitution**” shall mean and includes this document along with all schedules and attachments referred to in this document, including but not limited to any policy adopted by Council and set out in Item 5 of the Schedule.

“**Contact Officer**” shall mean Committee specific Council Contact Officer.

“**Council**” shall mean Broken Hill City Council.

“**Councillor**” shall mean a Councillor of the Broken Hill City Council.

“**Executive**” shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

“**Facility**” shall mean a Council owned building, oval or park.

“**Financial Year**” shall mean the period from 1 July year X to 30 June Year X + 1.

“**Framework**” shall mean the Section 355 Committee Framework that incorporates three components.

“**General Manager**” shall mean the person appointed or acting in the position of General Manager of Broken Hill City Council.

“**Intellectual Property**” means and includes the copyrights, trademarks, registered designs, patents and databases. In particular it refers to a range of Council resources including written material, design drawings, maps and plans, computer programs and databases.

“**LGA**” shall mean Local Government Area.

“**Manual**” shall mean this document, being the Section 355 Asset Committee Manual.

“**Personal Information**” shall mean “information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion” as per the definition included in Section 4 of the *Privacy and Personal Information Act (PIPPA) 1998*.

“**Record**” means recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

“**User group**” shall mean organisations which are granted use of any portion of the facilities on a license, annual, seasonal or longer-term basis.

“**Volunteer**” means a person who assists the committee (either on a regular or casual basis) in a voluntary capacity but is not a member of the committee.

“**WHS Policy**” means any Work Health and Safety Policy or Procedure/s adopted by Council and includes any Manual or other document forming part of, or associated with any such Policy.



# HOW DO I CONTACT COUNCIL?

## 18. HOW DO I CONTACT COUNCIL

HOW?	CONTACT DETAILS
In Person	Council Administrative Centre 240 Blende Street Broken Hill NSW 2880
Post	Broken Hill City Council PO Box 448 Broken Hill NSW 2880
Phone	08 8080 3300
Fax	08 8088 3424
Email	<a href="mailto:council@brokenhill.nsw.gov.au">council@brokenhill.nsw.gov.au</a>
Emergency Contact (out of hours only)	0408 858 368
Opening Hours	9am to 4pm – Monday to Friday Cashier closes at 4pm

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[www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)