



Section 355 Committees Procedure Manual





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1. Purpose

The intention of this Procedure Manual is to formalise responsibilities and procedures applicable to Section 355 Committees and Volunteers at Hilltops Council.

The Council cannot perform all the tasks necessary to provide a high standard of services and facilities for the community and volunteers provide invaluable resources to both supplement and complement Council's service to the community. Council has a responsibility to protect the Health and Safety of these volunteers, but also has legislative obligations to oversee the operation of volunteer Committees, especially regarding financial recording and reporting, and complying with taxation rulings.

This Manual provides comprehensive guidelines on the management responsibilities, functions and operation of a Section 355 Committee and clarifies Council's role in this partnership.

Upon formal approval of a Section 355 Committee by Council, its members are required to adopt and adhere to the conditions set out in this document. Adherence will ensure Council and Committee members are aware of the responsibilities and adequately covered by insurance.

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



2. Introduction

Hilltops Council recognises the important part volunteers and community groups play in providing and managing Council facilities and services.

There are a number of Section 355 Committees that are constituted under the powers provided by the Local Government Act, and this document is provided for the guidance of these Committees.

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

Hilltops Council provides advice and direction on matters associated with these Committees and members can seek Council's assistance in this crucial role at any time. Committees can have different responsibilities and for this reason some clauses of these Guidelines will not necessarily apply or be relevant to each Committee.

This manual has been prepared to:

- Provide a comprehensive guide on the management responsibilities, functions and operations of community facilities;
- Provide good practices and operational procedures for the Committee; and
- Clarify Council's and the Committee members' role in this partnership.
- Committee members have a right:
 - To work in a healthy and safe environment;
 - To be adequately covered by insurance.
 - To be provided with sufficient training to undertake their role.

2.1 Manual Updates and Support for Committee Processes

This manual is provided as a resource to assist section 355 committees with their operations. It includes forms and Templates that have been developed to assist with the running of successful committees. This information will continue to be updated, and additional forms and Templates added from time to time.

All forms and Templates will be provided in hardcopy and/or electronic format, in word and excel.

Committees are invited to ask questions and to provide feedback that can be used to update this manual. Council staff will arrange for each update to be redistributed to all current committees, and this will also assist with the sharing of information and ideas.

As committees review and update their processes over time, Council staff will be available to provide advice and support, and to assist with the sharing of tools and Templates.

2.3 Council Contacts

Business hours:	8.30am to 5pm
Phone number:	1300 445 586
Email:	mail@hilltops.nsw.gov.au
ABN:	33 984 256 429
Postal address:	Locked Bag 5 Young NSW 2594
Website:	www.hilltops.nsw.gov.au



3. Functions and Delegations

3.1 What is a Section 355 Committee?

Under section 355 and 377 of 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 people to manage facilities or functions through a section 355 committee.

Section 355 allows Council to exercise a function of Council by a committee of the Council; and Section 377 allows Council to delegate functions of Council.

3.2 Why Does Council Have Section 355 Committees?

The 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 twofold 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 Committees are acting on behalf of Council, it is important they uphold the principles of equity, accessibility and inclusivity - providing for the whole community. Research shows that community involvement in managing community facilities provides better outcomes for locals whilst engaging and including local people, both new and existing residents, and providing an opportunity to participate in local community life.

3.3 How are Section 355 Committees Established?

Council has the discretion to appoint community members to section 355 committees. Each committee has a charter that describes the specific objectives that Council has delegated to it. Any amendments to the charter must be approved by a resolution of Council.

In legal terms, section 355 committees act on behalf of Council and Council is responsible for everything that section 355 committee's do whilst acting in accordance with their committee charters. If committee's act outside of their charters, then members may be liable for those actions.

3.4 What Section 355 Committees are established in the Hilltops Regional Council area?

A current list of section 355 committees and their charters is listed in **Appendix 1**.

4. Responsibility and Conduct

4.1 Responsibility

The Section 355 Committee will be responsible for activities as determined when the Committee is established. This responsibility will be conveyed to the Committee and is listed in **Appendix 2**.

4.2 Limitation of Powers

The Committee may not make decisions concerning the following:

- a) Fixing of charges or fees (the Committee may submit recommendations for approval by Council in relation to the fixing of charges and fees for use of the facility under its control).
- b) Borrowing of any monies without the express written consent of Council on each such occasion.
- c) The sale, lease, sub-lease or surrender of any land and or other property vested in its care under the provisions of the Local Government Act 1993.
- d) The acceptance of tenders which are required to be called by Council. (The Committee may invite and accept quotations for minor works, goods and services covered within the scope of its authority or as agreed with Council).
- e) The payment or making of any gift (other than a token gift), to its members. This includes the payment of allowances or travelling expenses incurred whilst attending Committee meetings. The definition of a 'token gift' is in accordance with Council's Code of Conduct.
- f) The payment of any monies outside the scope of the Committees function.



- g) The carrying out of any works on or to the facility including alterations, reconstructions or construction without the prior consent of Council (Does not include minor maintenance works).
- h) Unreasonably withholding consent for the letting of the facility to any organisation which agrees to comply with and adhere to the rules adopted for use of the facility, providing an acceptable letting period is available.
- i) Vote monies for expenditure on the works, services or operations of Council.

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

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

4.3 Code of Conduct

Hilltops Council has a Code of Conduct (based on the Office of Local Government’s Model Code), that is applicable to elected Councillors, employed staff and Delegate/Committee members. This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

As Section 355 Committees are operating as part of Council, it is important for Committees to be aware of, and abide by, this Code of Conduct.

Council’s Section 355 Committees have the responsibility to ensure the following:

- Access is available to the entire community and is not denied because of ethnicity, gender, disability or religion.
- Priority of use should be given to non-profit making community groups and organisations.
- That the facility not be aligned with, or advocate or advertise for or on behalf of, any political party or person/s.

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

A Volunteer Registration Form (**Attachment 1**) is required to be completed by appointed Committee Members.

4.4 Council Policies

As well as the Code of Conduct policy, Council has other policies that are applicable to Committee members. Copies of these policies are available on Councils website and are included with this manual. A list of these polices is included below.

Council Policies
S355 Policy and Constitution – to be updated
Alcohol & Other Drugs Policy
Work Health and Safety Policy
Code of Conduct Policy
Media and Communications Policy



4.5 Accountability

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

- Hold an Annual General Meeting (AGM) to elect office bearers with the AGM to be widely advertised. Advertisements placed in Council's newsletter meet this requirement.
- Provide reports, minutes and annual financial statements to Council.
- Ensure that all committee members are provided with copies of minutes and agendas and given notice of meeting details.

A Template for advertising the Annual General Meeting is provided in **Appendix 3**.

5. Appointment and Membership

5.1 Appointment and Term of Membership

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

To hold office and be responsible for the management of a Council facility, all Committee members must be appointed by Council.

New Committee members must also be appointed by Council, before being able to vote and take part in meetings of the Committee.

Council may dissolve a Section 355 Committee at any time.

The term of office for Section 355 Committees will be the same term as the current Council, with the addition of an extra three months after the General Election of Councillors, unless as a sunset Committee, i.e. with a finish time specified.

All nominations for Section 355 Committees are formally submitted in writing to Council for appointment on the Application for Community Membership Form (**Attachment 2**).

5.2 Committee Membership

The membership numbers of a Section 355 Committees shall not be less than four members and not be more than twelve as appointed by Council, including office bearers, unless otherwise decided by Council. Council reserves the right to appoint one of its members to each Committee.

Whilst no qualifications are necessary, a commitment to the activities of the Committee, and a willingness to be actively involved in Committee issues, is essential.

Committees work best when the workload is shared amongst committee members and there is evident goodwill and cooperation amongst members. Some characteristics of and suggestions for what works well are below:

Characteristics	Suggestions
A good strong committee	Schedule meetings to suit all
Working well together	Share a big picture vision for the facility/event
Boundless goodwill	Develop the facility/event and extend its use/popularity
Engaged and enthusiastic	Share the load. Don't leave it to one or two people
Large amounts of positive energy	Explore new activities and new ways to engage the community
Cooperation and teamwork	Strive to make the committee known and visible
Communication	Identify common goals, structure meetings, encourage regular attendance and produce good minutes



5.3 Dissolution of Committee

The Council by resolution can dissolve a Committee at any time: -

- To carry out the control of the facility itself.
- If the Committee is not complying with the roles and responsibilities of the Committee.

Committees are formally appointed by the Councillors in office, therefore, three months after the General Election of Councillors, all Community Committee members will cease to hold office.

In the event of membership dropping to less than 4 persons, in this respect Council may:

- Assist the Committee to re-establish its numbers;
- Dissolve the Committee and take over the responsibilities, consideration will need to be given to the long-term viability of the facility or function.

Upon the Committee being dissolved, assets and funds of the Committee shall, after payment of expenses and liability, be handed over to Council.

All Committee members are eligible for re-appointment. Committees can either resubmit the nominations in writing to the newly elected Council; or may hold a meeting to select the proposed Committee and then forward the nominations to Council for approval.

(This action does not rule out Committees holding an Annual General Meeting).

5.4 Vacation of Office

The office of any member, or office bearer of the Committee will become vacant in the following circumstances.

- upon the death of the member; or
- if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or make an assignment of his or her remuneration for their benefit; or
- if the member becomes a mentally incapacitated person; or
- if the member resigns membership by notice in writing to the Committee; or
- if the member is absent for more than three consecutive meetings without leave of the Committee; or
- if the member ceases to be a member of the organisation which he/she represents, (representatives of organisations will be given preference) unless the Committee otherwise resolves; or
- while serving a sentence (whether by way of periodic detention) for a felony or any other offence, except a sentence imposed for a failure to pay a fine.
- Council passes a resolution to remove the member from the Committee; or
- If the member fails to comply with Council's Code of Conduct.

5.5 Procedure for Obtaining New Membership

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

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

Advertisements for Committee members can be placed at the direction of the Committee or Council.

Determination of the appointment of new members will be in accordance with the Appointment and Term of Membership clause.



5.6 Representation on Committee

Committee membership should reflect the community organisations, which use the facility, and must be open to representatives of user groups and interested community members.

Equal representation of each user group is recommended. Council will determine disputes over representation.

5.7 Committee Positions

Section 355 Committees consist of office bearers (also known as the Executive) and other Committee members. The Committee elects at its first meeting, and thereafter at each Annual General Meeting, office bearers and Committee members. Particulars of all appointments, e.g., Committee position, name, address, contact number and the user group represented (if any), must be notified in writing to Council as soon as possible after the appointment is made.

Section 355 Committee members need to have a certain degree of commitment to their role as Committee members. One of the advantages of community Committees is that the workload can be shared between the different Committee members. The roles listed below are only some of the Committee's work. Other tasks include scheduling maintenance jobs, marketing and promotion, and engaging with the local community. It is important each member understands this role and what the community expects.

5.8 Office Bearers/Executive

Office bearers 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 office bearers usually have defined roles, each Committee member plays an important part in the functioning of the Committee.

It is preferred that office bearers have access to a computer, have basic computer skills and be able to use email as a major form of communication.

At a minimum the Committee must have:

Chairperson/President

The Chairperson is usually the spokesperson for the Committee and therefore needs to be certain that the Committee is running smoothly and achieving its aims and objectives. (Refer Appendix 2)

Secretary

(One person may fill the joint position of Secretary/Treasurer)

The Secretary is often the key contact point for the Committee, that is, for correspondence, phone messages, etc. and is required to record the 'minutes' for each meeting. (Refer Appendix 2).

Treasurer

The Treasurer is responsible for looking after the Committee's financial business records and is required to present a report of all receipts, payments and other transactions to each Committee meeting. (Refer appendix 2).

5.9 Election of Office Bearers and AGM

An Annual General Meeting (AGM) is to be held each year. At the AGM, Office Bearers of the Committee stand down and their positions are declared vacant. A Returning Officer, appointed at the meeting, takes the chair and calls for nominations for the positions of office bearers (also known as the Executive) and Committee members.

5.10 Procedures for Election

Nominations can be accepted in two ways:

- in writing, duly seconded, and signed by nominee, prior to the AGM; or
- verbally from the floor to the Returning Officer.



If two or more persons are nominated for a single position a vote must be taken. Persons nominated for election are entitled to vote for themselves. If a tied ballot occurs, the name of each candidate is written on a separate, identical piece of paper, and drawn 'from the hat' by the Returning Officer (or an impartial observer). The first name drawn is elected to the Office.

A list of duly elected office bearers / executive and Committee members must be recorded together with the names of nominators and seconders. Minutes of the AGM with the list of duly elected Office Bearers and Committee members must be sent to Council for approval within 5 working days.

Templates are available for the Annual General Meeting Agenda and Minutes (**Attachments 3&4**).

6. Conduct of Meetings

6.1 Meeting Procedures

Meetings are to be conducted to standard guidelines (based on the Council's Code of Meeting Practice), which are detailed in the following section and include:

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

6.2 Quorum

This refers to the minimum number of members who must be in attendance to transact business.

Council regulations state:

- A quorum is reached when more than one half of the members are present. For a Committee with an even number of voting members, half that number plus one must be present. For a Committee with an odd number of voting members, a majority must be 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/President; or those present can hold an informal meeting to discuss matters. However, any decisions taken by the Committee are not recognised until a meeting has ratified them, where a quorum is present.

6.3 Agenda

The Agenda is an organised list of headings of all the major items, in order, that will be discussed at the meeting. A copy of the Agenda is distributed to all 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 put 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 any items on the Agenda are not discussed due to limitations of time, they are carried over to the next meeting Agenda.

A Committee Meeting Agenda Template is available (**Attachment 5**).

6.4 Conduct of Business

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

6.5 Tabling of Correspondence

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



provided to inform the members of any action taken on their behalf. All correspondence will be suitably filed together for future reference.

6.6 Minutes of Meetings

Minutes of Meeting 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”.

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

The 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.

The Committee is required to be aware of the importance of minutes because of their legal status and their liabilities to subpoena in court cases. A Copy of the minutes should be included in a Minutes Book as a permanent record of meetings. It is the Chairperson’s responsibility to see the minutes are unaltered after adoption and are signed as an accurate record.

Records of Council Committees should be kept for at least 7 years.

A Committee Meeting Minutes Template is available (**Attachment 6**).

6.7 Voting

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

Vote verbally

The chairperson asks people to say ‘for’ or ‘against’ and then decides which group is the largest.

Vote by show of hands

The chairperson asks people in favour of a decision to raise their hands, firstly those in favour, counts hands and announces the total, and does the same for those against.

Vote by secret ballot

Members vote on paper and put into general pool, the secretary and a member not standing for any position, count the votes. (Requests by members for secret ballot cannot be denied.)

For all motions, the Committee needs to have an agreement concerning the way a vote will be decided, e.g. for the vote to be carried, you will need a simple majority (more than half);

6.8 Conflicts of Interest

(also refer to Code of Conduct – Section 3.3)

A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.

You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.

Any conflict of interests must be managed to uphold the probity of decision making.

When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.

Private interests can be of two types: pecuniary or non-pecuniary.



Pecuniary Interests

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter.

Committee members must disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter.

Non-Pecuniary Interests

Non-pecuniary interests are private or personal interests that a person has that do not amount to a pecuniary interest. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

A person's political views do not constitute a private interest.

Managing non-pecuniary conflict of interests

Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

If a disclosure is made at a Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes.

How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest, but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

If you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue (in the same manner as with a Pecuniary Interest)

If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

A Committee must ensure that –

- a) Particulars of any disclosure made are recorded in the minutes of the meeting and in a book kept for the purpose; and
- b) That book is available for inspection by any person within reasonable hours.



7. Legal and Administrative Issues

7.1 Legal Status of Section 355 Committees

From a legal perspective it is important for Committees of Council to be aware that they are in fact acting on Council's behalf. Legally, the Committee is 'Council' and any actions 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 as Council delegated its authority to the Committee to act on Council's behalf and the Council can withdraw this delegation, if it deemed it to be necessary.

The Committee is also a legal entity and the delegated authority of Council was made to a particular Committee by name or title. The Committee cannot change this name without advising the Council of the intention to adopt a new name, nor can a Committee merge with another party without prior notice and input from Council. Unauthorised actions by Committees could lead to insurance coverage being withdrawn or cancelled.

7.2 Correspondence

Outgoing correspondence from the Committee is effectively outgoing correspondence on behalf of Council. Hence stringent conditions are required to ensure appropriate use of Council's name and logo. Committees may use the Letter template available (**Attachment 7**).

The letterhead design must indicate that the function is a Committee of Hilltops Council, and Council's ABN should be included on the document.

7.3 Records of Committee

Records of Council Committees should be kept for at least 7 years. Copies of all correspondence must be kept in an organised filing system.

7.4 Sub Committees

The Committee may appoint working groups to report back to the Committee. These 'sub Committees' have no legal standing and must recommend back to the Committee for ratification. The activities of the sub Committees must be related to the delegated function(s) of the parent Section 355 Committee, and details of the persons and activities involved must be included in correspondence supplied to Council.

Members of sub Committees must be duly appointed members of the Community Committee and will be covered in accordance with the Public Liability and Accident Insurance policies.

7.5 Clerical Support

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

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



8. Financial Management

8.1 Financial Issues

Section 355 Committees are given authority to operate by Council and are subject to the same rules and regulations. These rules are set out in the Local Government Act, Local Government Regulations and Accounting Standards and must be adhered to.

Section 355 Committees are, as the name suggests, established to benefit the community and are made up of members of the community. Funds raised, received or spent are subject to public scrutiny, just the same as Council. The concept of public accountability involves a responsibility to ensure that Committee funds are used in the manner for which they were intended, and that a clear and full disclosure of the Committee's financial activities is available.

8.2 Control

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

8.3 Accounting

Council requires the following conditions to be met by all Section 355 Committees:

- (a) A Bank Account must be opened at any branch of a recognised financial institution within the Hilltops Local government area. Such account will be in the name of the Committee.
- (b) All monies received by the Committee must be banked within 24 hours of receipt or as soon as practicable.
- (c) The Committee is authorised to draw on its account for such sums as it may require in the performance of delegated function but under no circumstances will the account be overdrawn.
- (d) Information on income and expenditure must be kept either electronically (preferable) or hard copy. An excel spreadsheet or suitable accounting software should be used. If the accounts must be kept manually, a suitable cashbook, receipt book, bank deposit book will be maintained and kept up to date. Refer to the Treasurer's role and responsibilities in **Appendix 2**.
- (e) Receipting: Preferably, payments are accepted via direct deposit into the Committee's bank account. Where cash or cheque are received, receipts, in the name of the Committee, will be issued for charges and other monies received and duplicates of receipts will be retained for audit.
- (f) Purchasing: Payment should be made by EFT (electronic funds transfer) or, only when necessary, can be made by cheque. In every case evidence of the need for the payment is to be documented. A tax Invoice is required to be obtained and attached to payment records. A credit card receipt is not a Tax Invoice. Ensure receipts say 'Tax Invoice' and clearly show any GST charged.
- (g) The Committee may authorise its Chairperson, treasurer and one other person to sign on its behalf on the basis that two signatures are required for each payment.
- (h) All records and books will be made available for inspection whenever required by any inspector of local government accounts, Council's auditor or an authorised officer of Council.
- (i) It is recommended the financial report summarising the income and expenditure and including a bank reconciliation be reported (where available), to each ordinary meeting of the Committee.
- (j) An annual report of the financial affairs must be provided to Council. This report should include the Cashbook and bank reconciliations. All supporting documentation including bank statements, the deposit book and receipt books, and copies of all tax invoices that support payments made. This information should be submitted to Council by the third week of July each year.



- (k) The Committee will be entitled to spend all monies raised in the management of the facilities under their control. These monies can only be expended strictly in accordance with conditions prescribed in these guidelines, by the Council, and their delegations, and only upon the facility/function of the Council for which the Committee has been constituted.

8.4 Purchasing

Under the Local Government Act, Council can assist Committees by purchasing goods to be used in association with the delegated function of the Committee. The benefit to the Committee is to utilise the purchasing power of Council to reduce costs. Where purchases are made that involve a significant amount of GST, Council can make the full payment of the Tax Invoice and the Committee reimburses the Council the invoiced amount less the GST, as Council can claim back the GST Input Credit.

8.5 Out of Pocket Expenses

A Committee member cannot incur out of pocket expenses without prior approval by the Committee. This approval and a monetary limit is required to be recorded in the meeting minutes. Tax Invoices for these out of pocket expenses e.g. fuel, stationery, telephone, are required to be presented to the Treasurer before reimbursement is made.

8.6 Goods and Services Tax

There is no requirement for a Section 355 Committee to obtain an ABN or to register for the GST.

As previously explained Section 355 Committees are part of Hilltops Council. Therefore, it is Council's responsibility to ensure that GST on income derived by the Committees, and input tax credits on acquisitions made by the Committees, are properly recorded and included in the Council's Business Activity Statement.

The Committee is undertaking activities under the banner of Council, with Council having delegated the appropriate authority under Section 355 and 377 of the Local Government Act 1993.

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

- a) Utilise the Australian Business Number of Hilltops Council being 33 984 256 429, showing this number on receipts and invoices issued.
- b) Apply GST to fees and charges for use of the facility where appropriate in accordance with Council's adopted fees and charges.
- c) Provide Council with a summary of revenue and expenditure at the end of each quarter during the financial year and the amount of GST collected on revenue and the amount of GST that can be claimed as input tax credits on expenditure.
- d) At the end of each quarter during the financial year if the GST amount collected on revenue exceeds GST input tax credits on expenditure then remit the difference to Council.
- e) At the end of each quarter during the financial year, if the GST amount collected on revenue is less than GST input tax credits on expenditure then Council will reimburse the Committee the difference.
- f) Council will then include the quarterly summary from the Committee in its Business Activity Statements lodged with the Australian Taxation Office.
- g) Financial records that relate to the GST calculations are to be kept for at least 7 years.
- h) Should Hilltops Council be audited by the Australian Taxation Office, financial records will be requested.



9. Risk Management and Insurance

9.1 Commitment to Risk Management

Hilltops Council is committed to implementing a systematic Risk Management approach in order to control all areas of risk within the organisation.

Generic sources of risk include: business risks associated with achieving legislative compliance, Work Health and Safety risks due to the nature of the varied work environments, risks arising from natural events, technology and technical issues, management activities and controls, as well as commercial and legal relationships between Hilltops Council and our clients, customers and service providers.

The following guidelines outline risk management methodologies for identifying, assessing and controlling risk in the workplace in order to minimise loss.

The main objectives of the risk management policy are to:

- Maintain the highest possible integrity for services provided by Hilltops Council;
- Safeguard Hilltops Council assets including employees, financial and property;
- Create an environment where all Hilltops Council employees, including volunteers, will assume responsibility for managing risk;
- Achieve and maintain legislative compliance
- Ensure resources and operational capabilities are identified and responsibility allocated for managing risk
- Ensure Hilltops Council can appropriately deal with risk
- Demonstrate transparent and responsible risk management processes which align with accepted best practice.

9.2 Risk Management Approach

“Risk Management is as much about identifying opportunities as avoiding or mitigating losses”. (AS/NZS 4360:2004)

Hilltops Council has recognised that the management of risk is an essential element of good management and impacts on every facet of Council activity.

Risk Management can be defined as the culture and process of the systematic application of management policies, procedures and practices to the tasks of establishing the context, identifying, analysing, assessing, treating, monitoring and communicating risks that will direct organisations towards the effective maximisation of potential opportunities and the minimisation of adverse effects.

Council has developed a Risk Management System which is based on Australian Standard “AS/NZS 4360:2004 Risk Management” as the main source of guidance for the development, implementation, consultation and review of the Risk Management System. The System is comprised of two separate Programs, the Risk Management Program and the Work Health & Safety Program.

Risk: the chance of something happening that will have an impact upon objectives. It is measured in terms of consequences and likelihood.

Hazard: a source of potential harm or a situation with a potential to cause loss.

Consequence: the outcome of an event expressed qualitatively (in words) or quantitatively (in numerical values), being a loss, injury, disadvantage or gain. There may be a range of possible outcomes associated with an event (incident).

Likelihood: used as a qualitative description of probability or frequency.

Risk Assessment: the overall process of risk analysis and risk evaluation.

Risk Management: the systematic application of management policies,



Process: procedures and practices to the tasks of establishing the context, identifying, analysing, evaluating, treating, monitoring and communicating risk.

9.3 Risk Management Elements

The main elements of the risk management process are as follows:

Establish the context. To establish the strategic, organisational and risk management context in which the rest of the process will take place. Identify the internal and external stakeholders; understand the organisations goals, objectives, powers and abilities. Identify the scope of the activity or event and the cost benefits of the extent of the risk management process to be undertaken.

Identify Risks

Identify what, why and how things can arise as the basis for further analysis.

Analyse Risks

Determine any existing controls and analyse the risks in the terms of consequence and likelihood considering these controls. Consequence and likelihood can be combined to provide an estimated level of risk.

Evaluate Risk

Compare the estimated level of risk against pre-set criteria. If risk is acceptably low it may be acceptable it may not require treatment.

Treat Risks

Accept and monitor low level risks. Develop control measures for all other risks, including cost considerations.

Monitor & Review

Monitor the effectiveness of the implemented controls and change as required.

Communicate

Communicate and consult with internal and external stakeholders at all stages of the risk management process.

The Risk Management Process should be applied to all aspects of Event Management. It is a repetitive process that can contribute to the continued improvement of event management. Each process cycle can produce improvements that further strengthen the risk management levels, and produce higher skill levels in those involved in safe event management.

Each step of the risk management process must be documented to provide an audit trail and may also be used to assist in the provision of a defence in case of litigation.

9.4 Risk Assessment Process

Performing a risk assessment is a proactive risk management tool to try to prevent injuries, near hits, property damage and other business losses.

Committees should use the Risk Assessment Form (**Attachment 8**) to conduct a risk assessment.

The steps involved in the Risk Assessment process are detailed below:

1. Identify the hazards or risks of the work, activities or tasks involved in the event:
 - Consider the tasks or activities you are to perform and their situations.
 - Identify the hazards that are; or may be involved.
 - Identify those persons who may be exposed to the hazards, including those particularly at risk.
2. Assess the risks of potential injury or loss from the hazards.
 - Decide on the "Likelihood" that loss, damage or injury could occur as a result of the hazard



- or risk. Refer to the list beneath the 'Likelihood'.
 - Look at the consequences that would result if this loss, damage or injury did occur. Refer to the list beneath the 'Consequences'.
 - Multiply the 'Likelihood' and 'Consequence' together to find out what risk level the hazard or risk poses, represented by a letter as detailed under Legend. (E.g. 'Rare' and 'Minor' result in a 'L' for low risk)
 - To find the meaning of the letter, refer to the 'Legend'. (E = Extreme, H = High, T = Tolerable, L = Low).
3. Control the risk by using measures to eliminate or reduce risk further in line with the basic principles of the hierarchy of control measures.
 - Decide what 'Control Options' can be implemented to control the hazards or risk, considering both short term (temporary) and long term (permanent) controls.
 4. Implement the risk control measures.
 5. Set a date to monitor and review the measures to see if they are adequately controlling the risk.
 6. Record the whole process.

The significant findings of the Risk Assessment and what measures are to be taken to control the risks must be recorded. The hazards identified the control measures to be implemented, the names of those responsible for implementing the control measures and reviewing the effectiveness of the measures should be included on the Risk Assessment.

Once the Risk Assessment has been recorded for each hazard or risk they are to be kept with all the other records relating to the organising and running of the particular event.

9.5 Insurance

Property Insurance

All Council facilities are covered for risks such as fire, theft and malicious damage. Committees should be aware of the excess applicable to these policies.

Public Liability

Council's Public Liability Policy covers appointed Committee members when performing activities within the scope of the Committee's delegation. This insurance does not preclude the Committee from having to exercise due diligence and all Council policies and procedures.

This Manual also covers Council and the Committee against claims made by members of the public for personal injury or injury to personal property arising from a negligent act or omission of Council and/or the Committee.

Committee members are also covered under the Councillor and Officer Liability Insurance, should a casual hirer take legal action directly against a Committee member. This is subject to appropriate conduct, ie criminal, fraudulent, dishonest or malicious act or omission committed by a Committee member will negate insurance cover.

Personal Injury

Committee members are covered if injured whilst undertaking duties relating to their role in the Committee. The Volunteer Attendance Register (**Attachment 9**) must be completed by each volunteer for every meeting and activity they are involved in. The Volunteer Tool & Protective Equipment Register (**Attachment 10**) must also be completed when activities requiring the use of tools and personal protective equipment are used.

Motor Vehicle

In the event that a Committee member uses a Council vehicle, the motor vehicle policy of Council will provide cover.



Contractors insurance

Council's insurance does not provide any cover for Contractors. Where members of the Committee have authority to appoint Contractors, the types of insurances that should be held by Contractors (available to be sighted by Council if required) include Workers Compensation, Public Liability and where a vehicle is being used on Council property, Third Party Motor insurance.

Casual and Regular Hirers' Insurance Liability

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

For a Casual or Regular Hirer, the claims excess is \$1,000 for each and every claim, payable by the casual or regular hirer.

A record by the Committee of the history of bookings is essential for a claim to be made.

Note: Fundraising for an individual, a charity or community organisation or group will be covered under Council's Casual Hirer's Policy if the hirer:

- a) Is not a sporting group, club, association, corporation or incorporated body;
- b) Is not a sole trader or registered business;
- c) Is not making a personal financial gain from the activity;
- d) Is not a commercial activity;
- e) Is not a large (e.g. the halls capacity) evening event where alcohol will be sold or BYO.
- f) Provides the Committee a signed statement from the hirer and beneficiary that identifies the hirer and the intended beneficiary will be receiving all proceeds from the activity.
- g) Acknowledges that they are responsible for the claims excess, being \$1,000, for each and every claim under the policy arising from their event within Council premises.

Other Hirers' Insurance Liability

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

- a) Creates an income or profit from the activity e.g. yoga, art, Pilates classes charging a fee for service, workshops by charging door entry, participation fee, prepaid fee.
- b) Makes a personal financial gain from the activity.
- c) Is a sole trader or registered business.
- d) Corporation or Incorporated bodies.
- e) Sporting body, club or associations of any kind.

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

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

Definitions – as per Statewide Mutual Liability Scheme – Casual and Regular Hirers' Liability Scheme Wording.

Casual Hirer

Person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year.



Regular Hirer

Person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, more frequently than once per calendar month or 12 times per calendar year.

Personal Injury

1. Bodily injury, death, sickness, disease, disability, shock, fright, mental anguish and mental injury;
2. False arrest, false imprisonment, wrongful eviction, wrongful detention, malicious prosecution and humiliation;
3. Assault and battery not committed by or at the direction of the Casual or Regular hirer unless committed for the purpose of preventing or eliminating danger to person or property.

10. Work, Health and Safety

10.1 Work Health and Safety Legislation

Today's social, legal and industrial climate demands from all workers extremely high standards of Work Health and Safety. Hilltops Council's Manual is based, to a large extent, on the obligations and duties imposed on the Council by the body of statutory law relating to Work Health and Safety, in particular the Work Health & Safety Act 2011 and the Work Health & Safety Regulation 2011.

Volunteers are the same as paid staff when they are performing any of the functions delegated to them by Council.

The aim of the Act is to protect the health, safety and welfare of people at work. It lays down the general requirements for health, safety and welfare, which must be met in all places of work in New South Wales.

Section 3 of the Work Health and Safety Act 2011 states:

"The objects of this Act are as follows:

- a) to secure and promote the health, safety and welfare of people at work,
- b) to protect people at a place of work against risks to health or safety arising out of the activities of persons at work,
- c) to promote a safe and healthy work environment for people at work that protects them from injury and illness and that is adapted to their physiological and psychological needs,
- d) to provide for consultation and co-operation between employers and employees in achieving the objects of this Act,
- e) to ensure that risks to Health and Safety at a place of work are identified, assessed and eliminated or controlled,
- f) to develop and promote community awareness of Work Health and Safety issues,
- g) to provide a legislative framework that allows for progressively higher standards of Work Health and Safety to take account of changes in technology and work practices,
- h) to protect people (whether or not at a place of work) against risks to Health and Safety arising from the use of plant that affects public safety."

The WHS Act 2011 imposes duties on all persons who may affect the Health and Safety of others by their actions or lack of action. The Council, as the employer, must ensure the health, safety and welfare of each Council worker and others who may be affected by the way the Council conducts its' business and work activities. This includes contractors, volunteers, committee members, visitors, ratepayers, sales representatives and passing pedestrians and motorists.

The Council, as an employer has a duty under s8 to:

- ensure that any premises controlled by the Council where employees work (and the means of access and exit from the premises) are safe and without risks to health,
- ensure that any plant or substance provided for use by the employees at work is safe and



- without risks to health when properly used,
- ensure that systems of work and the working environment of the employees are safe and without risks to health,
- provide such information, instruction, training and supervision as may be necessary to ensure the employees' Health and Safety at work,
- provide adequate facilities for the welfare of the employees at work.
- ensure that people (other than Council employees) are not exposed to risks to their Health and Safety arising from the conduct of Council activities at Council workplaces.

The Council has a duty under s13 to consult with Council workers (including volunteer and paid employees) to enable the workers to contribute to the making of decisions affecting their health, safety and welfare at work. The establishment of the Work Health & Safety Committee, the election of Work Health and Safety Representatives and the distribution of the Minutes of the regular WHS Committee Meetings, and other WHS information, helps the Council meet its legislative duty.

Council workers, under s20 and s21, MUST:

- a) take reasonable care for the Health and Safety of people who are at Council workplaces and who may be affected by the Council worker's acts or omissions at work.
- b) co-operate with the Council or other person so far as is necessary to enable compliance with any requirement under the Act or Regulations that is imposed in the interests of health, safety and welfare on Council or any other person.
- c) a person must not, intentionally or recklessly, interfere with or misuse anything provided in the interests of health, safety and welfare under Work health, safety legislation.

Under s25 a person must not, without a reasonable excuse, deliberately create a risk (or the appearance of a risk) to the health or safety of people at a place of work with the intention of causing a disruption of work at that place.

The WHS Regulation contains provisions relating to the following matters:

- a) the identification of hazards by the Council, and the elimination or control of risks at Council workplaces,
- b) the establishment of, and support for, WHS Committees and WHS Representatives in connection with Council's duty to consult with workers on matters affecting health, safety and welfare,
- c) the duties of a controller of premises used as workplaces to identify hazards and eliminate or control risks at those premises,
- d) particular risk control measures for hazards relating to lighting, noise, atmosphere, electricity, confined space and manual handling,
- e) the design, manufacture and registration of plant, which includes amusement devices, used by people at work,
- f) the use of plant at work,
- g) the manufacture, supply and use of hazardous substances at work,
- h) the regulation of hazardous processes at work, covering welding, spray painting, abrasive blasting, working with lead,
- i) the regulation of construction work, covering excavation work, demolition, or working with asbestos,
- j) work which requires a Certificate of Competency, such as Plant operation, scaffolding or rigging, explosive tool operation,
- k) regulations covering demolition work or removal of asbestos,
- l) notification of accidents and some other matters.

The WHS Regulation refers to various Australian Standards and other Standards or Codes for the purpose of prescribing provisions applicable to health, safety and welfare throughout the Regulation.



Advisory Standards for Health and Safety should be followed, unless other appropriate ways of managing the risk are employed.

10.2 WHS Duty

Anyone who has a Work Health and Safety duty under the Act must fulfil that duty or be guilty of a breach of the Act and can face prosecution, and possibly face fines of up to \$50,000 for individuals (workers) or \$250,000 for a body corporate (Council).

10.3 Capacity to Perform Tasks Safely

Hilltops Council must satisfy itself that volunteers, either as individuals or in an organised group, actually have the capacity to perform the delegated functions in a safe manner. Council must ensure that the hazard identification and risk assessments process is performed and recorded prior to any tasks being performed. The Risk Assessment process is detailed in the Risk Management and Insurance Section.

10.4 Random Drug and Alcohol Testing

Council conducts random drug and alcohol testing on all Council employees, conducted during a working day. Council employees include; Council workers, Temporary staff, Contractors, Workers of Contractors, s.355 Committee Members and Volunteers. Please refer to Councils Alcohol & Other Drugs Policy for detailed information that has been included with this manual.

10.5 Management Plan

For some major tasks to be undertaken by volunteers a Management Plan may be necessary. The Management Plan should include the following:

- a description of the tasks involved;
- a statement of responsibilities for safety;
- what arrangements are in place for managing safety, including contact officers at Council;
- hazard identification, risk assessment and control measures processes;
- safe work method statements required;
- details of any induction that may be required;
- details of pre-start and on-going site inspections;
- incident reporting and first aid procedures;
- environmental management procedures;
- debrief and performance review.

Failure to comply with the Management Plan or Health & Safety requirements may result in the individual volunteer or a group of volunteers being excluded from the current activity in order that the activity is conducted in as safe a manner as possible.

10.6 Independent Organised Groups

Independent organised groups of volunteers, for example Clean Up Australia, Lions etc, are not exempt from complying with WHS legislative requirements. Where Council or a group of Council volunteers undertake an activity in conjunction with an organised group, that group may be required to demonstrate their ability to undertake the task or activity safely by furnishing a WHS Management Plan or other form of WHS Management documentation.

11. Management of the Facility

11.1 Purpose

Hiring a facility is central to the purpose of certain Committees. Making such facilities 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 such Committees.

11.2 Conditions of Hire

It is essential that hirers sign a Hire Agreement which shows that they abide by the Conditions of Hire set out by the Committee and in accordance with Council policies. It is a good idea for the committee bookings



officer or another committee member to ensure each hirer understands their obligations when hiring the facility, going over the conditions with the hirer if required.

11.3 Inclusion

As mentioned previously, Section 355 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:

1. Attitudes and behaviours
2. Liveable communities
3. Employment, and
4. 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 have adopted 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.

Below is an extract from the NSW Disability Inclusion Action Plan Guidelines that provides further background.

The Case for Inclusion

Personal choice and control is only possible when communities are inclusive for all people with disability (and their families and carers), including those with physical, intellectual, cognitive, sensory disabilities and those with mental health conditions. Real diversity cannot be realised unless people with disability are provided with the opportunities inherent in truly inclusive communities. Local Government plays a key role in both protecting the rights of people with disability and in promoting the value of diversity and inclusion across the community.

There is an underlying social responsibility for Local Government to work to remove barriers to people with disability fully participating in society. There are also sound economic reasons to increase inclusiveness such as reduced reliance by people with disability on others or on specialist services.

11.4 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 Local Government Act to set fees and charges. Committees are to review their fees annually and make recommendations to the Council. The Committee will be contacted by Council each year prior to the adoption of the Budget with regard to the fees applicable for the following financial year. The time line for reviewing Fees and Charges and notifying Council is generally as follows:

November	Committee is contacted to review fees and charges for the following financial Year.
End January	Committee recommendations are due to Council.
Feb – March	Fees and Charges are considered by Council.
May	Fees and Charges are publicly exhibited for 28 days.
June	Final Fees and Charges are adopted by Council, ready for start of new financial year



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

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

The Committee may use the facility free of charge if fundraising for the facility. Note this is not applicable to a third party hirer even if they are fundraising for the facility. The Fees and Charges may be set with a "Commercial Rate" and/or a "Community Rate".

11.5 Bonds

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.

11.6 Keys and Security

Committees are encouraged to manage keys and access to the facility in an efficient manner. This may include installing a key safe for key collection and returns. If a key safe is used, the combination should be changed regularly for security purposes. Committees are encouraged to include key bonds/ deposits for regular users that hold keys in their fees and charges.

A complete change of locks may be required if there are too many outstanding or lost keys distributed throughout the community. The Committee should manage keys with the utmost security in mind. Key deposits or bonds collected may help fund a change of locks from time to time.

11.7 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
- The nature of the hazards at the workplace
- The size and location of the workplace
- The number and composition of the workers and other persons at the workplace

Committees will be responsible for keeping the First Aid Kit stocked and doing regular checks.

12. Event Management

12.1 Safe and Successful

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

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

The Council is also responsible for the provision of safe and serviceable public thoroughfares, which from time to time are also used as venues for public events, such as the Christmas Carnival and Anzac Day remembrance ceremonies.



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

12.2 Duty of Care

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

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

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

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

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

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

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

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

12.3 Event Risk Assessment

A Risk Assessment of all the foreseeable hazards must be performed and documented during the planning phase of any event to be conducted by a Section 355 Committee. The Risk Assessment process is detailed on page 18.

13. Maintenance of Facilities

13.1 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 – paper towelling, etc., mowing and watering) and periodic maintenance (e.g. repairing, replacement of worn or broken items).

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.

Maintenance requests not able to be completed by the Committee's own finances must be referred to Council by, contacting customer service on 1300 445 586. It is also good practice that any requests to council are noted in the next meetings minutes.

Major 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. Council considers its budget between February and May of each year. (Refer to timetable on page 25)

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.

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

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

- cleaning
- mowing
- gardening

Most other tasks will probably require some form of accreditation or licence. Please note that all contractors require the correct public liability insurance and an ABN, in accordance with these guidelines in the Risk Management and Insurance section. 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.



14. Appendixes

Appendix 1 - Section 355 Committees and Charters

Committee	Charter
To be included for each committee	To be included for each committee



Appendix 2 – Committee Members Roles and Responsibilities

Chairperson

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

- i. Before a meeting:
 - prepares the agenda (in consultation with the Secretary or members, or can delegate this role to the Secretary), setting out the items of business to be considered.
 - ensures meeting is properly convened in accordance with the organisation's rules ie. proper notice of a meeting is given, and a quorum is present.
- ii. During the meeting
 - chairs meetings, opens meeting, welcomes and introduces members and guests, subject to the right of the Mayor at his/her discretion, to take the chair at a meeting he/she attends
 - keeps individuals and the meeting focused on the topics being discussed and encourages members to participate, ensuring adequate opportunity is given to members who wish to speak
 - ensures correct meeting procedures are followed and control of the meeting is maintained, keeping track of time (or delegates to someone to do this)
 - makes sure members are aware of decisions being made and that the minute taker has recorded decisions of the meeting
 - acts impartially and uses discretionary powers in the best interests of members and in accordance with the agreed standing orders i.e. method of conducting meetings, and ensures statutory regulations and organisation's rules are observed
 - closes meeting after business at hand has been properly concluded.

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

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

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

Vice Chairperson

If appointed the Vice Chairperson's role shadows that of the Chairperson. The Vice Chairperson should be able to stand in for the Chairperson at short notice.

Secretary

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

- (i) Before a meeting
 - draws up the agenda, (in consultation with the Chairperson)
 - makes copies of the agenda if required
- (ii) During the meeting
 - takes minutes
 - reads minutes of previous meeting if necessary
 - provides a list of correspondence in order and summarises the important points
 - records the motions and/or decisions of the meeting including, mover and seconder.



(iii) After the meeting

- types the minutes and distributes to Committee members as soon as possible
- ensures that accurate minutes are kept
- writes the letters as decided (this can be a shared role with another Committee member).
- keep a record of action items and how they are progressing to report back to the Committee at each meeting. Where possible, action items from a meeting should be distributed fairly amongst Committee members.

(iv) Outside of meetings

- keep a register of correspondence that has come in and gone out, and file copies of letters written
- in between meetings inform other Committee members of correspondence requiring urgent attention.

Treasurer

Accounting Records

The Treasurer is responsible for establishing an effective financial system for the Committee to maintain the following:

- Income and expenditure recorded in an excel spreadsheet or suitable cashbook
- Expenditure documentation
- Income documentation
- Monthly bank account reconciliations and providing necessary paperwork to Council for reimbursements
- Quarterly GST Reporting and Annual Reporting to Council (only if not using Council's bank account)
- Keeping records.

Income and Expenditure recording (the Cashbook)

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.

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).

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.

Monthly bank account reconciliations

The Treasurer should reconcile the Committee's bank account at the end of every month.

To reconcile, check off the amounts received and payments made in the income and expenditure record against the bank statement figures. From this, you can compile a list of outstanding income/ payments. If the bank statement and records don't agree, find the discrepancy.

Up-to-date financial report should be provided at each Committee meeting held.

Quarterly GST Reporting to Council and providing Council with Annual Financial Statements

If the Committee is not operating through Council's bank account, the Treasurer will need to undertake a quarterly reconciliation and submit to Council:

1. A profit and loss statement
2. A balance sheet
3. Completed Business Activity Statement (BAS)
4. At the end of the financial year, a profit and loss and balance sheet for the entire financial year will need to be submitted

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:

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

Manual account records

In the event that the Committee does not utilise electronic account records, the following requirements apply to manual records, books and forms in hard copy.

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

- A. Cheque Book
- B. Expenditure documentation
- C. Receipt/ Income documentation
- D. Cash Book
- E. Bank Deposit Book
- F. Monthly Bank Account Reconciliations
- G. Reporting of financials to each meeting

A. 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.

B. 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.

C. 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.

D. Cash Book

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 an 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.

E. Bank Deposit Book

Your bank supplies the bank deposit book and it is where the income is recorded for deposit into the Committee's account.



F. 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 unrepresented cheques and it also verifies that an incorrect figure does not appear in either record.

G. Reporting of Financials to each meeting

The Treasurer should submit to each committee meeting:

1. A list of income/receipts taken for the month
2. A list of expenses for the month

Bookings Officer

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

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

The booking officer will advise the hirer of the:

- Fees to be charged;
- Bonds and deposits required;
- Public Liability insurance requirements;
- Conditions of Hire.

Enter the relevant information immediately into the Bookings Record. This is preferably an online or electronic diary but, could be a hard copy diary which more than one person on the Committee should have access to.

The booking should clearly show:

- i. Date when preliminary booking was taken
- ii. Name, address, telephone number and email address of the hirer
- iii. Type of function
- iv. Times of Hire
- v. Hire charge and Bond (if required)
- vi. Public Liability requirement
- vii. Receipt details; reference or receipt number, amount paid and date of payments as they are received
- viii. Caretaker's comments on the condition of the facility and equipment after the function
- ix. Payment details, amount and date of issue when the Bond is refunded
- x. Amount forfeited and reasons why, if applicable.

The Bookings Officer is to advise potential hirers that fees are subject to change and that this usually occurs from 1 July when Council adopts the Fees and Charges for the 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. This information should be provided on the Conditions of Hire form).

The Bookings Officer should meet hirers and brief them on the hall's use and conditions of hire, and then follow up with inspections after use regularly.

The Bookings Officer is to ensure moneys are forwarded to the Treasurer for banking if not paid by an electronic funds transfer (EFT).

The Bookings Officer would be required to liaise regularly with the Treasurer to ensure fees are paid.



Committee Members

The Committee members' role is important and ensures the democratic process is followed. Members' responsibilities are:

- a. Attend most Committee meetings.
- b. Participate in meetings – this involves:
 - being on time;
 - sticking to the agenda;
 - contributing to the discussion where appropriate;
 - being objective, listening to others' views;
 - volunteering to do some of the necessary tasks required.
- c. Support the office bearers in carrying out their roles, for example assisting with maintenance arrangements, the coordination of volunteers.
- d. Assist in organising the Annual General Meeting.
- e. Attend and participate in fundraising days that may be held.
- f. Ensure members of the Committee are accountable for their actions in relation to the activities of the Committee.



Appendix 3 – Annual General Meeting Advertisement Template

Annual General Meeting

[Name of Section 355 Committee]

You are cordially invited to attend.....

The Annual General Meeting to review the year and nominate the Executive positions to the [Name of Committee] Section 355 Management Committee for the term of one (1) year is to be held at the [Location] on [day and date] at [time].

It is a good idea to invite all the facility users at a minimum, perhaps even some general public from the local area, to the Annual General Meeting.

[or are you having a function/ open day/ facility tour/ guest speaker at or before the meeting? Add any further details].

Please RSVP for catering purposes to the contact person below.

Enquiries: [Contact phone/ email]



Appendix 4 – Guidelines for Preparation of Minutes

1. Keep them short, clear and concise, and consistent.
2. Set them out – not too cramped, use headings, and underlining so the subjects, decisions and actions to be taken (and by whom) stand out and are easy to read. Use the Agenda as a basis for the format of minutes.
3. Don't try to record every statement made at the meeting. The minutes are a record of the decisions made – each decision or resolution must be accurately recorded.
4. A copy of the minutes without error or additions (unless initialled and signed by the Secretary and Chairperson, after adoption at the meeting) should be pasted into the specially supplied Minutes Book as a permanent record of meetings. It is the Chairperson's responsibility to see the minutes are unaltered after adoption and are signed as an accurate record.
5. You can record the names of the mover and seconders of each motion or amendment. Record the numbers for and against if specifically requested by those present.
6. List correspondence, business arising and items for general business by number. Organise all your papers in this order and try and see that the agenda follows this order. Shuffling reams of paper, lost items and trying to take minutes while finding the next item is a hassle. Decisions can also be noted on the business papers and then transferred to the minutes later.
7. If minute taking is a shared or revolving duty, allow each person to perfect their skills by taking minutes for at least 3-4 consecutive meetings.
8. Draft minutes can be viewed with the chairperson, or if done by the minutes secretary, with the secretary. Two heads are better than one to remember events.
9. Remember, minutes should communicate and assist evaluation. They ensure accountability and are a permanent record of the group's activities.
10. Send them out as soon as possible after the meeting, so that follow-up action is more easily taken.
11. Include a record of the place, date and time of the next meeting.
12. Provide a copy to Council within 14 days of the meeting being held