



Committee of Management

Governance Manual



The Murrindindi Shire Council values the important role that Committees of Management have in assisting Council in the ongoing management and improvement of Council's facilities. As managers of community facilities the Committees have various obligations to minimise risks to the public and to the physical assets on their facility.

The Committee of Management Governance Manual and associated templates have been developed to assist people who have been appointed to a Section 86 Committee of Management to ensure good practices, consistent and effective management of Murrindindi Shire Council facilities.

The community is a Committee of Management's main client group. A good relationship with the community is an important part of ensuring that a facility is used, enjoyed, appreciated and developed by all.

HOW TO USE THIS MANUAL

This manual is a reference for all Committee of Management members, all members should have a copy and a copy should be on hand at all meetings. This manual outlines the statutory requirements and provides assistance in all areas of governance.

Dear Committee Members

Murrindindi Shire Council has a huge network of volunteers who give selflessly of their time, expertise and energy to provide and develop community resources. A large part of this network is involved with the management of community facilities, reserves and halls across our Shire.

To assist you in your role as a volunteer, Council has produced the Committee of Management Governance Manual.

It has been prepared to assist community volunteers who have been appointed to a Committee of Management. These Committees manage reserves and facilities on behalf of a State or Local Government authority and have the responsibility to improve and maintain the areas under their control.

You will find a section of useful forms and templates to assist with your administrative tasks. Because of the varied functions of Committees in Murrindindi Shire, sections of the information contained in this booklet may not apply to some Committees. Nevertheless I am sure you will find it helpful.

Please do not hesitate to contact Murrindindi Shire Council should you require any assistance or if you have any suggestions for future publications of this book.

Thank you for your efforts on behalf of the community.

Margaret Abbey
CHIEF EXECUTIVE OFFICER

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1. APPLICATION OF MANUAL

This Governance Manual has been adopted by the Murrindindi Shire Council (Council) for the guidance of:

- Bollygum Park Reserve Committee of Management
- Buxton Recreation Reserve Committee of Management
- CJ Dennis & Castella Public Hall Reserve Committee of Management
- Eildon Alliance Boat Ramp Committee of Management
- Friends of Yea Railway Committee of Management
- Gallipoli Park Precinct Committee of Management
- Glenburn Community Centre Committee of Management
- Eildon Community Resource Centre Committee of Management
- Kinglake Community Centre Committee of Management
- Kinglake Memorial Reserve Committee of Management
- Mt Pleasant Reserve Committee of Management
- Strath Creek Reserves & Hall Committee of Management
- Thornton Recreation Reserve & Hall Committee of Management
- Yea Pioneer Reserve Committee of Management
- Yea Saleyards Committee of Management
- Yea Showgrounds & Recreation Reserve Committee of Management
- Yea Wetlands Committee of Management

2. DEFINITIONS

“Act” means the *Local Government Act 1989*;

“Committee” means the Special Committee established by the Council under section 86 of the Act and named in the Instrument of Delegation;

“Council” means the Murrindindi Shire Council

“Facility” means the reserve / property and/or buildings as defined by the Instrument of Delegation

“Instrument” means the Instrument of Delegation, which is the power and authority delegated to a Committee by Council to manage the facility

3. EXERCISE OF POWERS

Murrindindi Shire Council by Instrument of Delegation delegates any of its functions, duties or powers under section 86 of the Act to “Special Committees” of Council (Section 86 Committees of Management).

This means that:

- Lawful actions of the Committees of Management are in effect actions of the Council.
- Special Committees do not need to be incorporated under any other mechanism.
- Committees are protected by insurance applicable to Council.

Refer to the section 86 Committee of Management Instrument of Delegation and Schedule document for more information. The Committee will have a signed and sealed copy that is a legally binding agreement between the Committee and Council.

4. RELATIONSHIP BETWEEN COUNCIL AND COMMITTEES

Murrindindi Shire Council is committed to playing an important role in the ongoing guidance, support, training development and success of Committees. Providing up to date information to Committees, responding to requests and questions are key roles Council can play in ensuring the Committee can operate effectively and efficiently.

The Coordinator Governance should be Committees first point of contact with Murrindindi Shire Council:

Tara Carter
Coordinator Governance
Murrindindi Shire Council
PO Box 138
Alexandra VIC 3714
tcarter@murrindindi.vic.gov.au
(03) 5772 0347

5. FUNCTIONS AND RESPONSIBILITIES

Key roles and functions required of the Committee are, but not limited to:

- Control, manage and maintain the land and facilities in an efficient and effective manner, in the best interests of the Council, residents and users of the facilities within the boundaries specified in the Instrument of Delegation
- To maintain the highest level of co-operation between the Council, the Committee and the local community
- Publicise and promote interest in the facility
- Put in place procedures, rules and conditions of use necessary for the proper management of the facility;
- These procedures, rules and conditions of use must be consistent with the objectives of the Committee stated in the Instrument of Delegation, these Guidelines and any policies of the Council;
- Report any breaches of rules, conditions of use and local laws, which cannot appropriately be dealt with by the Committee, to the Council.
- To convene, or arrange to be convened meetings, seminars, workshop, forums, lectures and other events, which will assist the Committee of attain its objectives
- To resolve conflicts where these occur in the requirements of the community using the Facility;
- ensure compliance with all Acts, regulations and other legal requirements concerning safety at the Facility
- not commit, or permit to be committed, any act which will render the operation of any of the Council's insurance policies invalid;
- ensure that the Facility is kept in a clean condition at all times and is used in a reasonable and lawful manner by organisations and individuals

6. COMMITTEE LEGISLATIVE RESPONSIBILITIES

6.1 The Local Government Act 1989

Section 3D of the Act requires Council to:

(1) A Council is elected to provide leadership for the good governance of the municipal district and the local community.

(2) The role of a Council includes-

- (a) acting as a representative government by taking into account the diverse needs of the local community in decision making;
- (b) providing leadership by establishing strategic objectives and monitoring their achievement;
- (c) maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;
- (d) advocating the interests of the local community to other communities and governments;
- (e) acting as a responsible partner in government by taking into account the needs of other communities;
- (f) fostering community cohesion and encouraging active participation in civic life.

Section 86 of the Act:

Special Committees of the Council

(1) In addition to any advisory Committees that a Council may establish, a Council may establish one or more special Committees of the following-

- (a) Councillors;
- (b) Council staff;
- (c) other persons;
- (d) any combination of persons referred to in paragraphs (a), (b) and (c).

(2) A Council may appoint members to a special Committee and may at any time remove a member from a special Committee.

(3) Except as provided in subsection (4), a Council may by instrument of delegation, delegate any of its functions, duties or powers under this or any other Act to a special Committee.

(4) A Council cannot delegate to a Committee the following powers-

- (a) this power of delegation;
- (b) to declare a rate or charge;
- (c) to borrow money;

- (d) to enter into contracts for an amount exceeding an amount previously determined by the Council;
- (e) to incur any expenditure exceeding an amount previously determined by the Council;
- (f) any prescribed power.

(5) A Council may require a special Committee to report to the Council at intervals determined by the Council.

(6) The Council must review any delegations to a special Committee in force under this section within the period of 12 months after a general election.

Section 77 of the Act - Confidential information

(1) A person who is, or has been, a Councillor or a member of a special Committee, must not release information that the person knows, or should reasonably know, is confidential information.

(2) For the purposes of this section, information is confidential information if-

(a) the information was provided to the Council or a special Committee in relation to a matter considered by the Council or special Committee at a meeting closed to members of the public and the Council or special Committee has not passed a resolution that the information is not confidential; or

(b) the information has been designated as confidential information by a resolution of the Council or a special Committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special Committee has not passed a resolution that the information is not confidential; or

(c) subject to subsection (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.

(3) Confidential information referred to in subsection (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless subsection (2)(a) or (2)(b) applies to the information.

6.2 Conflicts of Interest

Under section 77A of the *Local Government Act 1989*, a Committee of Management member is defined as having a “conflict of interest in respect of a matter if the relevant person has a direct interest or indirect interest in the matter”.

Members of Committees of Management may also be a member of a user group with an interest in the responsibilities of the Committees.

Members in this position will naturally act as an intermediary between the Committee and the user group - ensuring that the Committee is aware of the views of the user group and at the same time, giving the user group confidence in the Committee.

However, people in this position should put the interest of the Committee first when they are acting as members of the Committee of Management.

Further information is in section 10.4, 10.5 & 10.6

6.3 Responsibilities of Crown Land Committees of Management

This section addresses the powers and responsibilities of Committees of Management under the *Crown Land (Reserves) Act 1978*. A Committee has the responsibility to:

- manage, improve, maintain and control the land for the purposes for which it is reserved
- report on its finances and other issues as directed by Managing Authority
- maintain records and administer its affairs as a public body
- exercise all such powers, functions and authorities and carry out all such duties as are conferred or imposed on it by any regulations
- carry out works and improvements on the land.

6.4 A Committee's Record Keeping Obligations

Committees of Management have obligations for record keeping including adherence to the *Crown Land (Reserves) Act 1978*; the *Freedom of Information Act 1982*, the *Public Records Act 1973* and the *Information Privacy Act 2000*.

6.5 Freedom of Information Act 1982

Under the *Freedom of Information Act 1982* (FOI), the community has the right to access documents and other information generated or held by a Committee, whatever form they may be in (electronic, written, email, fax, etc). Documents include:

- correspondence
- minutes of meetings
- financial records
- tenure agreements
- contracts
- employment records

Therefore, it is important that a Committee keeps accurate records, both secretarial and financial.

Any requests for Committee documents under the Freedom of Information Act should be forwarded as soon as possible to Murrindindi Shire Council Freedom of Information Officer for processing. The FOI Officer will consult the Committee before releasing any documents to the public. There is a fee that is set annually and there could be further costs relating to time and copying. Refer to Council's website for the form and further information.

6.6 Public Records Act 1973

Under the Public Record Act 1973, Committees are public bodies as they manage a public asset on behalf of the Minister and or Council, and therefore must store, archive and dispose of certain records in accordance with the Act. Once the records are stored, they are regarded as public information that may be made available to the public but only under the provisions of the FOI Act.

Refer to section 25 for more information

6.7 Information Privacy Act

The Information Privacy Act 2000 requires that Committees handle personal information in a secure and responsible manner and manage in accordance with a set of 10 Information Privacy Principles (IPPs). For further detail regarding the 10 IPPs refer to the web site for Privacy Victoria and the Office of the Victorian Privacy Commissioner.

6.8 The Victorian Ombudsman

The Victorian Ombudsman investigates complaints about administrative action by government agencies and public authorities. Members of the public may complain to the Ombudsman about decisions of Committees. The Ombudsman will consult the Committee and attempt to resolve the complaint.

6.9 Protected Disclosures (formerly Whistleblowers Protection Act 2001)

The *Protected Disclosure Act 2012* requires Council to establish internal processes that facilitate disclosures, effectively manage the receipt of information and provide protection for looking after all parties who may be involved. The *Protected Disclosure Act*, which commenced operation on 10 February 2013, replaces the former *Whistleblowers Protection Act 2001* and amends the *Ombudsman Act 1973*.

The Council does not tolerate improper conduct, nor the taking of reprisals against those who come forward to disclose such conduct. Council recognises and values transparency in its administrative and management practices and supports the making of disclosures that may

reveal improper conduct. Council will take all reasonable steps to protect people who make such disclosures from any detrimental action from reprisal for making the disclosure.

Policy Principles and Application

Council will apply the following fundamental principles in facilitating the appropriate reporting of, and supporting the people involved and managing the process of, disclosure of improper conduct and detrimental action by Councillors or Council officers or agents.

Council officers and agents may report to an appropriate Protected Disclosure Officer or external authority any behaviour that violates any law, rule or regulation or represents corrupt or improper conduct (including bribery), mismanagement of resources, or is a danger to public health or safety. Council will not tolerate improper conduct by Councillors or Council officers or agents, nor the taking of reprisals against those who come forward to disclose such conduct. Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt or improper conduct (including bribery), conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will afford natural justice to all parties including the person who is the subject of the disclosure. The only method of making a protected disclosure relating to a Councillor is to the Ombudsman or IBAC.

What is a protected disclosure?

Where a person believes there are reasonable grounds to support that a Councillor or Council officer or agent is engaging in improper action or detrimental action, that person may report the conduct (protected disclosure) to the appropriate person or entity and be assured of confidentiality and protection from reprisal as a result of making the protected disclosure.

Who can make a protected disclosure?

A protected disclosure can be made where a person who has reasonable grounds for believing that improper or corrupt conduct or detrimental action has occurred.

How to make a disclosure

A protected disclosure may be made even if the person making the disclosure cannot identify the person or the body about whom they are making the disclosure. A protected disclosure can be made:

- In writing;
- In person;
- By telephone; or
- By email.

Disclosures may be made anonymously.

They should be addressed to:

Protected Disclosure Officer

Murrindindi Shire Council

PO Box 138, Alexandra VIC 3714

6.10 Community Local Law 2012

Pursuant to Section 119(2) of the *Local Government Act 1989*, it is advised that Murrindindi Shire Council, at its meeting on 24 September 2012, adopted its Community Local Law, 2012.

The Community Local Law 2012 sets out the Local laws enforced by the Murrindindi Shire Council to encourage peace, order, a healthy and safe environment for all people within the municipality.

Areas covered by (but not limited to) the Community Local Law 2012 are:

- Animals
- Land & General Amenity
- Consumption of Alcohol in Public Places & Townships
- Open Air Burning

Committees of Management must abide by the laws outlined in the Community Local Law 2012 and ensure that users of the facility abide by the laws as well.

Refer to Council's website for the Community Local Law 2012 document.

http://www.murrindindi.vic.gov.au/Your_Council/Local_Laws

7. GOVERNANCE AND GOOD MANAGEMENT PRACTICE

7.1 Starting a New Committee

At its first meeting the Committee should elect a Chairperson. Office bearers should also be elected, recorded in the minutes (**Form 3**) and the secretary should inform the Council of these details.

Each Committee needs:

- a Chairperson
- a Secretary
- a Treasurer

Larger Committees may also need a deputy Chairperson, assistant secretary and assistant treasurer; smaller Committees may combine the secretary and treasurer into one person. A Committee can appoint other office bearers if it wishes e.g. media spokesperson, community liaison. It is good practice for the role of Chairperson and treasurer to be held by different Committee members from an audit viewpoint.

7.2 Committee Decisions

Matters being discussed at meetings are usually determined by a majority of votes of the members present. If there is an equality of votes the Chairperson may exercise a second or casting vote to resolve the matter.

7.3 Handing Over To a New Committee

The existing Committee has a responsibility to hand over to the incoming Committee; some of these responsibilities include the following:

The outgoing treasurer should:

- balance the books and have them verified
- provide copies of any business plans and financial reports prepared over the Committee's term
- advise the incoming Committee of any committed funds
- organise the changeover of bank account details
- advise the Australian Taxation Office of the incoming Committee's contact details, if applicable
- advise service providers (e.g. gas and water) of the incoming Committee's contact details, and
- hand over the books to the incoming Committee

The outgoing secretary should:

- hand over all correspondence, including the minute books and all copies of these guidelines
- provide copies of all management plans or statements, and corresponding performance reports, prepared by the Committee over its term
- provide all details to the incoming Committee of any contracts (e.g. leases, licences or any other contracts for services), and
- hand over employment details and staff contracts
- notify Council of new officer bearers and Committee membership

The outgoing Chairperson should ensure that the handover is completed in a timely and professional manner, and that the incoming Committee is adequately briefed.

The incoming Committee members should familiarise themselves with:

- their responsibilities, both as Committee and as individual Committee members by reading these guidelines, and
- the particulars of the facility they have been appointed to manage including, if necessary, reviewing and updating the management plan or management statement.

New Committee members are not formally appointed until approved by Council.

7.4 Early Ending of a Committee's Term

There are some circumstances under which a Committee may wish, or be forced, to relinquish its management responsibility before its term ends. Also, the Council may revoke a Committee's appointment at any time and either assume direct responsibility for the facility's management or appoint a new Committee.

A Committee may resign because of the inability of its members to work together, or perhaps because its duties have become unnecessary (e.g. a public hall in a remote area that is no longer in demand). If the resignation is not related to the need or use of the facility, the Council will appoint a new Committee. The resigned Committee should undertake handover procedures.

If there is no longer a need for a Committee of Management for the facility, the outgoing Committee will need to wind up its affairs before disbanding.

When this has been completed – the Council will resume direct responsibility for the facility and all its assets, including decisions on the disposal of any assets.

7.5 Dealing with Public Complaints

At some stage a Committee may receive a complaint from a member of the public about something it did or did not do. Most of these complaints will be resolved fairly easily and to everyone's satisfaction. Remember that the complaint, decisions, actions of the Committee in response and whether the person was satisfied with the outcome should be recorded.

For problems that prove tougher to resolve, in the first instance the Committee should contact the Councillor appointed to the Committee.

Committees need to be aware that sometimes members of the public may take their concerns to Council, DEPI, their Member of Parliament or the Ombudsman if they feel that a Committee has not dealt with them adequately.

7.6 Dealing with the Media

The Committee shall not issue any media releases relating to funding announcements without the approval of Council, or media releases critical of Council. For assistance relating to dealing with the media the Committee should contact the Coordinator Governance.

8. MEMBERSHIP

The membership of the Committee is determined by the Instrument of Delegation set by Council in consultation with the Committee.

Members will be appointed for a period of three (3) years (but may be removed by the Council at any time). A member of the Committee shall be eligible for re-election or re-nomination at the expiration of his or her period of office.

A member of the Committee may resign his/her position at any time.

The Council has resolved to exempt members of the Committee who are not Councillors from the obligation to submit returns of interest

8.1 Attending Meetings

Committee members are expected to attend all meetings, but illness, family crisis or other good reasons may result in absences. The Chair, secretary or other office bearer should be contacted to tender apologies, which will be recorded in the minutes **(Forms 3 & 4)**. It is important that apologies are tendered and accepted by the Committee. Any member's position on a Committee can become vacant if they are absent from three (3) consecutive meetings.

8.2 Nomination of Membership

Community Representatives

Upon advice from the Secretary the Council shall call for expressions of interest for the appointment of community representatives to the Committee by giving public notice in a local newspaper not less than two (2) weeks prior to Annual General Meeting or Special Meeting convened for the election of a member.

Candidates for appointment must lodge in writing their expression of interest by way of process outlined by the Committee.

User groups outlined as part of the Committee membership shall recommend their appointment directly to the Committee. User Groups can further nominate a proxy representative

Eligibility as a candidate includes:

- Are over 18 years of age
- Are not insolvent (unable to pay debts as they become due and payable);
- Have not been convicted of any indictable offence (a serious crime that is tried by a judge);
- Have not been convicted of fraud (convicted by a court of obtaining of material advantage by unfair or wrongful means or an intentional dishonest act done with the purpose of deceiving);
- Have not committed any other act or omission that might render or be seen to render them unfit for them to be a member of the Committee of Management; and
- Nominees to the Committee of Management should not have criminal convictions, financial or taxation dealings that might render or be seen to render them unfit for office.

Recommendations for Appointment

The Committee shall accept expressions of interest and nominate preferred members as part of an Annual General Meeting or Special Meeting and recommend to the Council persons for appointment to the Committee as a Community Representative or as a User Group Representative.

The Council must make all formal appointments of members to the Committee by way of resolution at an Ordinary or Special Meeting of Council.

The Council may in its absolute discretion, decline to appoint to the Committee any person who has been nominated or recommended for appointment. In such an event, the Council shall inform the Committee of the reasons for its decision.

8.3 Dealing with Resignations

There are two common types of resignations: a resignation of an office bearer who will remain on the Committee; and a resignation of a member who will leave the Committee.

Members who decide to resign and leave the Committee should aim to give reasonable notice so that a new member can be recruited, if necessary.

The resigning Chairperson needs to submit their resignation in writing to the Committee. The Committee then decides on a replacement Chairperson and records its decision.

To resign from any other officer bearer position, but not from the Committee, resignation from the position in writing to the Committee must be submitted. The Committee must accept and record the resignation in the minutes **(Form 3)**. The Committee may elect another member to fill that position. Council must approve new representatives.

In all cases a resigning member must hand over all Committee records to the Committee of Management.

8.4 New Members

The incoming Committee members must familiarise themselves with:

- Their responsibilities, both as a Committee and as individual Committee members by reading this Governance Manual
- The particulars of the facility they have been appointed to manage including, if necessary, reviewing and updating the management plan or management statement; and

8.5 Councillor Delegates

Council will elect Councillors as delegates to sit on the Committees as non-voting members at the Special Council Meeting held in October each year. It is the responsibility of the Committee to notify Councillors of meetings scheduled through contacting the Coordinator Governance.

9. ROLES AND RESPONSIBILITIES

The Committee at each Annual General Meeting shall elect the following office bearers:

- Chairperson (President)
- Deputy Chairperson (Vice President)
- Secretary
- Treasurer

9.1 The Chairperson

Every Committee of Management must have an appointed member as Chairperson.

The key responsibility of a Chairperson is facilitating the operations of the Committee.

The Chairperson is the leader of the formal meeting, and as such is responsible for maintaining order, the conduct of business, for ensuring that procedures adopted are correct - and for the whole tone of the meeting.

The main responsibilities are:

- To provide co-ordination, guidance and leadership to ensure the successful functioning of the Committee
- To represent the Committee in the public domain
- To ensure the administrative and other tasks from meetings are carried out
- To chair all meetings of the Committee.
- To act as the liaison person between the Committee and the Council.
- To arrange for an annual report **(Form 7)** of the Committee to be prepared for presentation at the Annual General Meeting and to Council.

Specifically during meetings the Chairperson is responsible for ensuring:

- Meetings are correctly convened
- A quorum is present for all decisions
- Meeting decisions are properly recorded in the minutes **(Forms 3 & 4)**
- The agenda is adhered to
- That the motions and amendments are unambiguous and otherwise in order.
- All members are given the opportunity to speak.
- The maintaining of order
- The business of the meeting is conducted
- Voting rights
- A casting vote when necessary.
- The announcement of the result of all votes is clear.
- The management of discussion and avoid members dominating to the exclusion of others.

In the absence of the Chairperson or the deputy Chairperson, the Committee shall elect another person to chair the meeting.

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

9.2 The Secretary

The secretary is usually responsible for the administration associated with the meeting.

The duties of the secretary include: -

- Arranges the meeting
- Prepares and sends out the agenda **(Form 2)**
- Arranges for inwards and outwards correspondence
- Maintaining all records and correspondence
- Receiving all incoming correspondence and bringing it to the attention of the Committee
- Writing and dispatching all outwards correspondence required by the Committee
- Keeping Committee members properly informed by sending them notices of meetings **(Form 5)**, agendas **(Form 2)**, copies of correspondence, reports, etc as required
- Liaising with the Chairperson between meetings so that the business of the Committee is attended to and, in consultation with the Chairperson, to call extraordinary meetings as required.
- Prepares the minutes **(Forms 3 & 4)** of the previous meeting to be available and other relevant documents such as discussion papers.
- Takes notes that will enable clear and accurate minutes to be written up.
- Writes up the minutes **(Forms 3 & 4)**.
- Carries out the follow-up action which arises from the business of the meeting e.g. arranges correspondence.
- Arranges Annual General Meetings.

9.3 The Treasurer

The treasurer is responsible for keeping the Committee's financial records in good order.

The treasurer's duties include:

- Maintaining a bank account in the name of the Committee (signatories to the account should be the Chairperson, the secretary and the treasurer, with any two to sign)
- Recording and banking money received
- Paying accounts as authorised by the Committee
- Keeping all invoices, receipts, cheque butts, bank statements etc for audit purposes
- Ensures that accurate records of all transactions are maintained.
- Assists the Committee in the preparation of the annual budget.
- Preparing an annual financial report **(Form 8)** based on financial year (e.g. 1 July 2009 – 30 June 2010)
- Prepares and presents financial reports **(Form 8)** for Committee meetings.

- Reporting at each Committee meeting current details on bank balances, transaction since the previous report, the Committee’s current financial position and any other information that the Committee may require
- Arranges the audit of financial statements.
- Treasurers of Section 86 Special Committees are required to complete the Format of Accounts Form **(Form 1)** annually and submit it to the Council by August each year.
- Treasurers of Incorporated bodies need to comply with the requirements of the Incorporation Act.
- Treasurers of Committees managing Crown Land Reserves need to comply with requirements of the Department of Environment & Primary Industries

9.4 Committee Members Who Are Not Office Bearers

Non-office bearing members’ duties include:

- Actively participating in Committee activities and business
- Managing the facility, including preparation and implementation of management plans, financial plans and business plans and subsequent reporting against those plans
- Attending all Committee meetings and participating in decision making
- Bringing to the Committee’s attention any identified problems or issues.

9.5 Non-Members as Office Bearers

Committees of Management may find it useful to appoint someone who is not a Committee member, but has relevant skills, to undertake particular tasks such as bookkeeping and secretarial work. In some cases this will be a volunteer, in other cases the Committee may engage a local accountant or bank manager to keep the books and act as the Committee’s custodian.

9.6 Code of Conduct

Members of delegated Committees are bound by the intent and scope of Council’s Code of Conduct. Committee members are required to act appropriately in their role to ensure that public resources are used prudently for the public interest and as representatives of Murrindindi Shire Council. This includes, acting in good faith, with integrity, exercising impartiality, treating others with respect and exercising due care and diligence when conducting their Committee role.

Refer to Appendix 1. Code of Conduct

10. MEETING PROCEDURES

The Committee shall comply with Council's Local Law Governance

See Council's website http://www.murrindindi.vic.gov.au/Your_Council/Local_Laws

10.1 Meeting Schedule

Each Committee is free to decide meeting times and schedules. Committees should be meeting as often as necessary to ensure good management of the facility. **Council requires that the Committee meet at minimum quarterly on such dates that the Chairperson or Committee determines.**

10.2 Quorum

A quorum is the minimum number of members of the Committee of Management who must be present in order for the Committee to make decisions (a majority) (half the membership + 1).

If, thirty minutes (or some other time generally agreed by the Committee as appropriate) after the start of the meeting a quorum has not been obtained, the Chairperson will decide to:

- postpone the meeting, or
- conduct the scheduled business of the Committee, but refer all decisions and motions to a subsequent meeting when a quorum is present for reconsideration and/or ratification

If, at any time during the meeting a quorum cannot be maintained, the Chairperson will decide to:

- close the meeting and refer any unfinished business to a subsequent meeting, or
- continue to conduct the scheduled business of the Committee, but refer all decisions and motions made with no quorum present to a subsequent meeting when a quorum is present for reconsideration and/or ratification.

10.3 Meetings Open / Closed Session

The Committee must ensure that its meetings are open to members of the public as required by Section 89(1) of the Local Government Act 1989. Therefore, visitors should be able to attend meetings if they wish. They can take part in discussions only at the invitation of the Chairperson, and cannot propose motions or vote.

The Committee may resolve that a meeting be closed to members of the public under Section 89(2) of the Local government Act 1989 if the meeting is discussing any of the following:

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

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

If the Committee resolves to close a meeting to the public, the reason must be recorded in the minutes of the meeting **(Forms 3 & 4)**.

10.4 Conflicts of Interest

A 'conflict of interest' is when a person has to make a decision on an issue in which they have – or are perceived to have – a personal interest or benefit in a specific outcome. The conflicts can often be based around financial matters (pecuniary interest) such as contracts or the terms and conditions of a rental or tenure arrangement. For example, a local builder on a Committee of Management would have a pecuniary interest in any building contracts let by the Committee for which he or she had tendered.

A conflict could be interest based; for example, a Committee member who is a member of the local football club would have a conflict of interest in a decision to lease part of the facility to the football club.

A simple way to manage this problem is to excuse the affected Committee members from discussion and voting on issues where they have a conflict of interest. Often, people will leave the room once they have declared their conflict. However, this is not always practical, particularly since it could mean that the Committee no longer has a majority of voting members present (a quorum).

The key factors in dealing with conflicts of interest are to:

1. Acknowledge that they exist
2. Be open and transparent in managing them both within and outside the Committee

10.5 Keeping Good Conflict of Interest Records

Keeping good public records is crucial for a Committee being regarded as open and transparent in managing conflicts of interest.

The Committee minutes **(Forms 3 & 4)** must record how conflicts of interest were handled. For example, a Committee member who is a builder declares he has a conflict of interest on the next agenda item, a building contract to be discussed.

The minutes must record:

- what the conflict was
- if the Committee member left the room (at what time he left/returned and at what stage of the discussion)
- the result of the discussion and the decision made

Private interest should not be confused with specialist knowledge, which is not a conflict of interest. For example, a member who is a builder, but who is not tendering for a job, would have useful specialist knowledge.

10.6 Working through a conflict

If in attendance of the meeting make full disclosure of the nature of their interest immediately prior to the matter being considered

While the matter is being discussed and before a vote is taken remove themselves from the meeting room, advise the Chairperson what they are doing and remain outside until the vote is completed

If not in attendance then advise the Chairperson in writing disclosing the nature of the interest. All declarations of conflicts of interest must be recorded in the minutes of the meeting and if in writing must be forwarded to Council for recording

Generally, a Committee member with a conflict of interest will not take part in discussion or voting on that particular issue. However, to maintain a quorum the member(s) may have to take part.

Listed below is what should be recorded when members with declared conflicts of interest must take part in the discussion and decision making:

- The decision in the minutes
- Which members have a conflict and what they are
- How each member voted
- Why the Committee believes it has made the most appropriate decision

If in attendance of the meeting make full disclosure of the nature of their interest immediately prior to the matter being considered

10.7 Voting

One method of voting is a show of hands. The Chairperson calls first for those in favour of a motion and then for those opposed to a motion, the motion is determined by the majority vote and then declares the result to the meeting. In the event of a tied vote the Chairperson may exercise a casting vote. Unless otherwise prohibited by the Act, each member of the Committee present must vote;

11. ORDINARY MEETING

11.1 Meeting Schedule

A Committee can decide its meeting schedule at the start of each year, or determine at the end of each meeting when and where the next one will be held. Committees should be meeting as often as necessary to ensure good management of the facility. **Council requires that the Committee meet at minimum quarterly on such dates that the Chairperson or Committee determines.**

A good way to remind Committee members about a coming meeting is to circulate the minutes of the last meeting, plus agenda and any other papers, about a week before the meeting date.

Plus progress reports on any works being done, maintenance plan/report and risk and safety management report.

11.2 Notice of the Meeting

A notice of meeting (**Form 5**), typically incorporated with the agenda (**Form 2**), is circulated to Committee members at least two days, and preferable a week before the meeting. It is good management practice to advertise meetings to the public allowing them to attend or address the Committee if they wish.

Refer to Form 5- Notice of Meeting Advert Template

11.3 Agenda

Prior to any meeting an agenda is prepared. The agenda is a short document that sets out the business to be dealt with at the meeting. Please refer to **Form 2 – Agenda Template.**

Usually the secretary, in consultation with the Chairperson, prepares the agenda, but all Committee members can nominate items of business to be included on the meeting agenda.

A typical agenda includes some or all of the following:

- Details of time and place of meeting (Notice of Meeting)
- List of all members, and any non members invited to attend
- Apologies
- Conflicts of Interest (crucial inclusion)
- Minutes of the previous meeting
- Correspondence inwards
- Correspondence outwards
- Reports
 - secretary's report
 - treasurer's report
 - maintenance report
 - risk and safety
- General business

Please refer to Form 2 for the Agenda Template

When circulating the agenda, the minutes of the previous meeting and any reports to be considered at the meeting are usually attached.

At the start of the meeting the Chairperson usually asks (a) if there are other items of business that any member wishes to be added to the agenda, and (b) if any member wishes to change the order of the agenda. The addition of new items at the meeting is generally acceptable, but if those items are contentious and/or some members are absent from the meeting, the meeting may decide to refer such items to a subsequent meeting of the Committee.

11.4 Chairperson duties

The Chairperson shall take the chair at all meetings at which he or she is present.

11.5 Addressing the Meeting

For more formally run Committees, all Committee members addressing the meeting must direct their remarks through the Chairperson. A Committee member addressing the meeting shall not be interrupted by any other member, except that the Chairperson has the right to provide any direction to the member regarding the conduct of that address (appropriate language, length of time taken, etc).

11.6 Making Decisions/Motions

Each decision of the Committee should be made by a formal vote, even if everyone agrees and recorded in the minutes **(Forms 3 & 4)**.

Decisions are made by passing motions. Any Committee member may move a motion and the Chairperson accepts the motion for consideration. This could be as simple as:

"I move that the Treasurer's report be accepted," Bill Smith moves.

"I second that motion," says Mary Black.

The Chairperson says: "All in favour." (counts six raised hands) "All against." (counts no raised hands) "the motion is carried."

The minutes **(Forms 3 & 4)** will record the wording of the motion, who moved it, who seconded it, whether it was CARRIED or LOST.

For Example:

MOTION:

"That the Treasurer's report be accepted as presented"

BS/MB

CARRIED

Committees may have motions that are more complicated and contentious arising from their discussions on how to proceed with a project or manage their facility. In such cases, it may be useful for the motion to be written down and read out or circulated prior to voting so that everyone is clear about what is being decided.

If a vote is tied, the person in the chair has a second or casting vote.

A Committee can only make decisions (i.e. move and pass motions) if a quorum of its membership is at the meeting.

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

11.7 Minutes

Minutes are a formal, written record of a meeting and must be kept for all meetings of the Committee. At a minimum the minutes should record:

- Time the meeting started and finished
- Location of the meeting
- Names of the Committee members present
- Apologies received
- Conflicts of Interest declared
- List of all items of business considered
- Exact wording of any motions moved, including the name of the mover and seconders, and the mover and seconder of any amendments to the motion
- Results of consideration of any motions carried, lost, withdrawn, lapsed, amended
- Details of any questions taken on notice
- Details of any deputations made to the Committee, or any guest speakers

Refer to Form 3 – General Meeting Minute Template

The minutes should enable a Committee member not present at the meeting to be informed of all actions and decision arising and the reasons for those actions and decisions.

Every page of the minutes should be numbered, and bear the date of the meeting.

Minutes are a permanent record of the Committee's decisions and proceedings. The secretary should keep a minute book that will be passed on to the incoming secretary at the end of the Committee's term. In the longer term the minute books must be stored and archived in accordance with the Public Records Act because Committees of Management are public bodies

The minutes of a meeting should be endorsed by the following meeting as being a true and accurate record. The motion endorsing the minutes of a previous meeting should only be moved and seconded by members who actually attended.

Upon ratification of the previous meeting's minutes, the Chairperson should sign the minutes. Once endorsed by the signing of the Chairperson, they should not be altered.

All meeting minutes need to be submitted to Council's Coordinator Governance within twenty one (21) days of the meeting.

12. THE ANNUAL GENERAL MEETING (AGM)

The AGM is the public meeting where the Committee reports to its community. The AGM is to be held between 1 July and 30 October each year.

Refer to **Form 4 – Annual General Meeting Minute Template**

12.1 Notice of AGM

The Secretary shall notify Council a minimum of four (4) weeks prior to the date of the Annual General Meeting so that Council can advertise the date by way of a notice in the public notices section of the local newspaper circulating in the area for the two (2) weeks prior.

Refer to **Form 5 - Notice of Meeting Advert Template**

Please fill in this template and submit to the Coordinator Governance

12.2 Order of Business

The AGM includes:

- Receive and confirm the minutes (**Form 4**) of the previous AGM
- Receive an Annual Report (**Form 7**) that includes the Chairpersons report of the Committee's activities, operations and usage of the facility for the previous 12 months
- Receive the Treasurers report of the past 12 months including Annual Financial Report (**Form 8**), Format of Accounts (**Form 1**), Bank Statement and Bank Reconciliation (**Form 9**) for end of financial year
- Receive a proposed budget for the year ahead
- Receive an outline of the Committee's proposed activities for the next 12 months, which may also include seeking the community's approval of those plans.
- Councillor in attendance takes the Chair for the;
 - o Election of Committee members – recommendation to go to Council for appointment. Recommended members remain non-voting until endorsed by Council.
 - o Election of office bearers
- Set meeting schedule for the following year

Attendees can ask questions of the Committee (only in the time set aside in the meeting to do so), but it is not a forum for taking motions from the floor or voting on proposals. These actions can only be undertaken by Committee members and any such business should be held over to the next regular meeting.

12.3 Duties of the Secretary

Prior to the AGM:

- Notify Coordinator Governance, Murrindindi Shire Council four (4) weeks prior to the date of the meeting – including date, time, location and a contact person
- Notify Coordinator Governance of any Community Representative positions up for nomination and advise the process the Committee has agreed upon for nomination
- Distribute information and nomination forms on request
- Ensure the annual report (**Form 7**) is complete and available for inspection at the meeting
- Ensure that all the necessary equipment is available for the meeting including nomination forms, attendance sheet, whiteboard, etc;
- Bring all nominations received prior to the meeting; and
- In conjunction with the Chairperson, prepare a meeting agenda (**Form 2**) for distribution at the meeting

The outgoing Secretary should:

- Hand over all correspondence, including minute books and all copies of this manual
- Provide copies of all management plans or statements, and corresponding performance reports, prepared by the Committee over its term;
- Provide all details to the incoming Committee of any contracts (e.g. leases, licenses or any other contracts for services)

12.4 Duties of the Chairperson/President

Prior to the election, the Chairperson/President shall:

- State the purpose of the meeting which is to elect recommended candidates to form a Committee of Management for a 3 year period commencing on a particular date and annually to elect executive office bearers to the Committee for the following 12 months;
- Clearly identify the facility over which the Committee of Management is to be appointed and clearly define the “community of interest” for those present;
- Detail the number of Committee members being sought;
- Nominate the Committee members who will be responsible for presenting the reports to the meeting, providing a brief summary, and answering any questions. (Usually the Treasurer presents any financial reports, and the Chairperson/President presents any performance or management reports, but any Committee member may be nominated);
- Describe how the meeting will be conducted, and the process for the election
- Hand over to the Councillor present to be the Chairperson conducting the election of nominated members

The Chairperson/President shall be responsible for ensuring that all reporting requirements are submitted/lodged with Council within 21 days of holding the AGM.

The outgoing Chairperson should:

- Ensure that the handover is completed in a timely and professional manner, and that the incoming Committee is adequately briefed.

12.5 Duties of the Treasurer

Prior to the AGM

- Ensure the Format of Accounts Form **(Form 1)**, Financial Report **(Form 8)**, Bank Statement and Reconciliation **(Form 9)** are ready for inspection at the meeting

The outgoing Treasurer should:

- Balance the books and have them audited
- Provide copies of any business plans and financial reports prepared over the Committees term
- Advise the incoming Committee of any committed funds
- Organise the changeover of bank account signatory details
- Advise the Australian Taxation Office of the incoming Committees contact details
- Advise service providers (e.g. gas, electricity and water) of the incoming Committees contact details; and
- Hand over the books to the incoming Committee.

12.6 The Election of Members and Roles

The Chairperson / Councillor will declare all positions vacant. Unless the procedures of the Committee otherwise provide, voting must be by show of hands.

The duties of the outgoing Chairperson, Secretary or Councillor are:

- Declare positions vacant from the specified date
- List all nominations received prior to the meeting for the relevant Committee positions
- Call for additional nominations (if applicable) for the relevant Committee positions
- Verify the eligibility of all nominations
- After a reasonable interval, declare nominations closed
- If the number of candidates is less than the number of vacancies, declare all candidates as the successful recommended candidates;
- If the number of candidates exceeds the number of vacancies, announce that an election will be held and give details on how it will be conducted. For example, each eligible voter can only cast one vote for one candidate;
- Check that all persons wishing to vote are eligible, and have signed the attendance sheet;

NOTE: New Committee members are not formally appointed until endorsed by the Murrindindi Shire Council and cannot conduct Committee business until endorsed.

If an ordinary meeting with the new Committee follows the AGM then the newly recommended members cannot vote as part of the meeting as they are not official members of the Committee until endorsed by Council. This is also relevant for any meeting held until Council endorses membership.

13. SPECIAL MEETINGS

The Chairperson/President may call a special meeting by giving notice to all Committee members in the manner prescribed hereunder or shall call a special meeting forthwith upon receiving from any three (3) members of the Committee a written request that such a meeting be so called. The notice by the Chairperson/president or the request by the three (3) Committee Members shall contain a statement of the purpose of the meeting. The meeting will be held on such date and time as fixed by the Chairperson/President.

In cases where the Chairperson calls a meeting in response to a request, the meeting shall be held within 21 days of receiving such request. The Chairperson shall arrange for two (2) clear days notice of the meeting to be given to all Committee members in writing. No other business shall be transacted at that meeting except that specified in the Notice.

14. FINANCIAL MANAGEMENT

Keeping track of financial records is a key task of the Committee. It is essential for keeping Council, the Community and user groups informed about the financial sustainability of the facility.

The Committee's financial year shall commence on 1 July in each year and end on 30 June in the following year.

The Committee shall ensure that the financial decisions do not affect the integrity of the Council's budget.

14.1 General Financial Record Keeping

To ensure they make proper and complete financial reports (**Form 8**), Committees are urged to maintain suitable records. The Australian Taxations Office (ATO) provides two good resources to assists:

- How to keep your business records (NAT 3029)
- ‘E-Record’, an easy to use electronic package of worksheets on which to build financial records (NAT 3043)

Other resources are available at website address www.ourcommunity.com.au.

Also note examples of the suggested format at the rear of the handbook - ‘Forms’, Tab No 1.

14.2 Bookkeeping and Accounting

Methodical bookkeeping is essential to good financial management. If the books are properly kept then there is a clear record of all receipts and payments and of the funds available to the Committee.

Money received should be banked regularly - at least weekly - and all payments and receipts must be recorded promptly. All expenses are to be paid by cheque.

14.3 Bank Account

The Committee shall open and operate a bank account entitled “Name of Committee”.

14.4 Annual and Quarterly Accounts

Annual Financial Reporting – as part of the AGM process, must include:

- Annual financial report (**Form 8**) based on financial year (e.g. 1 July 2013 – 30 June 2014)
- Section 86 of Shire Special Committees are required to complete the Format of Accounts Form (**Form 1**) annually and submit it to the Council.
- End of Financial Year bank statement
- Financial Year Bank Reconciliation (**Form 9**)

Quarterly Financial Reporting to Council must include

- Bank statements
- Financial summary report (**Form 8**)
- Report to the Committee meetings current financial position, transactions since the last Committee meeting and details regarding the bank balance

14.6 Format of Accounts

Each year Council will request Special Committees of Council to complete a Format of Accounts form. This form is provided in the Forms section of this handbook (**Form 1**)

14.7 Revenue and Spending

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

Revenue received by a Committee must be directed to activities associated with the facility. The Committee may pay from funds received the cost of minor maintenance, contents insurance, electricity, water charges or gas used, petty cash and secretarial expenses as the Committee determines.

Committees are not required to spend all revenue in the year it is received and it is quite wise to carry forward some funds into the next year. It is also acceptable if a Committee has planned for a large development in the next few years to accumulate the funds required for it (e.g. major renovations). Expenditure will be limited to improvements on the facility and by the instrument of delegation.

It is strongly recommended that Committees do not carry excessive funds for no foreseeable purpose. Crown land reserves AND Council owned reserves are public assets and funds should be spent on maintaining or enhancing the facility.

14.8 GST

The Committee by definition under the Local Government Act is part of Council. The Australian Tax Office has ruled that the Committee cannot have a separate ABN or separate registration for GST. The Committee must use Council's ABN 83 600 647 004 when issuing tax invoices for hire/use or facilities. A statement of quarterly income and expenditure has to be forwarded to Council each quarter ending September, December, March and June. The statement must be submitted Council by the 7th Day following the close of the month to enable Council to include the details in the Council return to the Tax Office.

When sending the return, if money is owed, a cheque must be forwarded to Council with the return. When money is due from Council, the money will be paid to the Committee within 30 days of Council receiving the return.

GST Reporting Form – Under development (will be made available for Committees of Management)

14.9 Contracts

Committees can enter into contracts that are directly related to the management of the facility under the delegation of \$5000 for services or for goods.

It is good practice that Committees call for quotations for the contract. The decision to tender should be determined by the value of the contract and adhere to Murrindindi Shire Council's procurement policy. Contact the Coordinator Governance for assistance with the process.

The Committee when entering into contracts should at all time ensure:

- They achieve value for money
- open and fair competition for all potential providers
- operates with professional integrity
- clear and consistent specifications and documentation to all
- make and record decisions in a clear and transparent manner

The Committee is not empowered to enter into tender agreements, contracts or agreements valued over \$5,000 or make any alterations without Council's consent.

Contracts for services under \$75 per payment can be entered into with parties that do not have an ABN as outlined in the Pay As You Go Legislation.

If a member of the Committee will financially benefit directly or indirectly from a contract entered into by the Committee then at the time of the decision the member is required to declare a conflict of interest and remove themselves from the decision making process.

14.10 Receiving Money

Whenever the Committee receives money, a receipt should be issued. A carbon duplicate book should be used to record all receipts. This is a practical safeguard against the possibility of error or disagreement. There may be times when issuing individual receipts is not feasible. For example, if the Committee is organising a fund raising event or calculating entry fees, it would be impractical to write out a receipt for every person. Two members of the Committee, preferably not the Treasurer should be responsible for collecting and accounting the money prior to handing to the Treasurer. One receipt should then be written for the total amount.

14.11 Fees

Fees must be used responsibly and:

- should be in line with similar rates in the area so that the maximum public benefit is gained for use of a public asset; and
- should not use the advantage of lower overheads associated with Crown land/or Council to the disadvantage of competing activities on private land.

If normal rates do not seem appropriate, reasonable fees for the purpose must be set. For example non-profit community groups may receive a discount rate. 'Similar rates' are defined as fees and are on a par with the general rates operating in your area at the time.

As part of the Annual General Meeting the Committee must propose facility fees and submit to Council for approval and endorsement

14.12 Raffles / Fundraising

To enable your Committee to legally run a raffle to fundraise you must have registered your Committee with the Victorian Commission for Gambling Regulation (VCGR) as a 'declared community or charitable organisation'.

The requirements for running a raffle under the VCGR guidelines are outlined in the attachment and including specific details relating to prize pool and further permit requirements.

Further information is available at the following website: www.vcgr.vic.gov.au

14.13 Community Grants Program:

Council's Community Grants program offers grant opportunities for individuals and Community groups of up to \$5,000. Applications are assessed during February, May and September each year.

Further information and applications forms are available on Council's website at www.murrindindi.vic.gov.au

14.14 Paying Money

Payments should be made by cheque, crossed not negotiable, and signed by two authorised members of the Committee. As each cheque is drawn the paper work detailing the expenditure should be retained and filed in cheque number order. If there is no paper work then a cheque voucher should be drawn up giving the details of the payment i.e. payee, amount, date, cheque number and what the payment is for.

14.15 Honorariums

Committees of Management must not pay honorariums. If a minor fee is to be collected for services rendered to the Committee of Management then the person should be paid as part of the normal contract process.

Committee members may be reimbursed for out-of-pocket expenses approved by the committee but cannot receive honorariums. No member of the Committee of Management should be receiving payment from the Committee for their contribution to the running of the Committee of Management. For example; as the secretary or treasurer.

Refer to section 14.9 for further information and options

14.16 Cash Book

The cashbook is the principal book of accounts. One section is for money received with varying number of columns to detail all the major areas of income. The second section is for expenditure, again with a number of columns to detail all the major areas of expenditure. Books with varying numbers of columns are available through newsagents or stationers. All cashbooks should now have a separate column for recording GST receipts and payments.

Money Received

From the receipt book enter the details to the cashbook with the money going into the amount and detail column. For ease of balancing to your bank statement a second amount column marked bank can be kept and the total banked each day added into this column. At the end of each month add the analysis columns and balance the totals to the total banked.

Payments

As with money received there is a bank column and several analysis columns. Enter the amount of each cheque drawn in the bank column as well as in the relevant analysis column. At the end of each month total the analysis columns and balance the totals with the bank column. The monthly totals should be added progressively month by month until after twelve months the totals are available for the yearly financial return.

14.17 Bank Reconciliation

Arrange with your bank for a statement to be forwarded to the Treasurer every month. Verify the entries. When submitting a Bank Statement to Council the Committee also need to attach a Bank Reconciliation

Refer to Form 9 – Reconciliation Template

14.18 Petty cash

This is a matter for each Committee to decide if they want to have and if so how much. Petty cash should only be used for minor items. Reimbursement must be by cheque with the details of what was purchased from petty cash recorded against the cheque voucher.

14.19 Cash on Premises

The Committee should develop a cash handling procedure and ensure all of the users of the facility are aware of the procedure. Only communicate this process to authorised officers of the user groups and keep knowledge of the process to a minimum.

If cash goes missing from your facility or a break in occurs Council must be notified within 24 hours or on the next working day.

14.20 Financial Controls

The Committee as a whole, not just the Treasurer, is responsible for the financial affairs of the organisation. The Committee must see monthly reports of income and expenditure and must approve of all expenses paid, or to be paid, for the month.

Authorisation

The Instrument of Delegation will determine authorisation limits. The Committee should set definite limits on expenditure and on the persons authorised to purchase under the delegation limit of \$5,000

The Treasurer may be authorised by the Committee to pay regular accounts or spend funds up to an agreed limit. Large expenditure should be discussed at a Committee meeting and be agreed upon by the majority.

Cheque Signing

The cheque account shall require two people to sign each cheque. This should be arranged by having three Committee Members signatures registered with the bank, with any two to sign each cheque.

Cheques should always be crossed, marked not negotiable and the details entered before being signed.

14.21 Auditing

The term audited accounts means that the financial records of the organisation have been independently checked, by a person with recognised accounting qualifications, as being a true and accurate record of the financial operations and position of the Committee at that time.

An auditor will confirm the correctness of your records and provide useful advice on accounting practices. The Committee's financial records should be maintained to a standard that will allow auditing. Council can audit the Committees records at any stage.

If the income of the Committee in any give financial year is **greater than \$10,000** (excludes Council's Community Grants program) the accounts shall be audited to the satisfaction of Council, and the Committee shall meet all of the costs associated therewith and an Auditors Certificate submitted as part of the Annual Financial Statement.

The Auditor will need to be provided with:

- The books of account, consisting of the cash books written up and balanced for the year, and journals and ledgers if these records are maintained;
- Bank statements for the whole year
- Copies of deposit slips and cheque butts;
- Receipt books containing the duplicates of receipts issued as well as cancelled original receipts.
- The Auditor also needs to sight unused receipt books;
- Vouchers for payments made, which should be placed in cheque number order;
- Access to 'paid' cheques from the Committees bankers – unless receipts have been obtained for all payments made;
- A copy of the minute book to enable the Auditor to review approvals for major items of income and expenditure;
- A copy of the last audited statements of account;
- The financial statements for the year now being subjected to audit, together with all supporting working papers; and
- Any other records or evidence the auditor may request.

14.22 Developing a Budget

The Committee should as the year-end approaches give serious consideration to producing a budget for the following year and present this at the AGM. This can easily be carried out by looking at the income and expenditure pattern for the current year. Add to that any extra works/services that the Committee would like to see in place and determine the overall estimated expenditure.

Once the expenditure is set then the Committee can look at the options available to fund the expenditure. Remember that inflation will have an effect on the cost of services and an allowance should be built into each item to cover the likely increased cost.

14.23 Borrowing Money

Under section 84(4) of the Local Government Act 1989 the Committee CANNOT borrow money, including the issue of debentures and promissory notes.

14.24 Water and Sewerage

A Committee will be invoiced for the use of any water and sewerage services for its facility this includes both service and usage charges.

14.25 Council Rates

Under the *Local Government Act 1989*, Crown land used exclusively for public or municipal purposes is non-ratable. This exempts many Committees from Council rates. However, the definition of “public purpose” usually includes unrestricted public access. Limiting public access to your facility in any way may make it subject to rates.

Areas that are leased (e.g. kiosks, clubhouses) are subject to council rates. However, land a Committee has licensed may not be subject to rates depending on the purpose and the extent of public access. If leased or licensed land does become subject to rates, the lessee or licensee is responsible for payment. This should be specified in the lease or license documents.

14.26 Waste Collection

A Committee is responsible for any fees and charges related to waste collection. Please contact Council’s Coordinator Governance if you require any further information regarding contracts for waste collection.

14.27 Bushfire Services Levy

Council can enforce payment of the Bushfire Services Levy to a Committee of Management if the legislation allows. Applications for Council to pay the charge on behalf of the Committee of Management can be made on financial grounds to the Coordinator Governance, Murrindindi Shire Council.

15. FACILITY MANAGEMENT

15.1 Power to Manage a Facility

The main guiding principle for managing a public facility is the use and enjoyment for all. This needs to be balanced with the need to protect and maintain the facility, its natural features and its assets.

15.2 Allocating and Controlling Use

If all or part of the facility requires protection, a Committee may control its use by limiting numbers and types of users, physical access, of the times and conditions of use and access. For example, a reserve for conservation purposes may need to limit public access to areas of the reserve undergoing re-vegetation.

Rules (regulations) and pricing (fees) are two effective mechanisms to allocate and regulate use.

15.3 Delegation

A Committee cannot delegate its powers to any other body, but it can establish sub Committees to consider certain matters. These sub-Committees may be either standing Committees with on-going functions (e.g. finance sub-Committee) or working groups for a particular task (e.g. spring planting sub-Committee).

Sub-Committees have no power in their own right. Their recommendations must be brought back to a full Committee for consideration and resolution.

15.4 Maintaining the Facility

The Committee of Management is required to maintain the facility. The Committee must:

- Keep the facility clean
- Ensure waste is disposed of appropriately
- Must immediately notify Council of any maintenance issues (**Form 10**) that arise
- Ensure that any damage caused is repaired immediately

As a general rule, the day to day operational maintenance of facilities is the responsibility of the Committee of Management. Larger significant structural capital works are to be negotiated with Council and incorporated into Council budget process during October and November each year.

The Committee must adhere with any Council Policies in regards to the ongoing maintenance of facilities.

Refer to Form 10 – Maintenance Request

Refer to Form 11 – Facility Condition Checklist

15.5 Asset Management

As part of its financial records, a Committee is strongly urged to maintain an asset register with details of all assets it owns or manages including buildings and facilities. The register should contain:

- description of each asset
- the date it was purchased
- as estimate of its value

Each year, the assets value should be adjusted to reflect depreciation (for physical assets such as buildings, equipment, and stock).

In most cases Council will have the physical assets recorded in their books. It is encouraged that the Committee of Management and relevant user groups keep a list of their contents/assets as well.

15.6 Management Documents

The management of facilities should be planned, rather than ad hoc, to help achieve the best possible outcomes. Committees are strongly recommended to prepare a management plan or works schedule with a corresponding business plan or annual budget in consultation with Murrindindi Shire Council and Department of Sustainability, where required, so that plans remain consistent with the aims of the local community. The benefit of these documents is that they provide a context for financial expenditure to which every member has agreed, and they draw together the big picture of what the Committee wants to achieve. A management plan will strengthen any application for grant funds.

Management document may include:

- **A management plan / management statement**, which outlines the Committee's aspirations for the use and development of the facility over its term of office. It details what the Committee intends to do to maintain the facility.
- **A business plan**, which outlines how the Committee will implement its management plan. It details what actions the Committee will need to take – employ staff, enter into leases or licenses, seek grant money, etc. – over its term to achieve its objectives.
- **A financial plan**, which details the income and expenditure needed to achieve the management plan. It is often incorporated into the business plan
- **Community Consultation** – to assist the Committee in deciding if a community consultation process is required.

Visit <http://ourcommunity.com.au/> for templates and advice

16. CAPITAL WORKS

The Committee:

- Must not carry out or authorise any capital works, extensions or additions which materially alter the buildings or surrounds of the facility without prior approval from the Council
- Upon Council's approval can enter into contracts for capital works, extensions and additions for amount not exceeding \$5,000.00
- Is encouraged to investigate and make recommendations in writing to the Council on the development of future capital works and the provision of future facilities and amenities for the facility
- Must consult with organisations who use the facility as part of the development of said recommendations

17. FACILITY HIRE & USE

The Committee is responsible for entering into agreements with casual hirers of the facilities in accordance with the conditions of hire developed by the Committee and to ensure that users of the facility comply with conditions set for the care, protection and management of the facilities set out in policies of the Committee and the Council's Local Laws and policies. Committees must ensure that users of the facility make good any wilful or accidental damage caused during use.

Refer to Form 12 - Facility Hire Agreement

17.1 Hiring Agreements

Committees should establish a hiring agreement that a casual or regular hirer must adhere to. Items that should be considered in the hiring agreement are, but not limited to:

- Deposits
- Cancellation policy
- Cleaning responsibilities
- Damage
 - Any damage to the facilities must be reported immediately to the Committee of Management contact. Users must supply details of how the damage was caused so that it can be determined who will be responsible for paying for the repair or replacement to Council property.
- Keys or access
- Alarms in place
- Vehicles, parking, access
- Breach of conditions

Refer to Form 12 - Facility Hire Agreement

17.2 Hire Agreement & Liability Insurance for Casual Users

A Facility Hire Agreement Template (**Form 12**) has been developed to be used by Committees of Management if they wish. This form is to be used when hiring the facility to a casual hirer.

It is important to note that an insurance policy can be sold to individuals or groups, for non-profit making activities, that do not have existing public liability insurance and is not intended to provide cover for festivals, sporting type activities, rock concerts/performances or hirers involved in a profit making activity where an admission fee is charged.

The hirer will be required to pay the \$250 excess should a claim be lodged.

There is no cover for commercial entities that hire the facility for monetary gain. There is however cover to commercial entities where there is no monetary gain.

A casual hirer is someone who is hiring the facility for a one-off function or use, i.e. Birthday or anniversary party or the like. A \$30 policy is available for Public Liability through Council.

Refer to Form 13 - Public Liability Hirer Insurance

In this way:-

- A clear understanding of the terms and conditions of hiring and the rights of each party is established.
- Issues relating to occupiers liability and insurance are covered.
- Community property is maintained in good condition.

Any private persons who wish to hire the facility on a regular basis must provide evidence of Public Liability Insurance cover in the form of a certificate of currency in an amount of at least \$5M, although \$10M is preferable.

17.4 Regular Users

A regular user is a sporting club or other group who uses the facility every week for a portion of the year, or the whole year.

The Committee of Management must notify Council of any regular users and the terms of use. Council will enter into a Lease or Licence for exclusive use, seasonal use or non exclusive use.

Most regular users have insurance provided by their Association.

18. INSURANCE

Committees have a duty to ensure that claims are minimised through the use of risk management should an incident occur. Committees must use the Murrindindi Shire reporting procedures (**Form 14 &15**). Murrindindi Shire Council's insurance program covers the insurance needs of Committees of Management in regard to:

- Public liability insurance cover for injury or loss to third parties (on Council Land)
- Professional indemnity insurance cover for Committees of Management and their volunteers (cover extends to registered volunteers and Committee members when engaged in voluntary activities organised or authorized by or under the control of Council.
- Personal accident insurance cover, which applies when a Committee member or volunteer is engaged in voluntary activities organised or authorized by or under the control of Council. (this excludes out of pocket medical expenses)
- Asset/Property cover for damage to Council managed/insured buildings (\$2500.00 excess applies - payable by the Committee of management)

Refer to **Form 14 &15 - Incident Report Form**

18.1 Public Liability & Risk Management

In today's society the number and value of claims from members of the public arising from personal injury or property damage is increasing. As a result the cost of purchasing public liability insurance continues to increase. It is prudent to seek to contain these costs by minimising incidents through risk management.

Committees' responsibilities as managers of Crown Land reserves and Council reserves for public liability insurance policy are to:

- Maintain documented risk management programs for the facility
- Avoid or minimise situations that may give rise to a claim
- Control and record any incident that may lead to a claim being made (**Form 14 &15**), and
- Prepare for a claim to be made resulting from an incident no matter how remote it may seem.
- Report all property damage/maintenance issues that may contribute to a claim

In the event of any incident, Committees are required to follow Councils' incident and claims procedures as detailed below.

- Report all incidents accidents or property losses to Councils, Coordinator Governance as soon as possible (**Form 14 &15**).
- Property losses that are not reported in a timely manner can be denied by Councils insurer.

- All incidents that are potential claims need to be handled sensitively and as soon as possible after they occur.
- A detailed investigation will be carried out by Council.

In all cases where a member of the public is injured or has property damaged:

- Action needs to be taken to minimize the chance of any further incidents by securing unsafe areas or facilities
- First aid and medical care should be provided immediately and prompt and proper care provided to any injured person

18.2 Liability Claim Procedures

All Public Liability claims should be forwarded directly to Council's Coordinator Governance

18.2.1 How and when claims are made

Committees of Management may be notified about incidents and potential claims from a variety of sources, such as direct contact from:

- the injured party or property owner or their respective agent
- police, ambulance or emergency service personnel
- media item
- legal representative or injured part of property owner, or
- observation of incident by Committee member or staff

Notification is usually by telephone or letter. In some instances, the first time the Committee of Management becomes aware of such an incident is when legal action has already commenced.

18.2.2 What to do on notification?

Contact Councils Coordinator Governance

Upon notification in writing or verbal:

- Make a note of how the letter or claim arrived – by mail or hand delivered. If by hand, who delivered it?
- Do not make any remarks or comments about the incident to any person who delivered the letter or claim.
- Do not reply to any letter or claim.

Send the letter or claim and relevant incident report (**Form 14 &15**), including any names of witnesses and any notes or photos relating to the incident to Murrindindi Shire Council, Coordinator Governance

Refer to **(Form 14 &15)** - Incident Report

If confronted by an angry or upset person it is important not to take their comments personally, and to:

- remain calm
- treat the person politely
- take notes about what they are saying
- do not admit responsibility for any incident
- ask the person to submit the claim in writing to Murrindindi Shire Council
- contact Murrindindi Shire Council, Coordinator Governance about the incident **(Form 14 &15)**, and follow the course of action recommended.

It is most important that you remain calm, listen to the concerns and treat the person politely. Assure the person that Murrindindi Shire Council will contact them in relation to their claim/concerns.

18.2.3 ***What not to do on notification***

Whether the notification is in writing or verbally, to help reduce the likelihood of unnecessary claims being made, there are a number of things that should not occur:

- **Do not** admit responsibility for any incident. But do show empathy for the injured party.
- **Do not** offer to pay any medical or other expenses. But do call an ambulance if needed.
- **Do not** agree that any equipment or facilities were faulty.
- **Do not** blame other Committee members, employees of other parties.
- **Do not** argue or discuss the cause of the incident with the injured person or witnesses.
- **Do not** conduct the investigation or fill out the incident report form in the presence of the injured person
- **Do not** discuss the incident at any time with any person other than Councils Coordinator Governance
- **Do not** discuss the incident with the media.

18.2.4 ***Incident and claim report***

The Committee's responsibility is to provide the facts of the incident and report them to Council NOT to make a decision on the validity or otherwise of the claim or potential claim. The Committee should immediately seek assistance from Murrindindi Shire Council

It is essential that as much information as possible is gathered as early as possible. The longer the time lapse between the incident and the investigation the less likely it is that information will be available or accurate. It is important that a report is made of potential as well as notified claims because a claim may not arise until many years after an incident occurred.

The two main reasons for conducting an investigation are to:

1. determine the facts so that Murrindindi Shire Council can consider whether there is a liability at law or not, or whether the incident relates to another authority or person; and
2. Identify the cause of the incident so that measures can be taken to ensure there is no recurrence.

18.2.5 Under no circumstances admit liability.

The admission of liability can, in some circumstances, void the insurance policy. One can be empathetic with an injured person, but must be careful that any conversation is not misunderstood as an acceptance of liability.

Reports of any investigation undertaken by the Committee on Councils behalf should be put in writing. It is recommended that the Incident Report Form be used (**Form 14 &15**).

The use of a standard form ensures that necessary information is gathered in a logical fashion and that a record of the investigation is maintained.

Where any incident occurs, it should be reported immediately by telephone to Murrindindi Shire Council, Coordinator Governance followed by a written report.

18.3 Other Important Information

Where new information or witnesses are found (at any time after the incident) notify Council's Coordinator Governance as soon as possible.

18.4 Third party users of Crown land reserves

Murrindindi Shire Council's public liability insurance policy does not extend to indemnify third party users of Crown land and Council facilities against claims from other users of the facility. This includes casual hirers and users, long-term users and tenants.

Incidents that occur on Crown land are ultimately the responsibility of the Crown. Council may in some instances provide assistance in reporting and investigating such incidents.

Individual user groups need to provide evidence to the Committee of Management of appropriate public liability and participant insurance cover (where applicable).

18.5 Hire Agreements & Insurance

It is essential that Council and its Committees are protected from the liability and negligence claims that may arise from the use of Council property.

18.5.1 Regular Users

The Committee shall require each organisation which rents or uses the facility to:

- (a) Arrange and maintain insurance policies for any contents which they store at the Facility;
- (b) Arrange and maintain public liability insurance policies in which indemnity must be given to the Council, Committee, Councillors, Committee Members and Officers of the Council; and to submit a “Certificate of Currency” for each insurance policy and forward copies of all certificates to Council

18.5.2 Casual Hirers

Casual Hire Public Liability cover is available from Council for a fee. This can be used for one of hire for certain functions.

- (a) This cover does not extend to sporting events or events where admission is charged
- (b) Council facilities the right to not extend cover to hires
- (c) Cover is only extended when the appropriate fee has been received by Council and
- (d) The hirer has received an acknowledgment from Council
- (e) Cover is granted to the hirer on the basis of the information that is provided by the hirer, should this information be found to be incorrect in the event of a claim the claim will be denied

Refer to **Form 13 - Public Liability Hirer Insurance**

18.6 Building (Property) Insurance

Report all property damage, storm, flood damage, theft or any other type of property damage to Council as soon as possible. Council's insurer can deny claims that are not reported in a timely manner.

Council has insurance which covers all buildings under its management within the Shire. The excess on this building insurance is \$2,500 of which your Committee is responsible in the event of an insurance claim on this insurance. If you have contents insured by the Council, the same excess applies.

It is recommended by the Council that user groups obtain their own contents insurance.

In the event of a claim being made, if the Committee can prove financial hardship, then the Council may assist financially. If this is the case, the Committee will need to write to the Council, providing copies of recent financial statements, to seek reimbursement for some or all of the insurance excess.

19 EXCLUSIONS

Committees should be aware that there are some activities that are not covered by Council's insurance, or require an extension of Council's insurance to cover. These include festivals, markets, fireworks, etc. If your Committee is considering holding an activity, or hiring the facility for an activity that may be excluded from Council's insurance - please contact the Council for confirmation. Council Officers will be happy to assist with advice and information if further insurance is required for any activities.

20 RISK MANAGEMENT

A 'risk' is the chance of something occurring that has the potential to cause loss, damage or injury. 'Risk management' involves identifying risks and taking precautionary measures to minimize the chance that a particular event will occur.

Risk management is setting in place practices and processes that enable risks to be identified, minimized and dealt with. Risk management seeks to minimize the impact of undesirable events, without discouraging appropriate risk taking and initiative.

Cutting long grass at the start of the summer is a common example of risk management. Risk management can be both a task and an opportunity. For example, reducing grasses at the start of summer by issuing short-term grazing licenses reduces a risk and generates revenue.

Committees are strongly urged to undertake a formal risk assessment (**Form 16**), develop a risk management plan and conduct an annual review. It is better to plan for risks than to think about them after something has gone wrong.

The Committee of Management is required to:

- Ensure users are aware of the location of emergency exits and fire protection equipment and emergency response procedures.
- On a quarterly basis, complete a Facility Condition Checklist (**Form 11**) retain a copy and send a copy to the Council. This will identify the condition of the facility and highlight any problems.
- Advise the Council immediately of an incident likely to give rise to:
 - Injury to any person
 - Damage to any property associated with the facilities (damage may be to the facilities or other parties)
- A Hazard, Incident or injury report form should be used to record the details (**Form 14 & 15**).
- Refer any public liability insurance claimants directly to Council's Co-ordinator Administration

20.1 How do Committees Undertake Risk Management?

Risk management by Committees of Management is a six-step process that is undertaken for each potential risk identified on their facility. This section seeks to guide a Committee through the process.

The six steps are:

1. Identification of risk
2. Assessment of likelihood of event occurring and consequence
3. Identification and assessment of risk control methods
4. Ranking all risks
5. Treating all risks
6. Monitoring and review

The Assessment and management of risks should be an ongoing process, not a 'once a year' event.

20.2 Identification of Risk

There are many ways to identify risks including checklists, judgments based on experience, records, expert opinion etc. Risks can be identified and grouped in categories. For example, in the category of financial risks, Committees may identify specific risks such as loss of revenue, fraud, and borrowing

A list of risk categories has been developed to assist Committees identify the risks appropriate to their operations –

The aim of the risk identification process is to generate a comprehensive list of events that might affect the Committee's operation or objectives. These risks are then considered in more detail to identify the potential impact of each risk. The identification process should be broad, so that all possible risks, no matter how small are considered.

Refer to (Form 16) - Hazard Identification, Risk Assessment & Control

20.3 Assessment of Likelihood of Event Occurring and Consequence

Once a Committee has identified all its risks, each of these risks should be rated in terms of the likelihood of an event occurring, from eliminated to certain. Refer to form 6 above.

Each identified risk should then be rated in terms of the **consequence** of it occurring, from minor to catastrophic.

20.4 Identification and Assessment of Risk Controls

Typically, formal controls are already in place to manage risks. For example, financial risks are controlled by the Committee's system for handling all finances – an annual budget is prepared, finances are recorded by an accountant and audited annually.

Controls for each of the identified risk categorized need to be identified and assessed so risks can be ranked in order of importance.

The table below illustrates typical risk control methods. It is illustrative only, not comprehensive.

20.5 Risk Control Methods

RISK CATEGORY	RISK CONTROL METHOD
General Management	<ul style="list-style-type: none">- Business plan prepared and approved- Annual review and reporting
Financial	<ul style="list-style-type: none">- Financial plan prepared and approved- Annual review and reporting- Annual budget preparation and auditing- All expenditure above to be approved at Committee meeting
Asset management	<ul style="list-style-type: none">- Asset register prepared and annually reviewed- Funds reserved annually for maintenance- Insurance for all assets reviewed and updated annually- Notify council of all assets
Liability	<ul style="list-style-type: none">- Safety audit of facility and all equipment undertaken and recorded- Program for reducing hazards and potential liabilities prepared- Annual review
Service Delivery	<ul style="list-style-type: none">- Minimum of 4 Committee meetings per year
Technology	<ul style="list-style-type: none">- Regular back of up computer files- Disaster recovery program in place

20.6 Monitoring and Review

Ongoing review is required to ensure that risk management plans remain relevant. Methods of review can include:

- Self assessment
- Physical inspections
- Checking and monitoring success of actions and the extent to which the risk remains
- audit and reassessment of risk to achieving the Committee's objectives.

20.7 Risk Categories

The list is not exhaustive, nor do all categories apply to all Committees. It should be used as a guide for Committees of Management to determine the specific risks within each risk category that are relevant to their operations.

RISK CATEGORY	EXAMPLES OF SPECIFIC RISKS	RISK OF: _____
<p>General Management: (Risks associated with a Committee's general management of the facility)</p>	<ul style="list-style-type: none"> * Business planning * Contract management * Projects Implementation 	<ul style="list-style-type: none"> - not completing, or not completing to an adequate standard, required management and business plans - not adequately managing contracts - not adequately implementing projects
<p>Financial: (Risks associated with financial management or transactions)</p>	<ul style="list-style-type: none"> * Borrowing, lending and credit * Loss of revenue * Fraud * Monitoring of grants 	<ul style="list-style-type: none"> - not being able to obtain credit, or repay loans - losing one or more sources of revenue - the Committee funds being used fraudulently - grants not being adequately monitored and reported
<p>Asset management: (Risks associated with management or maintenance of physical assets, buildings or equipment)</p>	<ul style="list-style-type: none"> * Maintenance of assets * Use of assets * Portable plant and equipment * Natural hazard 	<ul style="list-style-type: none"> - not maintaining assets to the adequate or expected standard - not managing the use of assets adequately to ensure the protection of both the asset and users - damage to assets by natural elements such as windstorm, flood, earthquake, etc
<p>Liability: (Risks associated with legal action against CoM or it's members)</p>	<ul style="list-style-type: none"> * Public Liability * Professional indemnity * Inaccurate public information, etc 	<ul style="list-style-type: none"> - an accident, injury or death leading to a claim - Committee members or staff giving advice that leads to an accident, injury or loss

<p>Service Delivery: (Risks associated with the provision of CoM services)</p>	<ul style="list-style-type: none"> * Community Services * Reserve purpose services * Suppliers/tenants * Communication 	<ul style="list-style-type: none"> - not delivering the uses or services expected by the community - not delivering the services expected by the reserve purpose (eg; recreation) - suppliers/tenants not delivering
<p>Compliance: (Risks associated with non-compliance with Acts and Regulations)</p>	<ul style="list-style-type: none"> * Legislative compliance, eg. GST, OHS, Trade Practices, Building Regulations * Breach of fiduciary duty * Tendering impropriety * Government financial controls, etc 	<ul style="list-style-type: none"> - acting illegally - not being aware of relevant legislation and related provisions - not keeping up to date with changing requirements - not calling tenders and entering contracts correctly
<p>Change Management: (Risks associated with the processes or consequences of operational changes to CoM management arrangements)</p>	<ul style="list-style-type: none"> * New Committees * New staff 	<ul style="list-style-type: none"> - Committee not acting in accordance with conditions of appointment - a breakdown of CoM management arrangements - loss of staff/Committee skill mix
<p>Environment: (Risks associated with the management and integrity of the built or natural environments)</p>	<ul style="list-style-type: none"> * Pollution – contamination, waste, emissions, etc * Eco-system integrity * Biodiversity 	<ul style="list-style-type: none"> - pollution of the facility - damage to the facilities ecological character - damage to the facilities biodiversity

Personnel: (Risks associated with the safety, occupational health or well-being of CoM staff, volunteers and contractors)	* Occupational hygiene * Workplace injury * Hazardous activities * Recruitment	- an accident, injury or loss due to failure to meet OHS requirements - inappropriate recruitments - inability to recruit
Technology: (Risks associated with the security, function or management of technological systems or processes)	* IT security * IT capacity * IT failure	- a breach of system security - IT system capacity being inadequate - IT system failing

20.8 Public Safety & Standards

Your Committee must take all reasonable steps to protect the public and take reasonable care to avoid a foreseeable risk of injury to anyone lawfully entering your facility.

This section gives details of the standards that Committees need to maintain to ensure that harmful events are minimized and that when they do occur, it is not because of a Committee's negligence.

The aim of a public safety program is to establish procedures to prevent injury to members of the public or damage to third party property.

20.9 Checklists

The first step for a Committee of Management is developing a public safety program is to check the current safety levels of its facility.

Council's Facility Condition Checklist (**Form 11**) may assist you in keeping record of safety/maintenance issues.

Refer to **Form 11** – Facility Condition Checklist

20.10 Standards Required

There are many Australian standards available that may have an application to a Committee of Managements' public safety responsibilities. They assist in (a) identifying when a facility is not up to standard and (b) what is required to address this.

Examples of standards that could be of use to Committees include:

- AS1158 – Public Lighting Codes (8 parts)
- AS1470-1986 – Health and Safety at Work – Principles and Practices
- AS1596-1989 – LP Gas – storage and handling
- AS1851 – maintenance of fire protection equipment (16 parts)
- AS1924 – playground equipment for parks, schools and domestic use (2 parts)
- AS1926-1993 – Swimming pool safety
- AS2155-1982 – Guide to sitting and installation and maintenance of equipment
- AS2560-1982 – Guide to sports lighting
- AS2899 – Public information signs
- AS/NZS ISO 31000:2009 – Risk Management

Council can provide copies of these standards if required.

20.11 Maintaining Public Safety Standards

Once a Committee has checked the current safety levels, and undertaken any repairs and improvements as necessary to bring the facility up to the appropriate standard, it needs to maintain that standard. To do that it requires regular inspections, a maintenance program and a system for reporting and remedying faults and defects. This system should be documented as per checklists outlined in 13.3.1.

20.12 Regular Inspection

The purpose of regular inspections is to detect and repair faults and defects before members of the public, employees or volunteers are injured, or the faults and defects cause a more rapid depreciation of the assets and hence higher maintenance and repair costs.

Inspections should be conducted regularly using a checklist. The frequency of inspection will vary with the type, nature and uses of the particular facility. Records should be maintained of the facility to be inspected, including details of each inspection and:

- who undertook the inspection
- the date of inspection
- copies of the checklist
- results of the inspection and any corrective action required, and
- dates the corrective actions were taken and by whom

20.13 Maintenance

A well-documented, regular maintenance schedule should be kept for all facilities.

All facilities should be maintained in a safe condition. Failure to maintain facilities can have greater consequences than not providing them. For example, a stairway that is poorly maintained may be more dangerous than not providing access.

The Committee of Management should ensure that it allows for maintenance costs of facilities in the budget and that adequate provision is made for the increased maintenance requirement as the facility ages.

As a general rule, the day to day operational maintenance of facilities is the responsibility of the Committee of Management. Larger significant structural capital works are to be negotiated with Council and incorporated into Council budget process during October and November each year.

Refer to Form 10 – Maintenance Request

Refer to Form 11 – Facility Condition Checklist

20.14 Fault/Defect Reporting

Faults and defects will be identified as part of the regular inspections, but will also be identified at other times by different people including Committee members, users of the facility and the general public. They may be fixed immediately or may require action by maintenance staff or a contractor.

It is crucial for a Committee to have a system to record faults and defects that are identified outside the regular inspection program and to ensure that any such faults and defects are brought to the notice of the Committee. Such a system should not rely on casual contact or telephone calls but be a written record that includes details such as:

- who identified the fault and defect
- the date it was reported to the Committee, and to which Committee or staff member
- correction action required, and
- dates the corrective actions were taken and by whom.

It is essential that prompt action be taken to investigate a matter and carry out the appropriate repairs. It is particularly difficult to defend a case for liability for injury when the injury has occurred to a member of the public after a specific fault or defect has been reported to a Committee but has not been acted upon.

20.15 When Public Safety Standards Fail

Refer to Section 19 on Insurance for detailed information on liability claim procedures and incident investigation.

20.16 Public Safety in New Facilities

The design and construction of new facilities must meet all necessary safety standards with respect to design, construction, installation and choice of materials. New facilities are an opportunity for Committees to retire older equipment and facilities that generally require more onerous ongoing inspections and maintenance.

These points should be considered at the design stage:

- legal minimum standards as specified in either standards or regulations (e.g. building regulations)
- compliance with any appropriate Australian Standards or safety codes
- any particular emergency or first aid requirements that would be appropriate
- any signage, barriers or supervision required
- needs and abilities of the users, and
- operational experience of the Committee of Management and other operators of similar facilities

Committees involved in the design of facilities should not only refer to all appropriate standards, regulations and legal requirements, but should seek advice from experienced operational personnel of similar facilities about user safety.

In some instances it is a good idea to discuss the proposed facilities with the intended users. For example, in the design of a swimming pool, an indication of safety standards already in use and the level of ability of people who are going to use it would be useful information.

20.17 Some Public Safety Tools

There are several tools that can be used to ensure public safety including signage, established emergency procedures and security systems.

Murrindindi Shire Council Officers are available for advice.

20.18 Signage

Any recommended signage should be organised through Murrindindi Shire Council as Planning Permits and Building Permits may be required for certain signs.

20.19 Emergency Procedures

The requirement for or extent of emergency procedures will obviously vary between facilities and will be based on its facilities and the type of emergency that could arise, e.g. sports grounds, buildings.

Where facilities are provided on a leasing arrangement (e.g. sports ground facilities to sporting clubs) Committee members should ensure that emergency arrangements are provided (for example Emergency Management Plan), such as adequate firefighting equipment, clear exits, standard exit signage, a building floor plan and fire orders in case of fire, and that the users of the facility have considered the need for an appropriate fire and evacuation drill.

Some facilities may already be identified as emergency response facilities.

20.20 Security

A Committee needs to make its facility as safe as possible for all types of users. A facility may meet safety standards for its intended use, but be unsafe for defacto uses that by default it attracts. For example, facilities such as car parks, footpaths, paved areas, etc, can become defacto skateboarding or bicycle rinks. If a person is injured undertaking such activities, even though they are (strictly speaking) trespassing, they can sue the Committee if the injury has been caused by and negligence by the Committee or its members or volunteers.

Similarly, a Committee may unwittingly create what is known as an “attractive nuisance”. For example, a building site or swimming pool could be considered an attraction to any children in the area. Therefore, the Committee has an obligation to ensure that children and others cannot enter the site after hours and injure themselves.

Any community facility that is to be closed for a period should also be secured.

The emphasis on this type of security is not to prevent theft, but to minimize unauthorized use of a facility or area outside supervised times.

20.21 Crisis Management / Disaster Management

If a crisis occurs, the Committee should immediately report the crisis to the appropriate local authorities including Murrindindi Shire Council. A crisis situation could be a major fire, serious injury or death. Murrindindi Shire Council will be able to provide advice and expertise to help manage the crisis.

20.22 Failure to Meet Risk Management Requirements

Failure to meet the risk management requirements may result in Council taking over management of the facility until the issue can be resolved.

Council will make every effort to assist the Committee in achieving the requirements before this outcome takes place.

21 EVENT MANAGEMENT

If you plan to hold an event in the Shire, we can assist with any permits or requirements.

Completing an event enquiry checklist and submit it to council's Events Coordinator to determine whether any permits or requirements are needed by other council departments such as:

- **Local Laws** - road closures, traffic management, permission for public land access, alcohol consumption
- **Planning** - permits to hold an event on private land
- **Environmental Health** - temporary food permits (including alcohol tastings)
- **Building** - permits for temporary structures such as fencing, stages and marquees
- **Engineering** - waste management
- **Murrindindi Construction** - servicing of public toilets
- **Risk & Safety/Insurance** - public Liability Insurance, event management plan, risk assessment (**Form 16**)

You can find the event enquiry checklist on Council's website under "Things to See and Do" "Events – planning and hosting". It is recommended that you submit this checklist as early as possible to ensure that there is enough time to obtain any necessary information or permits before your event takes place.

Contact Council's, Events Coordinator on (03) 5772 0341 or email

kjames@murrindindi.vic.gov.au for more information.

22 VOLUNTEERS

Volunteers and voluntary groups are an invaluable resource to the Council and our community making a significant contribution to the community life. Volunteers contribute to a range of activities including among other areas social community support, emergency services and environmental protection. Through their commitment and energy volunteers can enhance the political, social, economic, environmental and cultural life and enrich the fabric of the local community.

The following points and procedures are in place to ensure that the Committee, Council, the Community and the volunteers all gain from the experience.

- 22.1** The engagement of volunteers to assist Murrindindi Shire Council and Committees of Management will be done in a manner that complies with all relevant Council Policies and associated legislation.
- 22.2** All volunteers will have a nominated Volunteer Supervisor. A detailed procedure manual for volunteers will be maintained to ensure that all aspects of the use of volunteers by Council are managed appropriately. This policy and procedures manual is to be followed by all Volunteer Supervisors (or their nominee) when using volunteers.
- 22.3** The recruitment of volunteers should be on the basis that volunteers can be provided with satisfying and suitable activities and functions, with due consideration being given to the personal preference and motivation of the volunteer
- 22.4** Volunteers will be selected in a non-discriminatory process consistent with EEO and related legislation.
- 22.5** Depending on the role volunteers may be required to undertake a police check, and other screening prior to appointment.
- 22.6** Council reserves the right of refusal and only those volunteers considered most suitable to take on the role available at the time will be placed.
- 22.7** New volunteers will meet their Volunteer Supervisor who will provide volunteers with their contact details.
- 22.8** All volunteers must complete a registration form and provide proof of identity, to ensure that they are covered by Council insurance **(Form 17)**
- 22.9** Volunteers under the age of 18 require additional permissions from parent/guardians to meet requirements for duty of care.
- 22.10** The Volunteer Supervisor is responsible for ensuring that the volunteer registration forms are collected and provided to Council.
- 22.11** Volunteers undertaking an on-going role or activity will be provided with an ID badge administered by Council
- 22.12** Volunteers will be provided with a clear statement of the tasks associated with the volunteer position.
- 22.13** Volunteers will be provided with an induction which includes
- Explanation of their rights and responsibilities and Council’s obligations to them.
 - Volunteer information sheet.
 - Demonstration and if required training in the key tasks and activities.
 - Explanation of any OH&S procedures related to the activity
 - Explanation of the volunteer code of conduct.
- 22.14** Volunteers are owed a statutory duty of care under OH&S Act 2004.

- 22.15** A risk assessment (**Form 16**) of any volunteer activity needs to be undertaken prior to a one off activity; or on a regular basis for ongoing volunteer programs.
- 22.16** The Committee's Volunteer Supervisor must organise and sign off the risk assessment of the volunteer activity.
- 22.17** All registered volunteers will be covered by Council personal accident insurance. Volunteers must be a minimum of 16 years old and under 90 years of age to be covered by insurance.
- 22.18** Volunteers driving vehicles will need to provide a copy of their drivers' licence and a copy of comprehensive insurance if driving private vehicles.
- 22.19** Volunteers' personal property is not covered by Council insurance.
- 22.20** Where possible the Committee should provide training to ensure safe and effective practices as well as a means of support and recognition for volunteers and to provide opportunities for their personal development
- 22.21** In instances of misconduct or breaches to the volunteer responsibilities, the Volunteer Supervisor has the right to dismiss the Volunteer. The reasons for termination will be provided to the volunteer.
- 22.22** Volunteers are required to declare anything that may prevent them from fulfilling their volunteer duties eg. Loss of licence.
- 22.23** The record of reasons for termination will be filed on the relevant corporate file and recorded in the database.

The Committee of Management must make sure that the volunteers fill out the volunteer information sheet (**Form 17**) and that they sign in on the day through the Volunteer attendance sheet (**Form 18**).

Both records need to be provided to Council via the Coordinator Governance.

Refer to Form 17 – Volunteer Information Sheet

Refer to Form 18 - Volunteer Attendance Sheet

23 HEALTH REGULATIONS

If your community group or organisation provides food for human consumption you will need to be aware of the changes to The Food Act 1984 (the Act) and the new requirements as at 1 July 2010.

23.1 Setting up a new food premises

When planning to operate a new food premises, consideration should be given to:

- The design and construction of the premise - it must be appropriate for the purpose for which it is to be used, allow effective cleaning, exclude fumes, smoke and other contaminants, and not permit the entry of pests.
- Water supply
- Sewerage and waste water
- Garbage and recycling
- Ventilation
- Lighting
- Storage
- Toilet facilities
- Hand washing facilities

Approval of plans - Council offer pre-registration review of food premises plans.

Please contact the Environmental Health Unit on 03 5772 0333 for further information.

It is the responsibility of the business owner to arrange an inspection of the premises before it is open to the public.

23.2 Registering a food premises

All businesses that handle, pack, prepare and sell food must submit an application to register a food premise. Please contact the Environmental Health Unit to receive the correct form.

Registration commences on the day the business is approved and expires on 31 December each year. Registration fees are set each year and are based on the risk classification of a business.

All relevant fees are set out in the registration form above

23.3 Operating a food premises

Food Safety Plan

All registered food premises that sell unpackaged or refrigerated food must have a food safety plan that shows what steps you and your business are taking to make sure that the food you sell is safe.

For assistance with developing a Food Safety Plan visit www.foodsmart.com.au .

Food Safety Supervisor

Registered food premises must have a qualified food safety supervisor who has:

- A certificate from a registered training organisation.
- The ability to supervise food handling in the food premises
- Authority to supervise food handlers and give directions if unsafe food practices are observed

The following is a list of training providers:

- [CFT Food Safety Training Online](http://www.cft.com.au) Ph: 1300 665 633, email: online@cft.com.au
- CEACA Adult education
Downey Street, Alexandra
Ph: 5772 1238
- Kinglake Ranges Neighbourhood House
6 McMahon's Road, Kinglake
Ph: 5786 1301
- Yea & District Community House
Civic Centre, The Semi Circle, Yea
Ph: 5797 3070

Food Recalls

In the interest of public health, it is sometimes necessary to remove foods from sale, distribution and consumption if they pose a threat to consumers.

If you feel that you have purchased food that is contaminated or are suffering from food poisoning, please contact Council's Environmental Health Unit on 03 5772 0333.

Transferring a food premises

Before purchasing an existing food premises, there are a number of steps to take:

- Arrange a transfer inspection by completing an application for premises inspection and submitting it to council. This will determine whether any works are required on the premises
- Transfer the business into your own name by completing an application to transfer registration of food premises.

Please contact the Environmental Health Unit on 03 5772 0333 to receive the correct form.

24 LIQUOR PERMIT PROCESS

If you are running an event where liquor will be sold and consumed on site you will need a Liquor Licence Permit from Liquor Licensing Victoria and also perhaps a Council permit.

In Summary:

- BYO for consumption on site – requires a permit from Council to consume
- Tasting only (and purchases of take away – unopened) – requires a food permit from Council
- Selling and consuming on site – requires a Liquor Licence and possible a permit from Council to consume

Further details and on line application forms can be sourced from the following website: www.consumer.vic.gov.au or by phoning 1300 650 367.

Information is also available by contacting Council's Law Enforcement Officer, 5772 0333.

25 INTRODUCTION TO THE PUBLIC RECORD OFFICE VICTORIA AND PUBLIC RECORDS ACT 1973

The Public Record Officer Victoria (PROV) is the State's archives authority established under the Public Records Act 1973. It regulates the disposal and management of public records; it also identifies records worthy of preservation as State archives and makes arrangements for their preservation in perpetuity. PROV takes custody of records no longer required for current administration purposes and provides access to records released for public inspection.

The PROV holds records created by government departments and authorities, the State's courts, municipalities, schools, public hospitals and other public authorities e.g. Committees of Management. If your Committee does have records for archive, please liaise with Council's Coordinator Governance.

25.1 Managing Records

The records of a Committee, however old, are public records. Each Committee is required to store and maintain its records in a manner that is consistent with general record management practice. This involves:

- making full and accurate records of the business of its Committee, and
- storing Committee records responsibly in a readily accessible and secure place

Records created by a Committee must be maintained in a way that ensures that they are secure from tampering or inadvertent access while being easily identified, located and retrieved by those permitted to do so.

All vital records of the Committee e.g. minutes, contracts, etc that are essential to its function should be identified and special care taken to prevent their loss or damage. If possible such records should be duplicated and the duplicates stored in a different location to the originals.

25.2 Managing Electronic Records

Any electronic record related to Committee business has the status of a public record. This includes electronic records developed or received by a Committee member or Committee employee relating to Committee business.

25.3 Records Disposal

As part of a Committee's record management function, Committees should identify and transfer or dispose of any records no longer in use.

For assistance with the disposal or transfer of records please contact the Coordinator Governance.

FOR ANY FURTHER INFORMATION PLEASE CONTACT:

Murrindindi Shire Council

Coordinator Governance

Tara Carter

Phone: (03) 5772 0347

tcarter@murrindindi.vic.gov.au

28 Perkins Street, (P.O. Box 138)

Website: www.murrindindi.vic.gov.au

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