



# **Community Asset Committee Guidelines**

1<sup>st</sup> Edition

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# Introduction

The **Community Asset Committee Guidelines** are designed to provide a handbook for Council delegated Community Asset Committees to refer to whilst conducting their regular operations. The Guidelines outline the responsibilities of Community Asset Committees (CACs) and provide guidance on situations Committees regularly encounter. They act as the first point of call for any questions pertaining to Committees. Alongside these guidelines, template forms are provided to support Committees in their day-to-day operations. The guidelines have also been designed to streamline processes within Council, by providing supporting resources and forms for CACs which can be submitted to Council and followed up internally.

## What is a Community Asset Committee?

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A Community Asset Committee is a Committee that has been delegated the duties, functions and powers of Council, to manage a specific community asset (such as a public hall, recreation reserve or heritage facility) within the municipality. The Committee consists of individual community members who, once endorsed by the CEO, have the power as a collective to manage an asset on behalf of Council. The Committee's term of appointment aligns with a four-year Council term.

When exercising a delegated power, duty or function in accordance with their Instrument of Delegation, a Community Asset Committee effectively "is the Council". All Community Asset Committees must comply with the rules for Community Asset Committees within the Local Government Act 2020. This includes delegation limits, meeting arrangements and conflicts of interest.

Community Asset Committees were formerly known as Special Committees, Committees and Section 86 Committees under the Local Government Act 1989.

## Scope of the Guidelines

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These guidelines apply exclusively to Council delegated Community Asset Committees who are appointed by the CEO to manage a Council asset. The guidelines do not apply to incorporated entities, or to any other model of Council facility management.

## Objectives of Guidelines

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This guide seeks to:

- Support the correct establishment of Community Asset Committees;
- Support the Community Asset Committees to manage public halls, recreation reserves and heritage facilities;

in accordance with the Local Government Act 2020 (the Act).

## Related Legislation/Policies/Guidelines

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- [Local Government Act 2020](#) and supporting regulations;

- [Conflicts of Interest Guidelines](#) (Local Government Victoria);
- Council’s Governance Rules;
- Council’s adopted Local Laws;
- Council financial reporting requirements (including templates/policies);
- Councillor Code of Conduct;
- Procurement Policy;
- Bullying and Harassment Policy;
- Occupational Health and Safety;
- Working during Fire Danger Days and Flood and Storm Events Policy;
- Recreation Reserve Management Framework and all associated Policies.

## Governance

### 1. Establishing a Community Asset Committee

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#### 1.1. Establishing Committees

- a) New Committees are established by a Council Resolution. The Resolution establishing a Committee is made at either an ordinary or special meeting of Council.
- b) All Community Asset Committees will be appointed to align with each Council Term and as a mechanism to support the Council in executing its duties.
- c) Existing Community Asset Committees will be reviewed for reappointment within six (6) months of the commencement of each Council term.
- d) Council will undertake an expression of interest process calling for community members as part of the reappointment of the Community Asset Committees.
- e) Council’s administration will undertake short-listing and selection of nominations for Community Asset Committees and prepare a report to Council.
- f) The first meeting of a newly established Community Asset Committee, after Council Resolution, must be an Annual General Meeting to appoint office bearers.

#### 1.2. Confirmation of appointment of existing Committees

For Community Asset Committees already appointed for a four-year Council term, Council will decide whether to resolve to re-appoint each Committee at the annual Statutory Meeting of Council.

## 2. Delegated Functions of a Community Asset Committee

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### 2.1. Instrument of Delegation

- a) Delegation of a power, duty or function will be outlined within an approved Instrument of Delegation issued by the Chief Executive Officer.
- b) Without an approved formal Instrument of Delegation, a Community Asset Committee must not exercise any Council powers.
- c) The Instrument of Delegation will define what authority is given to the Committee with the following criteria:
  - Committee membership;
  - Expenditure limits;
  - Reporting requirements;
  - Other administrative considerations.

### 2.2. What does the Instrument of Delegation contain?

The role of the Committee will be as defined by the Instrument of Delegation. This will include:

- Management of day to day operation of the facility on behalf of the Council;
- Communicating with facility users and the broader community regarding the management and access of the facilities;
- Acting in the best interest of the user groups;
- Adopting the rules as set by Council;
- Ensuring financial and legal matters are managed in accordance with Council requirements; and
- Ensuring the facility is safe and following direction of Council in terms of managing risks.

The Committee will act as an agent of Council in managing the Council assets entrusted in the Committee's care by:

- Undertaking the management of the facilities on Council's behalf;
- Comply with the Local Government Act and other legislative, regulatory and delegated requirements as a representative of Council
- Undertaking improvements to the facilities subject to Council's approval;
- Ensuring the facilities are available for public use;
- Collecting rentals and charges from the users of the facilities for casual hire;
- Expending funds according to the Instrument of Delegation, only to maintain and improve the facilities for the better use and enjoyment of the community and public; and
- Advising and collaborating with Council, obtaining approval prior to any major works or capital works\*, to ensure compliance with legislative, approval and budgetary obligations.

\* Major works or capital works are defined as new capital projects or alterations to the structure of the building. General maintenance is defined as the repair or replacement of existing building fixtures or fittings.

### 2.3. Limits to Delegation

- a) Whilst the Chief Executive Officer may delegate specific powers to a Community Asset Committee, there are strict conditions and limitations on what the Committee can and cannot do. These restrictions are detailed in the Committee's Instrument of Delegation. Examples of these restrictions include the prohibition of:
  - Declaring a rate or charge
  - Borrowing money;
  - Entering into contracts for amounts exceeding the limit set in the instrument of delegation;
  - Incurring expenditure beyond the limit set in the instrument of delegation.
- b) In addition, the Chief Executive Officer cannot allow a Community Asset Committee to delegate any of its responsibilities to others. For example, a Committee established to manage a Council facility cannot delegate its powers to approve expenditure to a single Committee member.
- c) The Committee's powers are strictly limited to the powers described in the Instrument of Delegation. Any decision made by the Committee that exceeds those powers, is invalid and could result in legal action by anyone who is disadvantaged as a result and/or the removal of the Committee.

### 2.4. Register of Delegations

The Chief Executive Officer must maintain a current register of delegations to Community Asset Committees. The register is maintained by the Democratic Support and Corporate Governance department and is available for public inspection.

### 2.5. Review of Delegations

- a) All Instruments of Delegation to Community Asset Committees will be reviewed within 12 months after a general election.
- b) Other regular reviews will be undertaken to:
  - Assess whether all the current Committees are actually required;
  - Probity purposes.
- c) Council may also monitor the performance of a Committee through the Audit and Risk Committee of Council, the Internal Audit Process or through the management of a Compliance Programme of work.



- d) It is important to note that whilst certain powers are delegated, Council must accept responsibility for the exercise of its powers, even when exercised by delegates.

### 3. Membership and Office Bearers

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#### 3.1. Committee membership

- a) The membership of a Community Asset Committee is appointed by Council with consideration of the relevant stakeholders at the facility.
- b) Councillors and/or Council officers may only be appointed as non-voting advisors only.
- c) Only those who reside or work within the municipality may be appointed to a Committee, except where Council has granted approval of a particular person.
- d) There is no restriction on the number of terms a Committee member may serve.
- e) If a Committee member is elected as a Councillor during their term on a Committee, that individual must resign their membership immediately.
- f) Committee members must hold a valid Working with Children Check, complete the New Member Nomination Form and complete an online induction module as volunteers of Council.

#### 3.2. Appointing members

- a) Where Council is appointing community members to a Community Asset Committee for a recreation reserve, public hall or other public facility with tenant sporting clubs or community organisations, those clubs or organisations will be encouraged to nominate representatives to serve on the Committee.
- b) Council remains responsible for making the formal appointment at a Council Meeting.
- c) Where there are multiple user groups, no single user group is to maintain a representative majority on the Committee.
- d) Committees are required to submit nominations through the Member Nomination Form.
- e) Each nominee for Committee membership will be required to confirm that they:
- Have not been convicted of any indictable offence;
  - Have not been convicted of fraud;
  - Have not been disqualified from acting as a director or acting in the management of a company;
  - Are not facing court proceedings for any criminal proceedings, including bankruptcy; and
  - Are not an undischarged bankrupt.
- f) No person nominated shall take office until appointed by Council.

### 3.3. Filling a vacancy

If a Committee requires to fill a vacant committee position, the following process must be followed:

- Proposed Committee member to complete a Member Nomination Form;
- The form is to be provided to the Committee Secretary for inclusion in the agenda of the next Committee meeting;
- The Committee is to consider the nomination and make a recommendation for the appointment of the nominee to Council in the minutes of the Committee meeting;
- Forward the Member Nomination Form and Committee minutes to Council for consideration;
- New Committee members will be appointed until the next term of the Committee's appointment.

### 3.4. Resignations

- a) If a Committee member decides to resign, reasonable notice is required (unless a personal emergency has arisen) with resignations being submitted to the Committee in writing as soon as possible. All records and equipment must be handed back to the Committee immediately. The Committee must notify Council of any resignations immediately via the [committees@moorabool.vic.gov.au](mailto:committees@moorabool.vic.gov.au) email.
- b) The Committee at its next meeting shall accept and record the resignation in its minutes.

### 3.5. Revoking individual membership

- a) The Council may at any time remove an individual member from a Community Asset Committee, if it is deemed the member is acting outside the best interests of the Committee or Council, and/or outside the powers that have been delegated to the Committee.
- b) Further, a Committee member who is absent from four consecutive Committee meetings without approval by the Community Asset Committee shall cease to be a member of the Committee.

### 3.6. Officer bearers

#### a) **Chairperson**

The Chairperson is the elected presiding officer of the Committee. Committee members elect the Chairperson to preside over Committee meetings including the administration and facilitation of effective management through prioritisation of goals and achieving objectives.

The Chairperson is responsible for ensuring each meeting is planned effectively, conducted according to the requirements of Council and matters are dealt with in an orderly, efficient manner.

The Chairperson will:

- Communicate effectively with Council, Committee, user groups and the community;
- Have demonstrable leadership skills;
- Represent the Committee to the general public and Council;
- Have sound knowledge and understanding of the Instrument of Delegation, rules and duties of all office bearers;
- Be well informed of Committee issues and activities;
- Manage Committee meetings (including Annual General Meetings), ensuring discussions are conducted fairly and not dominated by any members and/or exclude others;
- Ensure that all planning and budgeting for the future is carried out in accordance with the Committee and in the interests of the community;
- Give a casting vote when necessary.

b) **Secretary**

The role of the Secretary is to support the Chair in ensuring the smooth functioning of the Committee.

The Secretary will communicate effectively with all parties and is responsible for:

- Ensuring meetings are effectively organised and minuted:
  - Liaising with the Chair to plan meetings;
  - Receiving agenda items from Committee members;
  - Circulating agendas and reports;
  - Taking minutes;
  - Circulating approved minutes;
  - Checking that agreed actions are carried out.
- Maintaining effective records and administration including the management of:
  - Correspondence (received and sent);
  - Official documents;
  - Arrange archiving and storage of all Committee documentation;
  - Insurance policies;
  - Audit insurance details of each club/user group on an annual basis and provide a copy to Council.

- Upholding the legal requirements of governing documents, local laws and Council guidelines (where relevant). Communicating any potential breach to Council as soon as reasonably practicable.

c) **Treasurer**

The Treasurer's prime responsibility is to manage all financial aspects of the Committee including:

- General financial oversight:
  - Comply with the financial administration rules outlined in the Committee's Instrument of Delegation;
  - Keep accurate and up-to-date records of all income and expenditure including, keeping a record of all GST paid and received;
  - Invoice user groups and hirers promptly (e.g. seasonal and casual hire);
  - Issue invoices for seasonal fees to all user groups six (6) weeks before the start of the season to allow a reasonable time for payment;
  - Be accountable for the Committee's petty cash;
  - Be fully informed about the financial position of the Committee at all times;
  - Adhere to finance policies and procedures as set out in the finance section of this guide.
- Funding, fundraising and sales;
- Financial planning and budgeting;
- Financial reporting:
  - Prepare and deliver the annual financial return for Council's financial reporting responsibilities under the Local Government Act;
  - Prepare and return the GST return form annually with the operational funding application.
- Banking, book-keeping and record keeping:
  - Ensure that adequate accounts and records are maintained regarding the Committee's financial transactions and promptly deposit all monies received in the Committee's bank account;
  - Prepare monthly bank account reconciliation statements for presentation at all Committee meetings.

## 4. Additional Responsibilities

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In addition to acting in accordance with the Community Asset Committee Instrument of Delegation, Committees are also required to adhere to the following:

### 4.1. Statutory limitations

Any laws that limit the powers of Council, also apply equally to the Community Asset Committee.

### 4.2. No improper purpose or misuse

The provisions of the Act, which relate to misuse of position by Councillors apply equally to Committee members (section 123 of the Act, see below).

- (1) *A person who is, or has been, a Councillor or member of a Delegated Committee must not misuse his or her position—*
- (a) *to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or*
  - (b) *to cause, or attempt to cause, detriment to the Council or another person.*

*Penalty: 600 penalty units or imprisonment for 5 years.*

Circumstances involving the misuse of a position include:

- a) making improper use of information acquired as a result of the position he or she held or holds; or
- b) disclosing information that is confidential information; or
- c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
- d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
- e) using public funds or resources in a manner that is improper or unauthorised; or
- f) participating in a decision on a matter in which the person has a conflict of interest.

### 4.3. Confidentiality

Pursuant to section 125 of the Act, a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information. 'Confidential Information' as defined by section 3 of the Act means:

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;

- c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- g) private commercial information, being information provided by a business, commercial or financial undertaking that:
  - i. relates to trade secrets; or
  - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- i) internal arbitration information, being information specified in section 145;
- j) Councillor Conduct Panel confidential information, being information specified in section 169;
- k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- l) information that was confidential information for the purposes of section 125 of the Local Government Act 2020;

#### 4.4. Conflict of Interest

Under section 130 of the Act, where a matter is being considered at a meeting of the Community Asset Committee, any member who has a conflict of interest in respect of a matter must disclose the conflict of interest in the manner required by the Council's Governance Rules; and exclude themselves from the decision-making process in relation to that matter, including any discussion or vote on the matter and any action in relation to the matter.

#### 4.5. Disclosure of Potential or Verified Breaches

If a potential or verified breach of any statutory requirements have been identified, these must be reported to [governance@moorabool.vic.gov.au](mailto:governance@moorabool.vic.gov.au) as soon as reasonably practicable. Certain breaches are required to be reported to statutory authorities within specified timeframes and therefore, all information pertaining to the potential breach must be sent to Governance. A Governance Officer will follow up the potential breach with the reporting officer from the Committee.

#### 4.6. Disputes

Where any dispute arises, either in general or at a Committee meeting, the matter shall be referred to Council in writing and any decision made by the Council shall be final. If you require guidance on conflict resolution, please contact Council via [committees@moorabool.vic.gov.au](mailto:committees@moorabool.vic.gov.au)

## 5. Revoking Delegation/End of Term

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### 5.1. Revoking delegation

Council may determine at any time to remove an existing Committee.

Reasons for revoking a Community Asset Committee delegation may include:

- The function previously undertaken by the Committee is no longer required;
- Council deeming that it would be more beneficial to the community to have Council staff manage the asset;
- Council is unable to manage the risks associated with the activity being undertaken by the Committee;
- The Committee has acted inappropriately or in a manner which poses reputational damage or financial loss to Council;
- There is evidence of support for disbandment of the Committee at a local level;
- The Committee is not performing the required function or adhering to the reporting requirements;
- The Committee has operated outside the limitations of its Instrument of Delegation

### 5.2. End of Term/Cessation of Committee

The outgoing Committee will:

- Balance the accounts;
- Arrange the transfer of existing funds back to Council which requires approval from the Committee's existing account signatories;
- Advise the incoming Committee/Council of any issues, ongoing projects and committed funds;
- Make all financial, administrative and operational records available to the incoming Committee or Council.

In the event of cessation, transfer all committee funds and assets which remain Council property to Moorabool Shire Council.

## 6. Meeting protocols

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### 6.1. Appointing a Chairperson

The members of the Community Asset Committee must appoint a Chairperson in accordance with 3.6 Officer Bearers. In the absence of the Chairperson at any meeting, the members present must appoint a temporary Chairperson. Councillors (or any other advisory member) are not eligible to act as a temporary Chairperson.

### 6.2. Meeting types

- a) Conduct of meetings must comply with the Act, any adopted local law, Council Governance Rules and any relevant Council resolutions.

#### **Annual General Meeting**

- a) Committees will hold an annual general meeting for the purposes of:
  - i) Appointing committee office bearers
  - ii) Receiving and adopting the annual financial statement;
  - iii) Receiving and endorsing the annual report;
  - iv) Confirming the casual fees and charges, to be recommended to Council, for the next financial year;
  - v) Proposing the Committee meeting dates for the coming year (these can be amended but require a minimum of two weeks advertised public notice);
  - vi) Reviewing facility occupancy agreements (if required); and
- b) The annual meeting must be advertised to the community at least two (2) weeks prior to the meeting date.

#### **General Meetings**

- a) The Committee shall hold at least four additional meetings during the year on such dates as determined at the Annual General Meeting.
- b) Committee meetings must be advertised to the public at least two (2) weeks prior to the meeting (including on the facility's webpage and/or noticeboard). The secretary must submit copies of confirmed meeting minutes to Council at [committees@moorabool.vic.gov.au](mailto:committees@moorabool.vic.gov.au).
- c) Committee meetings must be open to the public, unless relating to confidential matters.
- d) General items that must be included on a Committee agenda are as follows:
  - i) Acknowledgment of Country
  - ii) Open the meeting and welcome members
  - iii) Apologies



- iv) Conflicts of Interest declaration
- v) Minutes of previous meeting
- vi) Business arising from the minutes
- vii) Accounts for payment and treasurer's report
- viii) Reports from delegates
- ix) Correspondence
- x) Business arising from correspondence
- xi) General business
- xii) Date of next meeting
- xiii) Closure of meeting

### 6.3. Quorum

A quorum for the Committee is a majority of the members who comprise the Community Asset Committee. If a quorum is not achieved at a meeting, a Committee cannot make any decisions (i.e. move/resolve a motion).

### 6.4. Addressing the Meeting

- a) Any member or person who addresses the meeting must direct all remarks through the Chairperson.
- b) The Chairperson may address a meeting, however if the Chairperson wishes to debate a particular motion or move any motion or amendment, or address any matter under discussion, the Chairperson must advise the Committee of that intention and vacate the Chair on such occasions for the duration of the item under discussion.
- c) If the Chairperson vacates the Chair, members will appoint a member to act as temporary Chairperson until the item has been voted on.

### 6.5. Making Decisions/ Motions

- a) A member of a Committee can put forward an issue (move a motion) for the decision of the Committee. The Chairperson will call for another Committee member to agree (or second) the motion. The motion should be voted on by the Committee, even if everyone is in agreement.
- b) A Committee can only make decisions (i.e. move/resolve a motion) if a quorum is present.

## 6.6. Voting

- a) A motion before a Committee must be determined by majority vote of members present.
  - i) Should a majority not be achieved, the motion is lost;
  - ii) If the motion is not seconded, the motion will lapse for want of a seconder.
- b) All members (with the exception of advisors) of the Committee have voting rights, and each member has the right to one vote. The Chairperson shall have a casting vote, as well as a vote as a member of the Committee.

## 6.7. Minutes

- a) Unless otherwise resolved or required by law, minutes of Committee meetings and meetings requiring acceptance by Council, must not be available to the public until accepted by Council.
- b) Minutes of meetings must be kept as per the following requirements:
  - The Chairperson of a Community Asset Committee must arrange for minutes of each meeting of the Committee to be kept;
  - The Chairperson must submit the minutes of a committee meeting to the next meeting of the Committee for confirmation;
  - The minutes of a meeting of the Community Asset Committee must:
    - Contain details of the proceedings and resolutions made;
    - Be clearly expressed;
    - Be self-explanatory;
  - In relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision-making process.
- c) The reason for closing a meeting to the public must be recorded in the minutes of the meeting
- d) The following are required to be captured in the minutes are as follows:
  - The time the meeting started and finished;
  - The location of the meeting;
  - The names of the Committee members present;
  - The names of the Committee members not present/apologies;
  - The time of any arrivals and departures of members during the meeting;
  - Disclosure of any conflict of interest of any member;
  - A list of all items of business considered;
  - The exact wording of any motions moved, including the name of the mover and seconder;

- A record of any or all members who supported or opposed the motion if requested by any member (division);
  - The 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;
- e) Minutes do not need to include discussion prior to a decision. The purpose of minutes is to capture decisions and key information, they are not a transcript of the meeting.

## 7. Reporting obligations and document management

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Committees are required to report all financial aspects of their operation to Council. All Council Community Asset Committees are agents of the Moorabool Shire and are required to use Council's ABN for GST purposes.

### 7.1. Annual GST Return

All Committees are to record and report on GST each financial year. GST is to be charged on all services provided by the Committee such as hire of facilities or equipment. GST can be claimed back on most of the goods and services that a Committee acquires during their business.

GST paid and received on all invoices is to be recorded and reported annually, a GST Return Form must be submitted to Council annually as part of the Committee's Annual Report.

### 7.2. Annual Report

Annual Reports are to be completed and forwarded to Council no later than 15 August for the period ending 30 June.

A copy of the 30 June bank statement/s is to be attached to the Annual Report.

Committees are required to submit their annual report to Council in order to receive operational funding for the following financial year.

### 7.3. Keeping of receipts

Receipts can fade, so it is a requirement to scan, take a photocopy or take photos as you receive and record them. Receipts are to be kept in accordance with requirements of the *Public Records Act 1973* for financial and data retention.

### 7.4. Storing corporate records

Council stores Community Asset Committee meeting documents and other forms submitted as per Council's internal document management processes.

Where a Committee ceases to exist, and management of the Council facility is not assigned to another Committee, all records must be transferred to Council within one month of cessation of the committee.

## 7.5. Summary of reporting obligations

Requirement	Frequency	Template
Conduct Committee Meetings and forward Minutes to Council	At least four times per year	Agenda and Minute Template
Conduct a Committee AGM and forward Minutes to Council	Annually	Agenda and Minute Template
Complete Annual Report and forward to Council	Annually	Annual Report Form
Complete Annual GST Return and forward to Council	Annually	Annual GST Return Form

## 8. Collection and use of personal information

Committees are required to ensure that any personal information it collects is managed in accordance with the 10 Information Privacy Principles (IPPs) as stipulated in Schedule 1 of the *Privacy and Data Protection Act 2014*. Committees are encouraged to contact Council regarding collection, storage and use of personal information to receive guidance via [committees@moorabool.vic.gov.au](mailto:committees@moorabool.vic.gov.au).

### 8.1. Collection

Committees will only collect personal information necessary for the functions or activities of the committee. If a committee is required to collect personal information, it will only be collected by lawful and fair means and not in an unreasonably intrusive way. If it is reasonable and practicable to do so, personal information will be collected directly from an individual.

### 8.2. Use and Disclosure

Committees cannot use or disclose an individual's personal information other than for the primary purpose for which it was collected unless one of the following apply:

- For a secondary purpose that the individual would reasonably expect.
- Where we have the individual's consent; or
- Law enforcement purposes and to protect safety.

### 8.3. Data Security

Committees will take all necessary steps to ensure that personal information is stored safely and securely to protect from misuse, loss, and unauthorised modification and disclosure.

#### 8.4. Sensitive Information

Subject to exclusions contained within the *Privacy and Data Protection Act 2014*, a committee will not collect sensitive information about an individual unless:

- the individual has consented; or
- the collection is required under law; or
- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns
  - is physically or legally incapable of giving consent to the collection; or
  - physically cannot communicate consent to the collection; or
- the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

## Day-to-day Facility Management

### 9. Hire Agreements and Usage Fees

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#### 9.1. Seasonal Agreements at Recreation Reserves

A seasonal agreement provides a sports club and/or association with a permit to use a sports facility for an agreed purpose for an agreed period of time providing certainty of tenancy. Seasonal agreements do not provide user groups with exclusive occupancy rights to a facility except on dates and times specified in the licence, therefore encouraging multi use of facilities.

To be eligible to enter into a seasonal agreement for use of Council's recreation reserve facilities, user groups must be a registered business or incorporated identity, as per the Associations Incorporation Act 2014 and have Public Liability Insurance to the value of \$10,000,000 or as otherwise determined by Council's insurers. The user groups must also not be in arrears with fees and charges or payments stipulated in an agreed repayment plan, in order to be eligible for a seasonal agreement. User agreement requests are to be submitted to and processed by the Committee.

Seasonal sports ground allocations will be made on a six (6) monthly or sport season basis for both training and match play purposes.

Seasonal Allocation applies to the following dates in each year.

Winter Season: 1 April – 30 September

Summer Season: 1 October – 31 March

An example of typical use might be Tuesday and Thursday evenings for training and Saturday/Sunday afternoons for competition. This allocation also includes club events and representative matches.

Unless a longer term is agreed under a Licence Agreement with Council, Seasonal Allocation of sportsgrounds is not guaranteed from year to year and will be subject to the Seasonal Application process or terms of the Licence Agreement. Seasonal Allocations are subject to sportsground

fees and charges as scheduled, utility charges and costs relating to supporting infrastructure specific to their sport i.e. floodlighting, turf wickets and maintenance fees where appropriate.

## 9.2. Seasonal Use Agreement

Seasonal Use Agreements (SUA) are formal agreements designed to facilitate the conditions for managing expectations between the Community Asset Committee and a user who has consistent usage of a facility over a specified time period, such as a sporting club or dance group. SUA's can also apply to a user who uses a facility on an annual basis and are not restricted to seasonal groups.

## 9.3. Casual Use Agreement (CUA)

A CUA is generally issued to a school, casual user, an event or Community groups, to confirm a particular facility for specified activities and times. These agreements are normally best for one off usage or a sequence of one off uses that are not permanent in nature. CUA requests are to be submitted to the Committee and assessed on a case by case basis.

Casual or one-off use will be managed via a Casual Use Agreement. Commercial, incorporated or school use applicants must hold current public liability insurance to the value of \$10,000,000 or as otherwise determined by Council's insurer.

When allocating casual usage of Council's sports fields and halls the following criteria will be considered:

- Applicant's history within the municipality;
- Applicant's history of use and treatment of requested facilities; and
- Not-for-profit organisations will have preference above commercial agencies.

## 9.4. Fees and Charges

Council sets the fees and charges for hiring in conjunction with the Community Asset Committee. The Committee recommends a hire fee structure to Council for consideration and endorsement.

# 10. Council's Insurance Cover

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All activities shall be undertaken in a manner which reduces the risk of harm or material loss occurring to the facility, users and visitors.

Requests for compensation for loss/damage/injury, arising from the authorised use of a Council facility, are to be made using the Incident Report Form, providing as much detail as possible. Details should include the date, time and cause of the incident, plus any details of witnesses. This information is to be forwarded to [committees@moorabool.vic.gov.au](mailto:committees@moorabool.vic.gov.au).

## 10.1. Public Liability Insurance

Council has public liability insurance that covers the Committee in its role of managing the facility/venue in accordance with its Instrument of Delegation. This insurance covers the

Committee in the event of an injury to, or damage to the property of a third party whilst using a facility managed by the Committee.

Additional volunteers (who are not appointed Committee members) undertaking an approved task as outlined by the Committee in line with the Instrument of Delegation, are covered by Council's public liability insurance.

Community Asset Committees, are unable to comment on the aspect of, or determination of, liability with respect to any loss/damage/injury. Under no circumstances should the Committee or its members admit liability with respect to any loss, injury or damage. The Committee must obtain and record as much information as possible, including statements and photographs, relating to the circumstances of the incident to enable a fair and equitable assessment of the event.

## 10.2. Building/ Property Insurance

All public halls, shared pavilions, club rooms and building structures at Recreation Reserves used by seasonal tenants, and some associated structures including any coaches' box, scoreboards, playgrounds, and storage sheds, are covered under Council's insurance policy. Council owned buildings and structures are listed on Council's Corporate Asset Register and are covered by Council's insurance. The asset register will be reviewed annually to reflect the assets identified by the Committee in their Annual Report.

Committees are to notify Council via [committees@moorabool.vic.gov.au](mailto:committees@moorabool.vic.gov.au) immediately, of any damage to buildings or property. In the event of malicious damage, including forcible entry or theft, the Committee is required to obtain a Police report as soon as possible, after the incident.

## 10.3. Personal Accident Insurance

Committee members are covered by Council's insurance policy for personal accident insurance whilst acting in their capacity as a Committee member. The policy covers the Committee members performing tasks and activities relating to the management of the facility in accordance with the Instrument of Delegation, and is consistent with Council's standard levels of insurance coverage.

Volunteers are covered only if the Committee has a register of names, dates and nature of the activity prior to the undertaking of said activity on behalf of the Committee (including working bees, fund raising). The Committee must use the volunteer registration form to capture volunteer information. This should be retained for insurance purposes and provided to Council via [committees@moorabool.vic.gov.au](mailto:committees@moorabool.vic.gov.au).

## 10.4. Contents Insurance

Council owned contents are covered by Council's insurance policies, however there are thresholds in place which specifies the minimum value of each claim. Council will provide information on relevant thresholds from time to time when policies change. Therefore, individual items that are lost or damaged, which fall below the value of these thresholds may not be eligible to be claimed.

Contents owned by user groups or casual hirers and not forming a fitting or fixture of the facility will not be covered under Council’s insurance policy. User groups are to insure and take responsibility for their own property. For example; sporting equipment, trophies, artwork, bar and canteen stock, bar equipment etc.

Personal belongings, money and private property brought onto the premises remain the property of the user group, and are not insured by Council.

The Committee is not permitted to enter insurance policies on behalf of individual user groups.

**10.5. Insurance Cover Requirements for Hirers**

All commercial or incorporated hirers of Council buildings are required to have public liability insurance and provide a Certificate of Currency to the Committee or booking officer prior to the booking being accepted. The Committee or the booking officer will retain copies of Certificates of Currency on file. A copy of an invoice issued by an insurance broker or underwriter is not sufficient evidence that an insurance cover exists and cannot be used to secure a booking.

Council has a blanket public liability insurance cover to indemnify unincorporated or non-commercial casual hirers of its halls, and pavilions, with exclusions. Non-commercial hirers of Council owned, and controlled facilities are covered by Council’s one-off public liability insurance cover. The hirer shall bear the first \$500 of each and every claim or series of claims arising out of any one Occurrence.

Please see the table below for a summary.

Hire Type	Insurance Requirements
Permanent and casual commercial*	<ul style="list-style-type: none"> <li>Hirers are required to provide a valid current copy of their Public Liability insurance cover</li> </ul> <p><i>*A hire is made commercial when it is advertised that anyone may attend for the price of a compulsory admission fee rather than a gold coin donation which is encouraged and optional.</i></p>
Permanent and casual incorporated	<ul style="list-style-type: none"> <li>Hirers are required to provide a valid current copy of their Public Liability insurance cover</li> </ul>
Unincorporated or Non-commercial	<ul style="list-style-type: none"> <li>Hirers are covered by Council’s one-off public liability insurance cover*. The hirer shall bear the first \$500 of each and every claim or series of claims arising out of any one occurrence</li> </ul> <p><i>*Cover exclusions apply, please read below.</i></p>

**10.6. Casual Hire Cover Exclusions**

The following activities are not covered by Council’s blanket public liability insurance.



- Any activities which are of a physical nature that involve the risk of injury e.g. martial arts and contact sports;
- Paid performances by all types of entertainers e.g. musical acts, magicians, public speakers or any person being hired to entertain guests at a private function. This also applies to educational public speakers who charge an entry fee;
- Amusement rides of any kind and inflatable recreation equipment, e.g. jumping castles;
- Animal Rides
- Commercial activities of any type (an activity becomes commercial when it is advertised that anyone may attend for the price of a compulsory admission/ participation fee);
- Any claims arising from, contributed to by or in connection with sexual and/or child assault, abuse, molestation or attempt.
- Security Personnel
- Child Minding/Child Care Services
- Stall Holder Sporting Activities- Personal injury or Property Damage arising out of sporting activities and/or demonstrations conducted by stallholders.
- Fireworks;
- Music concerts;
- Festivals.

## 11. Risk Management

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### 11.1. Risk Management Practice

Committees are required to review risks which may prevent the achievement of goals or objectives. Risk management involves identifying hazards, analysing their potential impact and consequence and applying suitable control measures. Conducting monthly risk assessments means potential hazards can be identified in a timely manner and effective controls put in place to reduce the likelihood of risk realisation. The benefits of ongoing risk management includes:

- Improved ability to anticipate and respond to risks;
- Identification of potential ineffective controls which may result in regulatory/statutory breaches or risk realisation;
- Minimising loss or damage to community assets and injury to the public;
- Improved safety of facilities and a reduction in insurance premiums.

All injuries to persons and/or damage to property should be immediately recorded and reported to Council as soon as practical by submitting an incident report. Serious injuries, deaths or criminal behaviour need to be reported to the Police immediately.

Council conducts periodic assessments of facilities, including buildings and grounds. Hazards and risks may develop between the Council assessments and the Committee should undertake regular risk assessments themselves and report any potential concerns to Council. Committees and Clubs are responsible to minimise or eliminate risks through their available resources.

### 11.2. Occupational Health and Safety Risk Checklist

The risk checklist should be used on a regular basis to assess any potential hazards at Council facilities. If the Committee or Club/s is not satisfied with one or more elements of safety at the facility, they must document their concerns via [committees@moorabool.vic.gov.au](mailto:committees@moorabool.vic.gov.au) and the matter will be escalated to Council's Occupational Health and Safety Team.

### 11.3. Security

Committees of Management should employ reasonable measures to protect the assets under their management and comply with Council policy as it relates to security of assets. Reasonable measures include:

- Removal of cash and valuables from the premises when the building is to be unoccupied for any period;
- Any cash kept on site is stored in a manner it is not accessible by the public and is reconciled at the end of the day.
- Regular inspections of the premises to identify any attempts to gain entry or evidence of vandalism and report any suspicious activity in the vicinity of the premises to the police;
- Detecting any doors and windows that have not been secured;
- Report any broken locks, doors, windows and other parts of the building that may allow unauthorised entry into the premises;
- Use the available Key Register template to record all allocated keys and establish a procedure to deal with lost keys;
- Emphasise to all user groups that the facility must be secure at all times during hire/use.
- Advise clubs to store any Liquor responsibly – Locked away and kept out of sight.

### 11.4. Essential Safety Measures

Essential Safety measures include, but are not limited to, firefighting extinguishers, emergency lighting, exit signs, clear paths of travel to exits, emergency exit doors etc. These measures are to be maintained in a manner that will ensure that they operate as intended to provide a safe means of egress from the building in an emergency.

Committees are to ensure all buildings have an Emergency Evacuation Site Plan prominently on display. These plans are provided by Council.

Council maintains these measures in accordance with relevant standards and regulations; however, due to unforeseeable instances they can occasionally fail to operate between maintenance inspections. These defects must be reported to Council immediately to ensure the defect is rectified, and the essential safety measure remains operational.

### 11.5. Pre-Hire Inspections

Clubs/users are expected to complete pre-match inspections in line with their league requirements to keep risk exposure to a minimum and help reduce injuries and potential loss.

Facility users must provide the Committee with a copy of an inspection form that documents any identified defects or issues with playing facilities.

If defects are identified during a pre-match inspection, they must be communicated to all match participants by the user and, if possible rectified prior to the commencement of the match. In the event that a defect cannot be rectified prior to the commencement of a match, the participating team managers are to assess the risk presented by the defect and determine if the defect presents a threat to the health and safety of the participants. If this is the case the match should be postponed or cancelled until the defect is rectified. The user group or hirer must notify the Committee of any defects or safety issues identified.

### 11.6. Unsafe Activities

The Committee can:

- Refuse to allow activities that present a threat to the health and safety of the users or, the integrity of the asset to be carried out on the premises;
- Establish the requirements, under which, such activities shall be carried out safely.

This means that the Committee needs to ensure that the activities proposed to be carried out by a user group are complementary to the premises.

## 12. Facility Maintenance and Improvements

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Any capital works projects at Council facilities will require approval from Council. The Project Proposal Form can be completed and submitted to Council for approval of any capital works. The Maintenance Responsibilities document provides direction on Committee and Council responsibilities regarding maintenance.

### 12.1. Operational Funding

Council provides an annual operational funding allocation to assist halls and reserves with everyday expenses and basic maintenance. The operational funding amount is determined annually by Council and distributed to Committees in September/October. Committees must complete an application to receive the funds.

### 12.2. Reporting Maintenance Issues

Committees must refer to the Maintenance Responsibilities schedule to determine whether the maintenance issue is the responsibility of the Committee with its operational funding or Council. If the issue is Council's responsibility to rectify, the Committee must submit a request via email to [committees@moorabool.vic.gov.au](mailto:committees@moorabool.vic.gov.au) and the matter will be investigated by Council.

When submitting maintenance requests via email, please include the below information to ensure adequate detail is captured and the request can be processed promptly:

- Name of the facility
- Detailed description of the issue (supplying photos preferred)

- Exact location of the issue
- Urgency of the issue (not urgent, neutral, urgent)

### 12.3. Project Proposals and Improvements

Committees or clubs wanting to undertake a project at a Council owned or managed facility will need to complete a project proposal form. For clubs this will first need to be submitted to the Committee for endorsement then from the Committee to Council for final approval. Any proposed works must be submitted via the Project Proposal Form. This will ensure the appropriate planning and building permits and contractor requirements are obtained where necessary. No works can commence prior to Council approval. The majority of Council’s Recreation Facilities have Council adopted master plans in place that outline capital works. These are reviewed based on the conditions and timeframe for each individual master plan.

In the absence of a Council adopted facility master plan the Committee can develop an agreed priority list of capital works in consultation with Council.

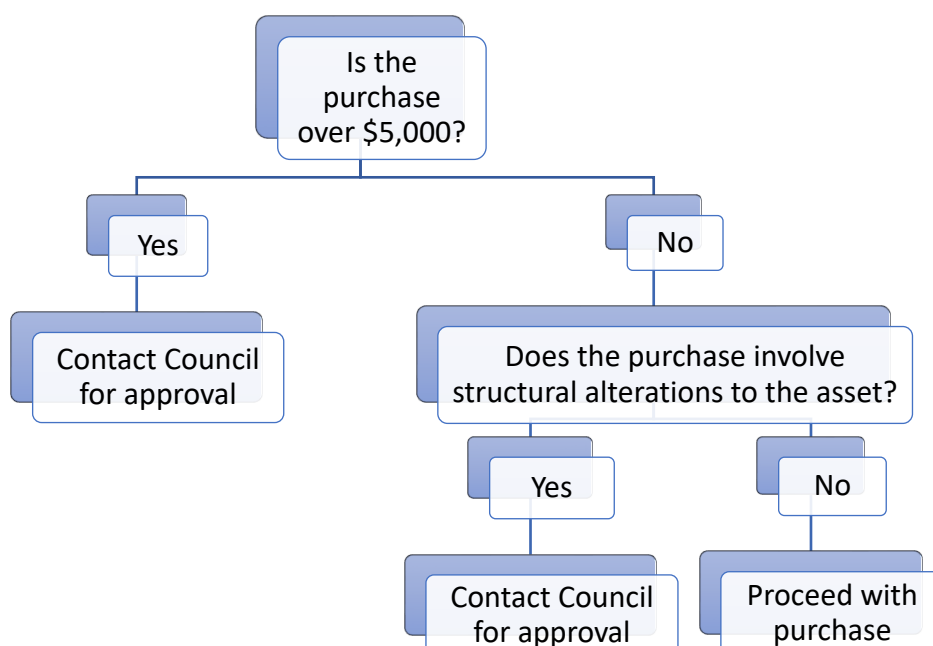
It should be noted that all capital improvements undertaken by a Committee, Club or User group become the property of Council as the landowner. Therefore, Council is to be party to all aspects of any improvements.

## 13. Procurement (Purchasing)

Committees cannot acquire external goods, services or works over \$5,000 without approval from Council. For all approved purchases over \$5,000, Council’s Procurement Policy is to be followed, including obtaining the required number of quotes from suppliers.

To assist the Council in ensuring assets within the facility are adequately insured and maintained, it is necessary for the Committee to notify Council of any additional assets or in the instance where assets are disposed of (i.e. removal of broken or damaged furniture).

The following flowchart outlines the procurement decision making model.



## 14. Volunteers

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All volunteer work is to be authorised by the Committee and volunteers are required to be registered on every occasion using the Volunteer Registration Form. This includes any person volunteering their time to undertake work at or on the facility. This does not include Committee members fulfilling their duties.

Committees must also assess the context of volunteer work to determine whether any direct contact with children is involved. In this instance, the volunteer will be required to obtain a Working with Children Check. Committees are encouraged to obtain support from Council in determining whether direct contact is likely to occur as a result of a volunteer's work.

Committees have a duty of care to all volunteers to provide a safe working environment. At the same time, it is the volunteer's obligation to be responsible for their own personal safety and the safety of others. Volunteers are covered under Council's public liability (not professional indemnity insurance) providing they are undertaking work with the knowledge and approval of the Committee. Volunteers also need to make a declaration that they do not have any medical condition that may affect their volunteer work.

It is essential that Committees ensure all volunteers complete and sign the Volunteer Registration Form and that original copies are kept. Keeping original copies makes it clear who the Committee-approved volunteers are, the date and time the volunteers worked, and the work undertaken.

Under some circumstances volunteers may perform payment for contracted services which need not be financial. Payment can be considered as receipt of product, services or other privileges in lieu of monetary rewards. All Committees need to be mindful that "payment in kind" can be considered to be engagement of a Contractor and therefore usual workplace safety arrangements have to be considered.

### 14.1. Honorariums

Committees are not permitted to offer or pay honorariums (pay someone for providing a service) at any time without prior written approval from Council. Honorariums can be misused as a means to make regular payments to members or contractors.

## 15. Regulations and Permits

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### 15.1. Food Registration

All groups that sell food and beverages are to be registered with Council. Council requires that all food premises, temporary or permanent, be registered. It is the operator's responsibility to ensure that the preparation, storage and service of food at each venue is in accordance with the Food Act 1984 and the Food Standards Code Australia New Zealand.

The public is entitled to expect the same diligence and regard for food safety and hygiene from all businesses selling food regardless of whether they are community or commercial operations.

The facility must comply with Sections 3.2.3 of the Food Standards Code Australia New Zealand (FSANZ). The types of events and food provided in the facility may be limited by existing equipment.

A food handler should have a clear understanding of what can cause food contamination and food poisoning and be able to demonstrate the methods taken to minimize these risks. This information is available from the Food Standards Code Australia New Zealand (FSANZ).

If any food businesses or community groups are found not to be complying with regulations under the Food Act 1984 and FSANZ then they may face prosecution or infringement notices.

All food is to be displayed, served and stored in a manner that will protect it from contamination and spoilage. If these requirements are not complied with, groups will be directed to do so, and if there is a significant breach you may be asked to discontinue service.

If you require further information, please contact Council's Environmental Health Team.

## 15.2. Smoking and Gambling

Smoking and Gambling are not permitted within any Council building. Smoking is not permitted within the building and the immediate vicinity of the building. Sponsorship or advertising signage displaying smoking or direct gambling at any Council facility is prohibited.

No Smoking signage should be prominently displayed.

## 15.3. Liquor Licences

Committees are to encourage the responsible management (safe, sensible, social) of alcohol and support sporting clubs that encourage safe, healthy and family friendly environments.

The Department of Justice issues licences in accordance with the Liquor Control Reform Act 1998. Under the provisions of this Act, a liquor licence may only be granted if the relevant planning permission (where required) has been obtained from the Moorabool Shire Council.

Typically, there are 3 categories:

1. Renewable Limited Licence: A Renewable Limited Licence authorises the supply of liquor to members and guests of members, for consumption on the licensed premises. The Licence may also authorise supply from booths or marquees outside the club rooms, social functions and non-member functions.
2. Club Licence – Restricted: A Restricted Club Licence authorises the supply of liquor to members and guests of members, for consumption on the licensed premises. Restricted Club Licences may only purchase liquor from the holders of a General or Packaged Liquor Licence. The trading hours of a Restricted Club Licence are determined by Moorabool Shire Council and the Director of Liquor Licensing Victoria.
3. BYO Club Permit: Authorise the consumption, possession and control of liquor in clubs that do not hold a liquor licence. The trading hours for a BYO permit are determined by Moorabool Shire Council and the Director of Liquor Licensing Victoria.

If Clubs or Casual Hirers wish to apply for or vary a Liquor Licence, an application is to be made to the [Victorian Gambling and Casino Control Commission](#).

## 16. Forms

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The forms and templates referenced throughout this guide can be obtained from Council. They will be supplied to Committees upon official appointment and through the annual reporting process.

- Agenda and Minute Template
- Annual Financial Return Form
- Annual Report
- Casual Hire Form
- GST Claim Form
- Hall Hire Record Form
- Key Register Form
- Incident Report Form
- Maintenance Responsibilities Schedule
- New Committee Member Nomination Form
- Petty Cash Voucher
- Project Proposal Form
- Occupational Health and Safety Risk Checklist
- Volunteer Registration Form

## 17. Support for Committees

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- A Council Liaison Officer will be appointed as the primary point of contact for the Committee to the Council.
- The [committees@moorabool.vic.gov.au](mailto:committees@moorabool.vic.gov.au) email address is monitored by Council staff and has been set up specifically for Committees to utilise. It acts as a central contact for any queries relating to the operation of the Committee or matters relating to the Council facility.
- Council will provide an induction for all newly appointed Committees in line with the Council term.

## 18. Review of the Community Asset Committee Guidelines

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- The Guidelines will be reviewed annually and updated as required to ensure the document is providing practical support for Committees.