



BLAND SHIRE COUNCIL  
*west wyalong*

# Section 355 Committee Manual

October 2020



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## **1 FOREWORD**

The intention of this Section 355 Committees and Volunteers Management Manual is to formalise responsibilities and procedures applicable to the operation of Bland Shire Council Committees.

The Council cannot perform all the tasks necessary to provide a high standard of services and facilities for the community and the volunteers in the Shire provide an invaluable service to the community. Council has a responsibility to protect the health and safety of these volunteers, but also has legislative requirements to oversight the operation of volunteer committees, especially in regard to financial recording and reporting and comply with taxation rulings.

This manual provides comprehensive guidelines on the management responsibilities, functions and operation of a Section 355 committee and clarifies Council's role in this partnership. Upon formal approval of a Section 355 committee by Council, its members are required to adopt and adhere to the conditions set out in this document. Adherence will ensure Council and committee members are aware of the responsibilities and adequately covered by insurance.

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

I trust that each of us, Council employee and volunteer, will comply with the procedures and processes contained in this Section 355 Committees and Volunteers Management Manual, to ensure that the vital service provided by our volunteers continues to be an enjoyable experience and benefit to the Bland Shire community.

**Ray Smith**  
**General Manager**

## **2 POWER OF COMMITTEES**

### **2.1 Delegation of Function**

Under the Local Government Act 1993 (the Act) Council is able to delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee of management.

The appointment of Section 355 Committees is entirely at the discretion of the Council. The Committees are appointed and reappointed in accordance with the provisions of Section 355 and Section 377 of the Act.

### **2.2 Why Does Council Have Community Committees?**

The committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities and services. This provides the following benefits:

- giving protection to the committee operating under the banner of Council
- Providing the Council with assistance in the carrying out of its functions.

### **2.3 How are Community Committees Established?**

Community committees are established under Section 355 of the Local Government Act with delegations from Council under the provision of Section 377 of the Local Government Act.

Section 355 allows Council to exercise a function of Council and Section 377 allows Council to delegate functions of Council. These terms refer to the Section of the Local Government Act in which the authority of a committee to be formed is identified.

The determination as to whether a committee should be a Section 355 Committee should be a gateway decision based on:

- Is the activity of the proposed committee a core function of Council?
- Does the committee manage a facility of Council as its sole purpose?
- Does the committee provide advice to Council on a function of Council?

If the answer to at least one of these questions is not an unequivocal yes, the committee should not be a Section 355 Committee of Council.

## **3 RESPONSIBILITY**

### **3.1 Responsibility**

The Section 355 committee will be responsible for activities as determined when the committee is established. This responsibility will be conveyed to the committee within its Terms of Reference (to be developed).

### **3.2 Limitation of Powers**

The committee will not make any decisions concerning the following:

- a. Fixing of charges or fees – While the committee may make recommendations for approval by Council in relation to the fixing of charges and fees for use of the facility under its control, the fixing of fees and charges is the responsibility of Council.
- b. Borrowing of any monies without the express written consent of Council on each such occasion.
- c. The sale, lease or surrender of any land and or other property vested in its care under the provisions of the Local Government Act 1993 (as amended).
- d. The acceptance of tenders which are required to be called by Council. The committee may invite and accept quotations for minor works, goods and services covered within the scope of its authority or as agreed with Council.
- e. The payment or making of any gift, to its members. This includes the payment of allowances or travelling expenses incurred whilst attending committee meetings.
- f. The payment of any monies outside the scope of the Committees function.
- g. The carrying out of any works on or to the facility including alterations, reconstructions or construction without the prior consent of Council (Does not include minor maintenance works).
- h. Unreasonably withholding consent for the letting of the facility to any organisation which agrees to comply with and adhere to the rules adopted for use of the facility, providing an acceptable letting period is available.
- i. Vote monies for expenditure on the works, services or operations of Council.

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

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

Specific areas of responsibility between the Committee and Council will be included in a Memorandum of Understanding to be developed through consultation with all parties.

### **3.3 Code of Conduct**

Bland Shire Council has adopted a Code of Conduct that is applicable to both elected Councillors and employed staff. This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

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

Council's Community Committees with responsibility for Council facilities have the responsibility to ensure the following:

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

### **3.4 Accountability**

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

- a. Hold an Annual General Meeting annually that is advertised to the general public
- b. Regularly provide reports, minutes and financial statements to Council.
- c. Ensure that affected persons and Council are aware of the committee meeting details.

## **4 COMMUNITY COMMITTEES**

Council aims to appoint committees which are representative of the local community or interest groups for the function which the committee manages.

Committees are formed by the Council publicly calling for nominations or by other means approved by Council. The Committee will comprise not less than four (4) who have been duly appointed by Council. Council may increase the maximum number of members if circumstances warrant.

### **4.1 Appointment**

- To hold office and be responsible for the management of a Council facility, all committee members must be appointed by Council.
- Must also appoint new members before them being able to vote and take part in meetings of the committee.
- The council may dissolve any such committee at any time
- The term of office for community committees will be same term as the current Council, with the addition of an extra three months after the General Election of Councillors, unless appointed as a sunset committee with a finite time specified.

All nominations for Community Committees are to be formally submitted in writing to Council for appointment.

### **4.2 Committee Membership**

The community committee membership will number not more than nine (9) members as appointed by Council including office bearers unless otherwise decided by Council. Council reserves the right to appoint one of its members to each committee.

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

### **4.3 Dissolution of Committee**

The Council may dissolve the Committee at any time.

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

All committee members are eligible for re-appointment. Council will advertise for and receive nominations.

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

### **4.4 Vacation of Office**

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

- if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or make an assignment of his or her remuneration for their benefit; or

- if the member becomes a mentally incapacitated person; or
- if the member resigns membership by notice in writing to the Committee: or
- if the member is absent for more than three consecutive meetings without leave of the Committee; or
- if the member ceases to be a member of the organisation which he/she represents, (representatives of organisations will be given preference) unless the committee otherwise resolves; or
- While serving a sentence (whether or not by way of periodic detention) for a felony or any other offence, except a sentence imposed for a failure to pay a fine.

#### **4.5 Representation on Committee**

Committee membership should reflect the community and those organisations which use the facility (in the case of those committees responsible for managing facilities), and must be open to representatives of user groups and interested community members.

Equal representation of each user group is recommended. Where there is a dispute on representation a final determination will be made by Council.

#### **4.6 Committee Positions**

Community committees consist of office bearers (also known as the Executive) and other committee members. The committee elects at its first meeting and thereafter at each annual general meeting the office bearers. Particulars of all appointments eg committee position, name, address, contact number and the user group represented must be notified in writing to council as soon as possible after appointment is made.

Community committee members need to have a degree of commitment to their role as committee members. One of the advantages of community committees is that the workload can be shared between the different committee members. It is important that each member understands the role and what is expected by the community and the Council.

##### *4.6.1 Office Bearers/Executive*

Office bearers do not have greater decision making powers than other committee members, other than the chairperson who has a casting vote in the event of a tied vote. Whilst office bearers usually have defined roles, each committee member plays an important part in the functioning of the committee. A maximum of two (2) relatives of any one family can be office bearers on the same Committee at the same time

At a minimum the committee must have:

##### *4.6.2 Chairperson/President*

The Chairperson is usually the spokesperson for the organisation and therefore needs to be certain that the organisation is running smoothly and achieving its aims and objectives. (Refer Appendix 7)

##### *4.6.3 Secretary*

(One person may fill the joint position of Secretary/Treasurer – although not if they are taking the additional duties of Booking Officer.)

- To deal with all incoming and outgoing correspondence and table all correspondence at Committee Meetings for appropriate action
- To provide notice and agenda of meetings to Committee Members
- To accurately record minutes of each meeting and to forward all minutes to the General Manager (Bland Shire Council) and to all members of the Committee within 14 days of the meeting being held

In addition to the above duties, the Secretary may also take on the responsibility of Booking Officer for those committees with facility management responsibilities. The Booking Officer is responsible for:

- To take enquiries, enter bookings into the bookings diary, send out application forms and conditions of use, issue receipts for hiring fees and insurance cover, issue keys, inspect the facility after use for cleaning and/or damage and informing the Treasurer before reimbursement. Council would prefer that the booking officer and the treasurer not be the same person.

#### 4.6.4 Treasurer

The Treasurer is responsible for managing the committee's financial business records and is required to present a report of all receipts, payments and other transactions to each committee meeting.

Specifically, the Treasurer is responsible for the following:

- The receipt of all moneys payable to the Committee and issuing receipts for same;
- To keep correct accounts and books showing the financial affairs of the Committee;
- To bank to the credit of the Committee all moneys received;
- To submit financial statements at each Committee meeting;
- To prepare and have audited: a Balance Sheet and Profit & Loss Statement of the Committee for presentation to the Annual General Meeting to Council;
- To submit accounts for approval of payment by the Committee at each meeting
- To prepare and submit monthly GST returns to Council

#### 4.6.5 Safety Officer (for committees managing Council facilities or holding events/activities)

The role of the Safety Officer is to ensure all committee members or volunteers comply with the following before undertaking activities on any work site:

- The person must be a committee member or a volunteer registered with Council.
- The person is aged not less than 15 years unless the person is part of a group (supervised by an adult/s) which is covered by its own insurance and is prepared to indemnify Council.
- The person is aged no more than 90 years. Council's personal accident insurance does not cover a person beyond 90 years.
- The person must sign on/off each time they participate in activities.
- Report any incidents or injuries to persons or property, including potential incidents or injuries, must be reported to Council within 24 hours.
  - a) Council's Incident Report Form must be completed according to instructions inside the book.
  - b) Where there are witnesses to the injury or incident, the Committee must attempt to obtain and record the name, address and contact telephone number of each such witness.

## 4.7 Meeting Procedures

Meetings are to be conducted to standard guidelines, which are detailed in the following section and include:

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

### 4.7.1 A Quorum

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

Council regulations state:

- a. A quorum will consist of one half of the total number of elected members plus one;
- b. If a quorum is not present within half an hour after the appointed starting time, the meeting will be adjourned to a time fixed by the President; or those present can hold an informal meeting to discuss matters. However, any decisions taken by the committee are not recognised until a meeting has ratified them where a quorum is present.

### 4.7.2 Agenda

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

Each time business to be discussed at the meeting needs to be put on the agenda. Unfinished business and report on actions taken since previous meetings are included in the agenda under "Business arising from previous minutes". If any items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

### 4.7.3 Disclosure of Interest

The Committee is a Committee of Council and, as such, Chapter Fourteen (Honesty and Disclosure of Interests) of the *Local Government Act 1993* applies to all its members. A Pecuniary Interest is one of financial benefit by a Committee person or other person with whom the person is associated (that is, spouse, de-facto partner or relative of a Committee person) from an interest that a Committee person has in a Council matter. It does not exist where the interest is so remote or insignificant that it could reasonably be regarded as unlikely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

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

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

#### 4.7.4 *Conduct of Business*

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

#### 4.7.5 *Correspondence*

A list of correspondence received (inwards) is presented at the Committee meeting by the Secretary. This action is to inform members of any new issues that may have arisen and to report on letters received in response to matters raised at previous meetings. A list of correspondence sent out (Outwards) is provided to inform the members of any action taken on their behalf. All correspondence will be suitably filed together for future reference.

#### 4.7.6 *Election of Committee*

At the AGM all members of the committee stand down and their positions are declared vacant. A Returning Officer, appointed at the meeting, takes the chair and calls for nominations for the positions of office bearers (also known as the Executive) and committee members.

#### 4.7.7 *Procedure for Election*

Nominations can be accepted in two ways:

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

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

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

#### 4.7.8 *Voting*

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

**a. Vote verbally**

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

**b. Vote by show of hands**

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

**c. Vote by secret ballot**

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

For all motions, the committee needs to have an agreement concerning the way the vote will be decided, eg for the vote to be carried, you will need a simple majority (more than half); for changes to the Constitution, you will need two-thirds majority of those present.

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## **5 OPERATIONAL ISSUES**

### **5.1 Financial Support**

Financial Support for Council's Section 355 Committee is subject to annual budget allocations and is outlined in Council's Donations Grants Policy.

### **5.2 Requirements**

Section 355 Committees are required to comply with and adhere to the procedures polices and requirements outlined in Council's Section 355 Committee manual.

### **5.3 Legal Issues**

From a legal perspective it is important for Committees of Council to be aware that they are in fact acting on Council's behalf. Legally, the committee is "Council" and any action, which the committee undertakes, is Council's responsibility.

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

#### *5.3.1 Records of the Committee*

Most of the records of Council committees should be kept for a minimum of seven years and in the case of records relating to operations ie minutes and correspondence – 20 years. In particular the committee needs to be aware of the importance of minutes due to their legal status and their liabilities to subpoena in court cases.

#### *5.3.2 Pecuniary Interest*

Pecuniary Interest may be defined as an interested that a committee person has in a matter, as a member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other persons includes the spouse or de-facto partner or relative of the committee person.

### **5.4 Correspondence**

Correspondence from the committee is effectively correspondence from the Council as the committee acts on Council's behalf. Therefore stringent conditions are required to ensure that appropriate use of Council's name.

#### *5.4.1 Letterhead*

- a. There are some occasions where Council letterhead may be used on behalf of the committee. In these instances, the letter must be approved and signed by the Council's General Manager.
- b. The use of separately designed letterhead is limited to those Council committees and areas of activities which:
  - i) may have a benefit in being identified in a slightly different way to normal Council activities and where a separate image or presentation may be appropriate, and

- ii) May be strongly community based.
- c. In all instances the letterhead design must be approved by Council and indicate that the function is a committee of Bland Shire Council.

#### 5.4.2 Purpose of Correspondence

Usage is limited to the activities of each specific authorised functional area and specifically limited to:

- provision and seeking of information
- extension of invitations
- thank you's
- seeking of sponsorship (after approval of General Manager)
- General correspondence not committing the Council or making comment.

#### 5.4.3 Filing

Copies of all correspondence from the Committee **under Council's letterhead** must be placed in Council's filing system within one day of the letter being sent. Copies of all other correspondence is to be attached to the copies of the minutes and forwarded with the annual financial statement to Council annually.

#### 5.4.4 Signatures

The signing of correspondence is limited to the Mayor, General Manager, a member of staff duly authorised by the General Manager, or the chairperson of the committee duly authorised by Council.

### 5.5 Sub Committees

The committee may appoint working groups to report back to the committee. These "sub-committees" have no legal standing and must recommend back to the committee for ratification.

Members of sub-committees must be duly appointed members of the community committee and will be covered in accordance with this policy.

### 5.6 Clerical Support

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

As a rule, clerical support will only be offered if a Council employee is a member of the committee and the assistance is an extension of the employee's duties.

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

## 6 FINANCIAL MANAGEMENT

### 6.1 Financial Issues

Section 355 Committees are given authority to operate by Council and are subject to the same rules and regulations.

Committees appointed under Section 355(b) of the Local Government Act are subject to the same standards of financial accountability as Council, and it is therefore important that Committees manage their finances well. All funds and assets held by the Committee belong to Council. The Committee is responsible for the care and control of these funds.

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

#### Accounting

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

- A Cheque Account must be opened at any branch of a recognised financial institution within Bland Shire. Such account will be in the name of the committee.
- All monies received by the committee must be banked within one week of receipt.
- The committee is authorised to draw on its account for such sums as it may require in the performance of delegated function but under no circumstances will the account be overdrawn.
- A suitable cash book, receipt book, bank deposit book and petty cash will be maintained and kept up to date.
- Receipts, in the name of the Committee, will be issued for all monies received and duplicates of all receipts will be retained for audit.
- Payment will be made by crossed Cheque and relevant documentation will be attached to payment records.
- The committee shall operate a dual signature bank account in the name as listed in Item 1 of the Schedule. Three members of the Committee's executive shall be designated as signatories with cheques to be signed by any two signatories provided that the signatories are not from the same family. An additional signatory must be an authorised officer of Bland Shire Council.
- All records and books will be made available for inspection whenever required by any inspector of local government accounts, Council's auditor or an authorised officer of Council.
- The Committee will be entitled to spend all monies raised in the management of the facilities under their control, provided that all such monies together with the Committee on their operations will be expended strictly in accordance with any conditions imposed by the Council and only upon the facility of the Council for which the Community Committee has been constituted.
- Submission to Council of audited Financial Statements for the financial year ended on 30 June, by 31 August each year. A sample of a Statement of Financial Position (Balance Sheet) and a Statement of Financial Performance (Profit and Loss Statement), which form the Financial Statements.
- With the introduction of the Goods and Services Tax effective from 1 July 2000, all Section 355 Committees are obliged to comply with the new tax system.
  - i. All committees are covered under Council's Australian Business Number.
  - ii. Committees are responsible for administering the requirements of GST

Legislation that is, charging GST on taxable supplies and correctly identifying input tax credits claimable from ATO.

- iii. Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).
  - iv. Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by Australian Taxation Office.
- Submission of the Income Reporting Return by the 10th day of each month, accompanied by a Committee cheque covering any GST component applicable to the received income. This return shows totals of all categories of income received during the previous month and is used to support the Council BAS Statement. If no income was received within the reporting period a **NIL RETURN must be supplied**.
  - When the Committee has expenditure with a significant GST content, payment of the relevant tax invoice can be dealt with as follows:

Council will pay the full amount of the tax invoice on the Committee's behalf, providing a Committee cheque, payable to Bland Shire Council for the amount owing, excluding the GST, is received at Council's office with the tax invoice concerned. The Committee will have the discretion to pay tax invoices with minor amounts of GST and thereby forgo the amount of GST paid.

Any invoices to be paid by the Council (i.e. those with a significant amount of GST) must show the name "Bland Shire Council" in addition to the name of the committee and be received at Council's offices early enough for the Council's payment to comply with the supplier's trading terms. The Committee must also certify the invoice that the goods or services being claimed have actually been received.

### **Financial Support**

Council will provide a budget allocation per year for funding for the various Section 355 Committees of Council. To be eligible to receive a share of this funding Section 355 Committees shall sign and commit to Council's 'Section 355 Committees Manual' and by 31 August each year provide to Council: -

- Financial statements for the previous year ending 30 June; and
- Minutes of the last Annual General Meeting and all committee meeting minutes not previously provided; and
- The names of all current committee members and office bearers; and
- A copy of the Volunteer Attendance Registers

The number of Section 355 Committees that comply with the above criteria will share equally in the annual budget allocation and payment will be made by 30 September each year.

## **7 MAINTENANCE OF FACILITY**

### **7.1 General**

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

### **7.2 Purchasing**

The Section 355 Committee is able to take advantage of Council's purchasing power.

It is essential that all items purchased are related to the use of Council's facility or function.

### **7.3 Contracting**

Should Committees need to engage the services of a contractor (eg a plumber or cleaner) you **MUST** contact Bland Shire Council Technical Services department for a list of approved contractors prior to works being undertaken.

### **7.4 Volunteer Labour**

Projects Involving Voluntary Labour

To ensure that projects involving the use of voluntary labour are not unnecessarily jeopardised, the following procedure will apply:

At commencement of the improvement project all works and materials should be defined along with the sources of financial, material and labour inputs.

Council's financial involvement is to be clearly defined, and if Council is required to contribute, written agreement of the Council contribution. Major items may be ordered by Council.

These matters are to be discussed at a joint meeting between Council officers and responsible members of the particular organisation.

A Risk Assessment of intended activity to be carried out prior to commencement. Council can assist in this process.

The names of any volunteers must be recorded and signed on a log prior to any work being carried out.

The Committee is required to maintain a register of volunteers detailing the names and addresses of volunteers, duties performed, the date and time particular work was commenced and completed and details of any incident involving injury to a volunteer. The volunteers **MUST** sign a "Volunteer Attendance Register" on each day they are so engaged.

All volunteers carrying out any work on, or associated activities in relation to, the Committee are required to give due regard to the safety of themselves and others, with respect to all activities/work being carried out and equipment being used, and shall receive cover in accordance with Council's Public Liability and Personal Accident Insurance.

### **7.5 Annual Maintenance Advice**

#### *7.5.1 Submission for Annual Maintenance and Improvements*

The Council is required to ensure that all funds are used effectively in the provision of community works and services. In setting priorities, Council identifies service needs, which are then funded in an annual budget.

In respect to community facilities, Council provides funds for:

- Urgent repairs due to damage, excessive wear, safety or security;

- Licensing or statutory requirements; and
- Periodic maintenance

A Community committee can make a written request to Council to undertake upgrades or improvements. Such requests are to be forwarded to Council by February each year for consideration in the budget process.

#### *7.5.2 Minor Repairs*

The Committee will generally be responsible for minor repairs (eg less than \$1,000)

#### *7.5.3 Advice to Council Regarding Necessary Works*

Liaison between the Committee and Council is essential so that the facility is appropriately maintained. Please contact Council regarding any necessary works outside the financial capacity of the Committee.

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## 8 RISK MANAGEMENT

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

Protection for people, property and equipment under Council's insurance policies comes with responsibilities to act safely, undertake risk assessments where necessary, to sign in as a volunteer before commencing work and to report all injuries, near misses or damage to property and equipment as soon as they occur.

### 8.1 INSURANCE

#### Property Insurance

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

#### Public Liability

The committee is covered by the public liability of Council (currently \$50 million). This insurance does not preclude the committee from due diligence and all council policies must be adhered to.

#### Personal Accident

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

In the event of an accident or near miss it is vital that a report is made to Council with 24 hours of the incident.

#### Motor Vehicle

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

### 8.2 EVENT MANAGEMENT

If you are planning an event contact Council's Community Relations Officer and Work Health and Safety Officer. They will be able to assist you to organise a safe and successful event and will be able to provide advice and assistance on how to best run the event.

#### 8.2.1 Safe and Successful

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

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

### 8.2.2 *Duty of Care*

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

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

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

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

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

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

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

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

### 8.2.3 *Event Risk Assessment*

A Risk Assessment of all the foreseeable hazards must be performed and documented during the planning phase of any event to be conducted by a Section 355 Committee. The Risk Assessment process is described above and an Event Management Risk Assessment Form will be provided by Council upon application.

## 8.3 **WORK HEALTH and SAFETY**

Section 355 Committee members are volunteers of Council. Committee members and volunteers are required to register as volunteers through the completion of the form in Appendix 12, sending the form to Council and signing on and off the Volunteer Attendance Register on each occasion you volunteer.

The Secretary of the group is required to ensure that all volunteers are registered and that a copy of the Volunteer Attendance Register is sent to Council on an annual basis.

Council will retain a record of each registered volunteer and will also retain copies of the Volunteer Attendance Register.

## 9 STATEMENT OF COMMITMENT - VOLUNTEERS

Bland Shire Council is committed to providing a healthy and safe environment for Shire residents and volunteers and volunteer committees.

Council is very conscious of the need to protect the health and safety of its volunteers. Volunteers provide an invaluable service to the community of Bland Shire in particular, and to visitors and the travelling public in general.

Volunteers are community members who are motivated to undertake some form of service or activity, for no financial reward or recompense. Their contributions undoubtedly benefit the community as a whole. These contributors may either be individuals who spontaneously undertake a task or organised groups within the community or Council. There are also well-established independent groups that are nationally rather than community based.

Formal volunteering is an activity, which takes place in not-for-profit organisations or Projects and is undertaken:

- to be of benefit to the community and the volunteer;
- of the volunteer's own free will and without coercion;
- for no financial payment; and,
- In designated volunteer position only.

Council recognises that a volunteer contracts to perform a specific job with certain responsibilities and in return is entitled to certain rights. Both the volunteer and Council has mutual obligations to each other. Council has an implied duty of care towards its volunteers under both the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2011, where volunteers perform tasks either directly for Council, or indirectly on or at Council controlled property, facilities or activities.

In order to fulfil the obligations of both Council and volunteers, and to promote excellence in service and maximise the quality of the volunteers' experience, Bland Shire Council will:

- Recognise volunteers as valuable team members, with opportunities to participate in relevant organisational decisions.
- Ensure that all voluntary work is undertaken on a voluntary basis and without coercion.
- Ensure that volunteers' work supplements, humanises and enhances, but in no way competes with the work of paid personnel.
- Offer volunteers work opportunities appropriate to their skills, experience and aspirations.
- Provide volunteers with orientation to their work and the organisation and, where appropriate, with clear duty statements.
- Empower volunteers to meet their own and Council needs through Council's provision to them, of appropriate resources, information, support and feedback.
- Offer training and support for volunteers to achieve personal and work goals.
- Implement procedures and provide personal protective equipment to safeguard volunteer's safety and well being, including appropriate volunteer insurance.
- Protect volunteers from unfair discrimination and from sexual harassment by adhering to Equal Employment Opportunity principles and recognising ethnic and cultural diversity.
- Where appropriate, offer reimbursements or other compensation to cover out-of-pocket expenses (eg. Fares, lunches, etc.).
- Provide mechanisms to acknowledge the value of contributions made by volunteers.
- Provide written information about the Council and/or Section 355 Committee policies, procedures and operations as appropriate.

This Statement of Commitment has application to the following volunteers:

- Section 355 Committee members.
- All individuals performing voluntary tasks with Council
- Work experience students
- All individuals and organisations undertaking tasks on Council controlled property or facilities, but not under direction from or by Council, i.e. Service Clubs, Clean Up Australia, Sports and Recreation Clubs and Groups, Landcare Groups, Showground Trusts and non-organised groups or individuals.

Council recognises the need for formalised roles, responsibilities and procedures to ensure that Council can fulfil its duty of care to all staff and volunteers involved in Council operations, and also has an obligation to its Insurers to minimise risk.

Manuals and other documented procedures that detail how Section 355 Committees and other groups of volunteers are to be managed support this Statement of Commitment.

CONSULTATION DRAFT