



Section 355 Committee Manual

Managing Council's Community Facilities

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Richmond Valley Council recognises the people of the Bundjalung nations as custodians and traditional owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future.

1 INTRODUCTION

Richmond Valley Council currently has several Section 355 Committees performing functions of Council including management of halls, facilities and recreation grounds, and this document is provided for the guidance of these committees.

Section 355 Committees and their members are required to adopt and adhere to the conditions set out in this Manual and the supporting documents. Adherence will ensure Committee members are aware of their responsibilities and adequately covered by insurance. This Manual has been designed to:

- Implement the requirements of the *Local Government Act* and other Acts, Regulations, and Guidelines to ensure Council and the 355 Committees are complying with legislation.
- Provide a comprehensive guide on the management responsibilities, functions, and operations of community facilities.
- Provide good practices and operational procedures for the Committee; and
- Clarify Council's and the Committee members' role in this partnership.

Council recognises the important role volunteers and community groups play in maintaining and managing Council facilities and services for the community.

1.1 What is a Section 355 Committee?

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

The *Local Government Act 1993* can be accessed online at <https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030>.

1.2 Why does Council have Section 355 Committees?

Section 355 Committees are a great asset to Council. The committees have an active role in the running/management of Council facilities. This provides a two-fold benefit by giving protection to the Committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions.

As the Committee are acting on behalf of Council, it is important to uphold the principles of equity, accessibility, and inclusivity, providing for the whole community. Research shows that community involvement in managing community facilities provides better outcomes for locals whilst engaging and including local people and providing an opportunity to participate in local community life.

1.3 Current Section 355 Committees

Under Section 355 of the *Local Government Act 1993*, Richmond Valley Council designates the following committees as 355 committees for the care, control and management of Council halls or sporting facilities:

- Broadwater Community Hall Committee
- Coraki Youth Hall Committee
- Evans Head Recreation Hall Committee

- Fairy Hill Hall Committee
- Rappville Hall Committee
- Rappville Sporting Facilities Committee
- Riley's Hill Community Centre Committee
- Stan Payne Memorial Oval Committee
- Woodburn Memorial Hall Committee
- Woodview Piora Hall Committee

1.4 Where to Find up-to-date Resources

All documents mentioned within this manual are available on Council's website

<https://richmondvalley.nsw.gov.au/community-services/committees/section-355-committees/>.

Please visit this site for the most up-to-date policies, information and documents related to the operation of a 355 Committee and Council Facilities.

These resources will continue to be updated, and additional forms and templates added from time to time. Committees are encouraged to ask questions and provide feedback that can be used to update these resources. Council staff will arrange for each update to be redistributed to all current committees, and this will also assist with the sharing of information and ideas.

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

Or contact Council:

Phone 6660 0300

Email council@richmondvalley.nsw.gov.au



2 RESPONSIBILITIES

Legally, the Committee is a representative of Council and any action which the Committee undertakes is Council's responsibility. Council delegates its authority to the Committee to act on Council's behalf. The responsibilities of Council and the Committee are outlined below.

2.1 Responsibilities of Council

a) Funding Major Improvements

Council shall be responsible for the funding and erection of all major improvement works in the facility in accordance with the adopted Annual Operational Plan and availability of funds.

b) Insurance of Assets

Council shall fully insure all Council owned buildings, fixtures, fittings and contents.

c) Insurance of Committee Members

Council shall insure the Committee in respect of Public Liability, Professional Indemnity, Community Support Liability and Workers Compensation.

d) Notification of Fees and Charges

Council shall notify the Committee of any proposed variation of hire fees recommended for the ensuing year.

e) Improvement Recommendations

Council shall consider with its annual budget process all improvements suggested by the Committee, as per their Proposed Projects List.

f) Induction and Training of Committees

Training to advise Office Bearers of the requirements of their positions will be arranged and conducted by Council where appropriate or requested by the Committee.

2.2 Responsibilities of Section 355 Committees

The Committee will be responsible for the **care, control and management** of the facility, including hiring, cleaning, maintenance, minor repairs and operations and the purchase of furniture and fittings. The Committee is empowered to use sums for expenditure as is necessary from amounts received from fees and charges to meet costs resulting from the delegated function to the satisfaction of Council.

a) Care includes:

- Duty of care to ensure the health, safety and welfare of persons using the facility or participating in a function of the Committee;
- Maintaining the facility and protecting the physical assets from damage, misuse and deterioration;
- Ensuring the security of the facility;
- Advising Council of any potential insurance risks that may arise in regard to the facilities and users;
- Attaining sufficient funds to maintain the facility as a going concern;
- Ensuring sufficient and equitable access of the facility by the community; and
- Ensuring all users of the facility conform to the insurance requirements set out in this manual.

b) Control includes:

- Holding regular meetings with recorded minutes;
- Monitoring and maintaining financial records;
- Submitting an annual report and all records for an annual audit;
- Submitting financial reports in accordance with GST requirements;
- Recommending hire fee structures for determination by Council;
- Administering and overseeing the use of facilities by other groups;

- Submitting a current list of all assets belonging to the Committee for inclusion in Council's Insurance Policy, by 14 February each year; and
- Submitting a current list of all Committee members to Council immediately following nominations of the Committee and where there are changes.

c) Management includes:

- Ensuring all monies received will be used for the benefit of the facility in an equitable, honest and consistent manner;
- Ensuring that the facility is not used for the financial gain of individual members;
- Ensuring all written material provided to potential hirers or used to promote the facility or program acknowledges the Committee's status as a Section 355 Committee of Richmond Valley Council;
- Ensuring the standard hire forms and terms and conditions are used;
- Developing and updating the [Proposed Projects List](#);
- Recommending policies and procedures which contribute to the effective management of the facility; and
- Being accountable to the community and the Council for the Committee's actions and initiatives in respect of the facility.

d) Limitations of Powers

According to Section 377 of the *Local Government Act*, the Committee may not make decisions concerning the following:

- Fixing of charges or fees (the Committee may submit recommendations for approval by Council in relation to the fixing of hire fees for use of the facility under its control), including a policy for exemption from fees and charges (exemption of hire fees must be approved by Council);
- Borrowing of money;
- The sale, lease, sub-lease or surrender of any land or other property vested in its care under the provision of the *Local Government Act 1993*;
- 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);
- A decision under Section 356 of the *Local Government Act 1993* to contribute or donate money to individuals or organisations, unless prior approval has been granted from Council;
- The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work);
- The payment or making of a gift (other than a token gift), to its members, regarding the payment of Honorariums to committee members. This includes the payment of allowances or travelling expenses incurred whilst attending Committee meetings.
- The payment of money outside the scope of the Committee's function; and
- Unreasonably withholding consent for the hiring of the facility to any individual or organisation which agrees to comply with and adhere to the terms and conditions adopted for the use of the facility, providing the acceptable hiring period is available.

Additionally, Committee members are not permitted to speak to the media on any Council matters in their capacity as a committee member. All such requests received must be referred to the General Manager or their representative.

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

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

2.3 Accountability

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

- a) Hold an Annual General Meeting (AGM) to elect office bearers. The AGM needs to be advertised widely;
- b) Provide reports, minutes and annual financial statements to Council;
- c) Ensure that all committee members are given notice of meeting details and are provided with copies of minutes and agendas.

2.4 Code of Conduct

Richmond Valley Council has adopted a [Code of Conduct](#) that is applicable to elected Councillors, employed staff, volunteers and Committee members. This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest, and impartial way.

As Committees are operating on behalf of Council, it is important that Committees are aware of the Code of Conduct and adhere to this Code of Conduct. When appointed as a community member on a Committee you will receive a copy of Council's Code of Conduct Policy and are to agree when carrying out your duties as a Committee member, to comply with the Code of Conduct.

The area of the Code of Conduct which will most likely affect Committee members is in respect to conflict of interests. A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.

Note the failure to comply with the Code of Conduct could result in your removal from the Committee.

3 APPOINTMENT AND MEMBERSHIP

Committees work best when the workload is shared amongst committee members and there is evident goodwill and cooperation amongst members.

3.1 Formation of a Section 355 Committee

- a) The formation and appointment of Section 355 Committees is at the discretion of Council.
- b) Committees are appointed in accordance with the provisions of Section 355 and Section 377 of the *Local Government Act 1993*.
- c) Council aims to form Committees that are representative of the local community or interest group of the facility or function, which the Committee manages.
- d) Council, at its discretion, will choose to hold either a public inaugural meeting or call for Expressions of Interest from the community to gain membership for a new Committee.
- e) Council must appoint new members before being able to vote or take part in the meetings of the Committee.
- f) The Committee must elect Office Bearers at its first meeting, and thereafter at each Annual General Meeting.

3.2 Section 355 Committee Membership

The recruitment of Committee members is a public process with the aim of encouraging optimum community input. To this end, the Committee should advertise casual vacancies.

Committee members are to be appointed in accordance with the following guidelines:

- a) The membership numbers of Section 355 Committees shall not be less than four members and no more than nine members, including office bearers, unless otherwise decided by Council.
- b) Members should be residents of the Richmond Valley Council Local Government Area (LGA), however in certain circumstances it may be pertinent to appoint members from outside the LGA.
- c) Membership should reflect the community organisations which use the facility and must be open to representatives of user groups and interested community members.
- d) Whilst no qualifications are necessary, a positive commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential.
- e) Members are volunteers and therefore do not receive payment or pecuniary benefit for their involvement. The Committee may by resolution reimburse Committee members for phone calls, printing and stationery in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council.
- f) All nominations as members of a Committee are required to be formally submitted in writing to Council for appointment. Noting the recommendation in the Committee minutes and forwarding the minutes to Council will satisfy this requirement.
- g) Committee members must not have a criminal record.
- h) All Committee members must [register with Council as a volunteer](#).
- i) Committee members are required to adhere to Council's [Code of Conduct](#). A Section 355 Committee member who acts outside the delegated function of the Committee, or in a way that contravenes Council's Code of Conduct or, who behaves in a manner that is found to be contrary to the expectations of Council, will be subject to an investigation where warranted, and action as required and deemed necessary.

3.3 Committee Positions

Section 355 Committees consist of office bearers and other Committee members. The Office bearers of the Section 355 Committee will consist of:

CHAIRPERSON	The Chairperson is responsible for convening and chairing meetings, preparing agendas, ensuring accurate minutes are kept and accurate procedures are followed.
SECRETARY	The Secretary is responsible for attending to correspondence and keeping minutes.
TREASURER	The Treasurer is responsible for recording accurate records on income, expenditure, banking transactions and preparing monthly statements to the Committee.
BOOKINGS OFFICER	The Bookings Officer is responsible for taking bookings and liaising with hirers.

Deputy Chairperson is optional depending on the Committee's needs.

3.4 Election of Office Bearers

- a) An Annual General Meeting (AGM) is to be held each year. At the AGM, Office Bearers of the Committee stand down and their positions are declared vacant. A Returning Officer, appointed by Council, takes the chair and calls for nominations for the positions of office bearers and Committee members.
- b) The Committee must, from its own members, elect at least four office bearers of the Committee:
 - a) Chairperson;
 - b) Secretary;
 - c) Treasurer; and
 - d) Booking Officer/ Deputy Chairperson, depending on the Committee's needs.
- c) 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.
- d) If two or more persons are nominated for a single position a vote must be taken. Persons nominated for election are entitled to vote for themselves. If a tied ballot occurs, the name of each candidate is written on a separate, identical piece of paper, and drawn 'from the hat' by the Returning Officer (or an impartial observer). The first name drawn is elected to the Office.
- e) Office bearer positions must be held by individuals 18 years or over.
- f) At the discretion of the Council, office bearer positions may be combined.
- g) The Committee may, at its discretion and with Council approval, elect or appoint additional positions from among its members such as a Publicity Officer or Grants Officer.
- h) A maximum of two relatives of any one family can be office bearers on the same Committee at the same time. Only one of those office bearers is to sign cheques on behalf of the Committee at the same time. This means that relatives of the same family can be appointed to the same Committee simultaneously but only two can be office bearers, and only one can sign cheques during the time they are members.
- i) All Committees are required to advise Council of the details of the persons who are authorised signatories of the Committee's bank account.
- j) A list of elected office bearers and Committee members must be recorded together with the names of nominators and seconders. Minutes of the AGM with the list of duly elected Office Bearers and Committee members must be sent to Council for approval.

3.5 Dissolution of Section 355 Committee

Council by resolution may dissolve a Committee at any time:

- a) To carry out the control of the facility itself.
- b) If the Committee is not complying with the roles and responsibilities of the Committee.
- c) The Committee can also be dissolved by a vote of 75% of members entitled to vote present at an Ordinary or Extraordinary Meeting convened to consider this option.
- d) In the event of membership dropping to less than four persons, in this respect Council may:
 - Give the Committee six months to be re-established to a viable membership.
 - Dissolve the Committee and take over the responsibilities, consideration will need to be given to the long-term viability of the facility or function.

Upon a resolution being passed in accordance with item 3.5 and confirmation by Council, all assets and funds of the Committee will, after payment of all expenses and liabilities, be handed over to Council.

3.6 Vacation of Office

- a) A person will cease to be a member of a Committee if the member resigns from office by notification in writing to the Committee and Council. Notation in the minutes forwarded to Council is acceptable.
- b) The Committee can recommend the removal of members who are absent for more than three meetings without leave of absence through the following procedure:
 - Inform the individual in writing of the lapse of membership and impending removal. The Committee must then allow a two-week period for a response from the member to indicate any interest to continue as a member.
 - Should no response be received, the Committee can then vote to remove the member at the next Ordinary Meeting and verify outgoing correspondence in the minutes of meeting.
 - Removal of membership must be noted by the Secretary in the Minutes of the Committee meeting to be forwarded to Council. Failure of the Committee to do this may result in those members being able to vote at AGM's and Ordinary Meetings. Council has the right to refuse the recommendation.
- c) Council reserves the right to remove a member from the Committee at any time.
- d) Should a member fail to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter, they may be removed from the Committee at the discretion of Council. For the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the *Local Government Act 1993*.
- e) If the member was a representative from a user group, upon receipt of the resignation the Committee members will call for nominations from the user group with which the member was affiliated and refer this nomination to Council for concurrence.

3.7 Sub-Committees

Subject to Council approval Sub-Committees may be created to address individual Committee functions of the Section 355 Committee, for example the establishment of a community garden. A request from the Committee must be forwarded to Council for approval.

Sub-Committees must report back to the relevant Section 355 Committee and any recommendations need to be supported by that Committee and noted in their minutes. Similarly, the Sub-Committee's financial income and expenditure and a list of their assets, needs to be documented by the Section 355 Committee and included in their Annual Report.

4 COMMITTEE MEETINGS

The Committee shall meet at least once during each quarter of the calendar year, however, if required Ordinary Meetings of the Committees may occur more regularly to ensure that any outstanding matters are dealt with.

Matters for discussion include:

- Bookings
- Maintenance
- Collections of fees
- Paying expenses
- The effective and efficient operation of the facility.

4.1 Quorum

A quorum will normally consist of half the total number of voting members plus one. However, a request for approval to have a quorum of a differing number may be submitted to Council. Should a quorum of members not be in attendance, the meeting will be adjourned until the next meeting.

4.2 Voting

At all Committee meetings, each member present is entitled to one vote. In the event of tied voting the Chairperson shall have a casting vote as well as the deliberative one.

Council may nominate staff as the Council liaison and/or to provide services such as professional advice. Council staff are considered observers and advisors to the Committee. They are allowed to participate in Committee discussions and deliberations but do not have voting rights.

4.3 Agenda

The agenda of a meeting should be forwarded to all Committee members giving at least one week's notice of the proposed meeting.

Only items listed on the agenda are to be discussed and voted on at the meeting.

4.4 Minutes of Meeting

Minutes should be an accurate recording on what happened at the meeting. Keep them short, clear and consistent. It is not required to record every statement made at the meeting. Accurately record each motion/resolution – note mover and seconder.

A copy of the minutes should be made available to all Committee members and forwarded to Council within a reasonable timeframe.

Council will not act on Minutes recommendation/motions alone. Any items requiring action by Council are to be the subject of a separate letter or email to Council.

4.5 Extraordinary Meeting

An Extraordinary Meeting requested by two members of the Committee may be called to discuss urgent business and matters outside the scope of a scheduled Ordinary Meeting.

Minutes outlining the reason for the Extraordinary Meeting will be kept and a copy forwarded to Council within a reasonable timeframe.

4.6 Annual General Meeting (AGM)

Section 355 Committees must hold an Annual General Meeting (AGM) on a day set by the Committee between March and May each year. At the meeting, the Committee reports to the local community on the management of the facility over the past year. As mentioned in clause 3.4 the appointment of the Office Bearers takes place at the AGM.

Points to remember when planning an Annual General Meeting:

- An invitation to attend the AGM must be forwarded to Council along with a copy of the agenda.
- Four weeks prior to the date of the AGM, the Secretary of the Committee shall advertise the meeting online and in other suitable media.
- The AGM is to be a public meeting and persons may only be excluded by consent of the meeting if they are disruptive.
- An Annual Report prepared by the Chairperson, and the audited Financial Report should be presented in writing to the AGM and accepted by the meeting.

Once the AGM has taken place the Section 355 Committee must forward a copy of the minutes, annual report and Office Bearers to Council within 28 days.

The Annual Report is to include:

- a) Financial Statements (audited by Council) which include a statement of:
 - The expenses incurred by the Committee during that year;
 - The revenue raised by the Committee during that year;
 - The assets acquired by the Committee during that year.
- b) An inventory of all movable assets including tables and chairs is to be completed annually using the [Asset Inventory List](#) and forwarded to Council for insurance purposes. All plant and equipment including fixtures, fittings and prime cost items within the building shall remain the property of Council. Equipment, which belongs to hirers, shall remain separate from the Council inventory.
- c) A report on the condition of the land and building/s managed by the Committee, including:
 - Details of the programs undertaken by the Committee during that year to preserve, protect, restore and enhance the facility.
 - Any proposed expenditure programs of a capital nature including the source of funds, whether such source is the expenditure of accrued surplus income or a request for financial assistance.



TIPS FOR A WELL FUNCTIONING COMMITTEE

- Share the big picture/vision for the Committee
- Seek out new activities, new ways to engage with the community
- Encourage diversity (of people and skills) within the Committee
- Share the load – don't let one or two people burn out
- Acknowledge everyone's contribution and celebrate your achievements

TIPS FOR PRODUCTIVE MEETINGS

- Come to the meeting with a positive attitude
- Set ground rules e.g. respect each other's opinions
- Stay on point and on time (keep to the agenda)
- Encourage everyone to participate (share time so that all can participate)
- Close decisions and identify action items
- Record issues discussed, decisions made, and tasks assigned

5 FINANCIAL MANAGEMENT

Section 355 Committees are subject to the same standards of financial accountability as Richmond Valley Council and managing finances well is of the utmost importance. All funds and assets held by the Committee belong to Council and get audited along with all Richmond Valley Council's financial transactions.

The overall responsibility for keeping accurate financial records is with the Committee Treasurer who should record financial transactions by using an electronic system (or paper-based). All electronic records are to be backed up. Records to be kept by the Committee include:

- Tax invoice/receipt book
- Cash book/electronic record
- Cheque book/electronic record
- Petty cash book/electronic record
- Petty cash vouchers/electronic record
- Bank deposit book/electronic record
- Bank statement folder
- Quarterly GST Summary returns
- Booking diary/electronic system
- [Asset Inventory List](#)

5.1 Banking

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

- A bank account must be opened at any branch of a recognised financial institution (preferably within the Richmond Valley Council local government area). Such account will be in the name of the Committee.
- Details of accounts held by the Committee including the name of the account, the account number, the name of the financial institution and all signatories on the account must be provided to Council.
- All accounts need to be dual signature accounts (office bearers) and can be cheque book or internet banking accounts. Only one family member can sign cheques on behalf of the Committee.
- All monies received by the Committee must be banked within 24 hours of receipt or as soon as practicable.
- 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.

5.2 Financial Year for Committees

The financial year for committee purposes is 1 January until 31 December. This is to enable all financial records to be incorporated into Richmond Valley Council's financial records before the end of Council's financial year (30 June) as per the *Local Government Act 1993*.

- Information on income and expenditure must be kept either electronically (preferable) or hard copy. An excel spreadsheet or suitable accounting software should be used. If the accounts must be kept manually, a suitable cashbook, receipt book and bank deposit book will be maintained and kept up to date.
- Receipting: Preferably, payments are accepted via direct deposit into the Committee's bank account. Where cash or cheque are received, receipts, in the name of the Committee, will be issued for charges and other monies received and duplicates of receipts will be retained for auditing.

- Purchasing: Payment should be made by EFT (electronic funds transfer) or, only when necessary, can be made by cheque. In every case evidence of the need for the payment is to be documented. A tax Invoice is required to be obtained and attached to payment records. Ensure receipts say, 'Tax Invoice' and clearly show any GST charged.
- The Committee may authorise its Chairperson, Treasurer and one other person to sign on its behalf on the basis that two signatures are required for each payment.
- 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.
- It is recommended the financial report summarising the income and expenditure and including a bank reconciliation be reported (where available), to each ordinary meeting of the Committee.
- An annual report of the financial affairs must be provided to Council. This report should include the cashbook and bank reconciliations. All supporting documentation should also be provided to Council, including bank statements, the deposit book and receipt books, and copies of all tax invoices that support payments made. This information should be submitted to Council by 14 February each year.
- The Committee will be entitled to spend all monies raised in the management of the facilities under their control. These monies can only be expended strictly in accordance with conditions prescribed in this Manual, by Council, and their delegations, and only upon the facility/function of the Council for which the Committee has been constituted.

5.3 Purchasing

Section 355 Committees must follow Council's [Purchasing Policy](#) where possible when purchasing goods and services. If the committee can't follow this Policy this must be discussed with Council before purchasing takes place. Council has a list of approved contractors that can be accessed when seeking a tradesperson.

In summary regarding purchasing:

- Health and safety legislation, risk management and Australian Standards are to be considered when purchasing goods and services.
- Only contractors approved by Council are to be considered when procuring goods and services unless prior approval has been granted by Council (e.g. if there is no contractor on Council's list, in an emergency or where something is under warranty).
- The Committee is authorised to approve the purchases/ payments up to \$4999. For purchases of less than \$4,999 one verbal quote is required.
- For purchases over \$5,000 please contact Council for written approval and information on purchasing requirements (e.g. for purchases between \$5000 and \$29,999 two written quotes are required).
- The highest standards of honesty, integrity, probity and equity are to be observed by the Committee.

5.4 Purchase and Sale of Assets

Assets are the resources owned by a Council or business which benefit its future operations and are convertible to cash. Examples are land, building, vehicles, plant and equipment. The Committee is not permitted to sell any assets without the written approval of Council.

An inventory of all movable assets including tables and chairs owned by the Committee is to be completed annually using the [Asset Inventory List](#) and forwarded to Council for insurance purposes by 14 February. All plant and equipment including fixtures, fittings and prime cost items within the building shall remain the property of Council. Equipment, which belongs to hirers, shall remain separate from the Council inventory.

5.5 Budgeting and Documentation

Committees are required to keep the following records:

- Treasurers Report;
- Annual Budget;
- Annual Statements;
- Statement of Financial Performance (summary of income/expenditure for the year).

5.6 Audit of Accounts

The following financial records must be available for audit after the end of the Committee financial year (31 December). The following records need to be provided to Council's Finance team, by 14 February each year:

- Bank statements covering period from 1 January to 31 December;
- Cheque books for cheques used in the last 12 months;
- Receipt books or electronic records;
- Copies of invoices or electronic records received for the year;
- Expenditure and income records;
- Petty cash book/vouchers or electronic records;
- Utilities and other bills records;
- Certificates of investment;
- Booking diary or electronic record of bookings;
- Deposit books used in the last 12 months.

5.7 Recommending Fees and Charges

Section 355 Committees can recommend fees and charges to Council by 14 February each year for approval. These fees will come into effect from 1 July each year (following adoption of the fees and charges by Council). Fees should be increased in line with inflation or CPI increases each year and the goal is that income received by the Committee, including fees and charges, should cover Committee expenses for maintenance and repairs of the facility/reserve.

Suggested categories for hiring fees and charges are as follows:

- Commercial;
- Community/non-profit;
- Regular users;
- Hourly/daily/weekly/evening/penalty rate;
- Cleaning fee;
- Bond/deposit requirements;
- Minimum number of hours required to hire;
- Use of lights.

Fees set should be inclusive of GST. Bonds do not incur GST.

5.8 Committee Expenses

It is expected the Committee will use fees collected to cover expenses such as:

- Electricity;
- Waste and hygiene services;
- Water and sewer charges;
- Cleaning and cleaning supplies;
- Provision and maintenance of furniture and equipment;
- Small maintenance and safety tasks.

It is also reasonable for Committee members to claim expenses incurred carrying out their role:

- Postage and printing supplies (supported by receipt);
- Telephone calls (supported by a log of calls made – date and purpose);
- Reasonable expenses for the operation of a Committee member's own equipment for Committee purposes (e.g. petrol for mower) (supported by receipts).

5.9 ABN

Section 355 Committees are covered under Council's ABN - 54 145 907 009.

5.10 GST

GST is a tax of 10% on the supply of most goods, services and anything else consumed in Australia. These are defined as taxable supplies. There are other types of supplies that are not subject to GST (including fresh food, education and childcare).

GST is a Federal Government tax and Council must ensure all guidelines are followed or Council could get fined at audit. Legally, a Section 355 Committee is part of Council and Council must account for all GST transactions on a quarterly basis.

The Committee must pay the total amount on an invoice to its supplier/contractor and then any GST adjustments will be finalised during the annual audit.

5.11 Donations

Section 355 Committees are not permitted to make donations without the prior written consent of Council. Committees can accept donations, which are to go to the care, maintenance and improvements of the facility.

5.12 Fundraising

Section 355 Committees may embark on fundraising activities to support their role in managing their facility or reserve or to promote the activities of the Committee.

When planning a fundraising activity or event, the Committee must make contact with Council to discuss the event or activity and to determine what the requirements are. Examples of fundraising activities include:

- Market stalls;
- Sausage sizzles;
- Raffles;
- A community event.

The following points should be kept in mind if the Committee engages in fundraising activities and/or public events:

- a) Any fundraising activities must be carried out in accordance with the *Charitable Fundraising Regulation 2021*. Local councils including committees of councils are exempt from obligation to hold an authority to conduct fundraising.
- b) Make sure when organising an activity or event that all fees, charges and donations comply with GST legislation.
- c) Ensure that all necessary Public Liability Insurance cover is arranged/provided. Council's Public Liability Insurance covers Committee members and the activities of the Committee. It may not, for instance, cover stall holders or participants (e.g. jumping castle) at an event organised by the Committee.

- d) If you are organising a major event, please check whether you need to apply to Council for approval via a Section 68 which may attract a fee.
- e) Richmond Valley Council provides a range of information on successful event planning. For further information, go to <https://richmondvalley.nsw.gov.au/community-services/events-in-the-valley/>

5.13 Applying for Grants

If the Committee are interested in applying for a grant, it is important that contact is made with Council in the first instance to discuss the project.

Some things to think about:

- What do you want to do (provide as much detail as possible on the description of the project)?
- Why do you want to do it?
- What do you hope your project will achieve?
- How much will it cost? – quotes need to be sourced in line with Council's Purchasing Procedures
- How much do you want and from whom?
- How much can you contribute yourselves (always better to include some funding from your own sources and remember in-kind contributions)?
- How long will it take and when will you need to start?
- Do you have a plan for the project if it requires building works?

Any grant sought for modifications or maintenance for the facility or reserve managed by a Committee requires Council's signed consent as the property owner.

It is essential that the decision to apply for any external funding is approved by the Committee at a General Meeting and that this is minuted.

Eligibility requirements vary depending on the funding source. If Section 355 Committees are ineligible to apply in their own right, they could consider applying under the auspices of another group (e.g. a facility user group) in the community or in partnership with Council.

Be proactive towards grants; be aware of what grants are available to your Committee and what their applicable timeframes are.

It is recommended Committee's subscribe to the Richmond Valley Grants Hub, to receive regular updates on upcoming grants - <https://richmondvalley.grantguru.com.au/>

6 RISK MANAGEMENT

Risk Management is a method of taking preventative and precautionary measures to avoid injury, loss and damage, to either persons or property.

The Committee has a duty of care to ensure the health, safety and welfare of persons attending a Committee meeting, using a facility managed by the Committee or attending an event or activity organised by the Committee. This involves regular maintenance, to keep the facility and grounds safe, clean and tidy, as well as a system of inspection to detect faults and hazards at an early stage.

6.1 Work, Health & Safety

The *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2017* requires Council and the Committee to identify, assess and control hazards which could harm any person using the premises.

With the ever-increasing awareness by the public and claims for compensation, there is a need for vigilance, respect and safety. No matter how new a building is, people can still trip over loose objects on the floors, get hit by falling objects, or bump into projecting or badly placed furniture. In fact, almost fifty per cent of fatal and disabling injuries come from these types of accidents. Be on the alert to situations that could cause potential accidents to facility volunteers and hirers.



DUTY OF CARE

The Committee must take all possible care to ensure the health, safety and welfare of people within the facility.

NEGLIGENCE

The Committee is seen as negligent if it fails to act upon a known problem, or knowingly fails to complete an action to the best of its ability.

CAPABILITIES

The Committee is only expected to have a duty of care at the level of competence that one would be reasonably expected to have. The Committee may be seen as negligent if, for example, a piece of equipment had not been regularly serviced and sparks were visible, and they chose not to report the matter.

REASONABLE REACTION TIME

The Committee must take steps immediately the problem is identified.

6.2 Identifying Hazards

The identification of hazards is an essential component of managing risk. By knowing the appropriate steps to managing risk, you are more likely to identify and correct the most common hazards.

There are three steps used to manage health and safety at work (work being the work you undertake at a facility on Council's behalf): Remember **SAM**.

Spot the Hazard (Hazard Identification)

Assess the Risk (Risk Assessment)

Make it Safe (Risk Control)

When undertaking work at a facility you can use these three steps to help prevent accidents.

1. Spot the Hazard

Examples of workplace hazards include:

- frayed electrical cords (could result in electrical shock);
- boxes stacked precariously (they could fall on someone);
- noisy machinery (could result in damage to your hearing);
- a wet area on the floor (could result in someone slipping).

Whilst working, you must remain alert to anything that may be dangerous. If you see, hear or smell anything odd, take note. If you think it could be a hazard, tell someone.

KEY POINT - A hazard is anything that could hurt you or someone else.

2. Assess the Risk

Whenever you spot a hazard, assess the risk by asking yourself two questions:

- How likely is it that the hazard could harm me or someone else?
- How badly could I or someone else be harmed?

KEY POINT - Always advise Council about hazards the Committee cannot fix, especially if the hazard could cause serious harm to anyone.

3. Make it Safe

The best way to fix a hazard is to get rid of it altogether. This is not always possible, but you should try to make hazards less dangerous by looking at the following options (in order from most effective to least effective):

- Elimination - sometimes hazards - equipment, substances, or work practices can be avoided entirely (e.g. clean high windows from the ground with an extendable pole cleaner, rather than by climbing a ladder and risking a fall).
- Substitution - sometimes a less hazardous thing, substance or work practice can be utilised (e.g. use non-toxic glue instead of toxic glue).
- Isolation - separate the hazard from people, by marking the hazardous area, fitting screens, or putting up safety barriers (e.g. welding screens can be used to isolate welding operations from other workers. Barriers and/or boundary lines can be used to separate areas where forklifts operate near pedestrians in the workplace).
- Safeguards - safeguards can be added by modifying tools or equipment, or fitting guards to machinery. These must never be removed or disabled by workers using the equipment.
- Instructing workers in the safest way to do something - this means developing and enforcing safe work procedures. All workers must be given information and instruction and must follow agreed procedures to ensure their safety.
- Using Personal Protective Equipment and clothing (PPE) - if risks remain after the options have been tried, it may be necessary to use equipment such as safety glasses, gloves, helmets and earmuffs. PPE can protect you from hazards associated with jobs such as handling chemicals or working in a noisy environment.

Sometimes, it will require more than one of the risk control measures above to effectively reduce exposure to hazards.

KEY POINT - It is Council's responsibility to fix hazards.

Sometimes you may be able to fix simple hazards yourself, as long as you do not put yourself or others at risk. For example, you can pick up things from the floor and put them away to eliminate a trip hazard.

6.3 Accident/Incident Reports

Report all accidents, incidents and near misses to Council on (02) 6660 0300 within 24 hours.

Incidents, commonly called a "near miss", should also be reported, as they are a warning of a situation that may cause injury to a person or serious damage to property or the environment if action is not taken. This is the best type of risk management prevention. All accidents and incidents occurring within Council community facilities must be reported as soon as possible.

6.4 First Aid Kit

As per the [Community Facility Terms of Hire](#), Hirers should provide their own first aid kit appropriate for the event they are hosting.

A back-up First Aid Kit should be located in the kitchen of the facility. Committee members are to monitor and replenish the contents as required.

6.5 Electrical Safety

Electrical safety should receive high priority to avoid exposure to the risk of electric shock. All electrical equipment and appliances must be tested and tagged by a qualified electrician in accordance to AS/NZS 3760:2004.

6.6 Facility Inspections

Regular inspections are essential to identify potential risks, and may be either formal or informal:

- **Informal Inspections:** Informal inspections are incidental during Committee business. Smaller items requiring repair should be addressed by the Committee, whilst larger defects or problems should be reported to Council.
- **Safety Inspections by Hirers:** It is the responsibility of the user groups/hirers to ensure that any facilities are safe for use immediately before and during its use e.g. ensuring sporting fields are level and any broken glass and other hazardous matter is removed.
- **Formal Council Inspections:** Council will also conduct annual inspections of facilities.

6.7 Fire Protection

Council provides all Council facilities with fire and safety equipment and arranges frequent inspections and servicing of all fire equipment in community facilities. All fire equipment is sign-posted with a coloured disc. The disc has valuable information that should be read before using the equipment.

Advise Council immediately if you discover any damaged or stolen fire prevention equipment. Emergency replacement of fire equipment should be done through Council. If fire prevention equipment is used irresponsibly by a hirer this cost should be deducted from the hirer's bond.

All emergency exits must be identified by an illuminated exit sign and inspected by a Council contractor annually. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use. Paths of travel to the exits are to remain open and clear at all times (minimum clearance is 1.0 metre).

Steps to be taken in the event of an emergency must be clearly displayed in the facility.

6.8 No Smoking

Smoking, including the use of e-cigarettes, vapes and electronic nicotine delivery devices, is prohibited at all Council-owned community halls, facilities and recreation grounds.

6.9 Consumption of Alcohol

Committees are responsible for advising hirers of the conditions relating to the consumption of alcohol, as outlined in the [Community Facility Terms of Hire](#).

The consumption of alcohol by persons under the age of 18 years and the sale of alcohol on the premises without a liquor licence is prohibited.

6.10 Child Protection

Hirers are required to meet the legislative provision of the NSW Government's *Child Protection (Prohibited Employment) Act 1998*. It is the Hirer's responsibility to have a background check carried out on any volunteers or employees who whilst in the Hirer's employ (including volunteers), have direct and unsupervised contact with children and young people, and to ensure that all workers in child related positions hold a current WWCC number.



7 INSURANCE

Insurance should be a last resort in the implementation of good risk management.

Richmond Valley Council is responsible for insurance policies to cover Council's liability as a consequence of Council's business activities. Committee members are protected under the insurance policies taken out by Council so long as they act reasonably and with the scope of the delegation. Unauthorised negligent or illegal acts may attract personal liability.

The Committee is responsible for advising all user groups that it is the user groups responsibility to insure against public liability and for loss or damage to any property brought to or left at the facility.

For more information, please contact Council's Governance team.

7.1 Reporting an Incident

Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council as soon as it occurs (within 24 hours) by phoning (02) 6660 0300.

It should be noted that no admission of liability should be made to any potential claimant as this is a breach of insurance policy conditions and may result in loss of cover.

The Committee may receive notification of an incident either verbally, in writing, by telephone or through observation. Once the committee becomes aware of a potential claim it must notify Council by the next business day. Council has a responsibility to notify its insurer as soon as a potential claim is known. This will ensure that investigations and remedial actions can be undertaken to prevent further occurrences.

7.2 Public Liability Insurance

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

The Committee is responsible for the care, control and management of the facility or function under Section 355 of the *Local Government Act*. If a third party suffers property damage or personal injury because of Council or Committee negligence, they are covered under the Public Liability Policy.

Public Liability claims often end up in Court and it is most important that accurate details are taken down immediately after an incident/accident. This information may be used by Council for their investigation and in Court should the matter proceed to that step. The volunteer involved may also be called upon as a witness.

7.3 Property Insurance

Council's property insurance covers properties and assets belonging to Council. Any new equipment purchased by the Committee must be notified to Council for inclusion under the policy. Property insurance covers damage resulting from such occurrences as storm, fire, impact, malicious damage, theft, and burglary, subject to the policies terms, conditions and exclusions. Each claim carries an excess (the amount not covered by the insurer).

The Committee must provide to Council annually a list of all assets - known as the [Asset Inventory List](#). The policy does not extend to property owned by third parties such as facility hirers, Committee members or volunteers (i.e. property in which Council does not hold an insurable interest). Such groups should be advised to obtain their own cover for any items stored at the facility.

Burglary and malicious damage incidents MUST be reported to the Police Assistance Line (13 14 44) immediately upon discovery and a Police Report Number and the name of the Police Officer recorded. All incidents, regardless of value must be reported to Council as soon as possible.

7.4 Personal Accident Insurance

Personal accident insurance covers bodily injury for Committee members whilst engaged in an activity directly or indirectly connected with or on behalf of the Council, including whilst travelling directly to and from such activity. This cover extends to those people who have been authorised by Committee members, as suitable volunteers to act on the Committee's behalf for work related to the facility.

7.5 Insurance for Hirers

All hirers of the facility are required to take out a public liability insurance policy, with an approved insurer, for a minimum sum insured of \$20,000,000. The purpose of this policy is to protect the hirer against claims made by another party against the hirer for bodily injury or property damage.

Evidence that the policy is in force should be presented to the Section 355 Committee prior to the first booking or whenever requested. This evidence could be a recently issued certificate of currency, provided by the insurer.

COMMUNITY SUPPORT LIABILITY INSURANCE

This policy provides insurance coverage for casual hirers for nominated Council facilities. A casual hirer is a person or group of persons (other than a sporting body, club, association, corporation, or incorporated body) which uses the facility less frequently than once a month or 12 times per calendar year.

Council may also provide insurance cover for groups who may want to use a facility more frequently if they are not charging fees, are non-profit making or for fundraising purposes providing they are not incorporated.

All hirers of Council facilities are responsible for insuring contents or equipment belonging to them. Council will not accept responsibility for property that is damaged or stolen.

7.6 Insurance for Committee Organised Events

Committees may wish to conduct fundraising activities and community events. Each activity must be endorsed by Council and Council's insurer to ensure that insurance cover is extended to the activity and the Committee members organising/participating in the activity. The event may attract an additional premium which will need to be met by the Committee.

If the fundraising involves other community groups in, for example, a fete situation where each group has a stall to sell goods, then each group is responsible for its own Public Liability Insurance (minimum cover \$20,000,000).

8 MANAGEMENT OF THE FACILITY

The main purpose of the Committee is to manage the hiring of community facilities. Making such facilities readily accessible to the community, whilst at the same time, raising funds for its maintenance and future improvements are some of the main objectives of such Committees.

8.1 Hire of a Community Facility

Each Committee should have a Bookings Officer to keep track of bookings and liaise with hirers.

- An application form is required to be completed prior to use of the facility including acknowledgment by the hirer of the terms of hire – refer to the [Community Facility Terms of Hire](#)
- Regular hirers/users must submit a hire application form each year nominating the dates and times of facility use.
- Allocation of the facilities will be made according to the applications received with regular seasonal hirers given priority.
- All applicants will be advised of allocations and payment of the appropriate charges.
- The Committee should undertake pre and post event inspections of the facility noting the condition of the facility.

8.2 Terms of Hire

Hirers must sign a Hire Agreement which shows that they abide by the Terms of Hire set out by the Committee and in accordance with Council policies. Committees are encouraged to adopt the [Community Facility Terms of Hire](#) for this purpose.

It is a good idea for the Committee Bookings Officer or another Committee member to ensure each hirer understands their obligations when hiring the facility, going over the conditions with the hirer if required.

8.3 Fees and Charges

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

Only Council has the power under the *Local Government Act* to set fees and charges. Committees are to review their fees annually and make recommendations to Council. The Committee will be contacted by Council each year prior to the adoption of the Revenue Policy regarding the fees and bonds applicable for the following financial year.

Fees may include hiring of facilities and equipment and post event cleaning of the facility. All fees and charges attract GST.

The Committee is not able to provide subsidies or waive hire fees. All requests concerning fee reduction must be referred to Council. Fees and charges may not be varied without the prior written approval of Council.

8.4 Bonds

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

Hirers should be advised the bond will be refunded if the facility is left in a clean, secure, undamaged condition and all Terms of Hire are adhered to.

Any abnormal costs associated with the hire of the facility will be deducted from the bond. This may include removal of excess rubbish, additional cleaning, etc.

8.5 Keys and Security

Committees are encouraged to manage keys, access and security of the facility in an efficient manner. The Office Bearers of the Committee may hold keys to the facility and the Booking Officer will hold additional keys for casual hirers.

The Bookings Officer must maintain a [Community Facility Key Register](#) of all key holders, coordinate bookings, collect fees, distribute keys to user groups, and arrange for the return of keys at the end of the hire period.

Regular hirers may hold a key for their continued use.

Should a casual hirer or member of a group fail to return key/s, the Bookings Officer must contact Council to arrange for an invoice to be raised to recover the cost of cutting new keys for the facility or re-keying the facility if necessary.

Requests for additional keys for the facility need to be made through Council.



MARKETING AND PROMOTIONAL IDEAS

Section 355 Committees are expected to maximise facility use, collecting hire fees to effectively maintain and enhance the facility, for the benefit of the community.

It is therefore beneficial for Section 355 committees to actively promote the facility as a venue for hire.

Below are some ideas and points to consider:

- How would you like to engage with your local community?
- Who are the target groups for your facility?
- Advertise in local newsletters
- Develop flyers for local noticeboards and to place in local businesses
- Have community open days and allow hall users to showcase their activity
- Organise a community event, such as a bush dance or trivia night
- Consider Facebook and other social media avenues

Council would like to work with Committees on promoting your facilities, so please contact Council with your ideas or for assistance.

9 MAINTENANCE OF THE FACILITY

The Committee has responsibility for the overall cleanliness, safety and maintenance of the facilities under their control, including the grounds directly surrounding the facility.

Communication between the Committee and Council is essential to adequately maintain the facility.

The Committee is responsible for:

- Undertaking safety inspections;
- Immediately reporting urgent structural and/or safety concerns to Council;
- Developing an annual maintenance schedule and carry out items within funding constraints;
- Ensuring the kitchen and amenities are maintained to a clean and healthy standard;
- Ensuring fire escapes and extinguishers are regularly checked and access is clear;
- Ensuring graffiti and vandalism is dealt with by the Committee, or report to Council if structural damage has occurred;
- Ensuring that current Work Health & Safety Standards are known and adhered to;
- Arranging to have light globes, fuses and tap washers replaced as required;
- Maintaining, servicing and replacing all electrical equipment including fridges, ovens, projectors and defibrillators;
- Arranging to have gutters cleared of leaves;
- Keeping all storage areas tidy with no obstacles in front of cupboards, doorways and access points;
- Ensuring furniture and equipment is safe and well maintained;
- Ensuring the grounds immediately surrounding the facility are well maintained, including community garden (where applicable); and
- The disposal of all waste from the facility.

All other maintenance requirements should be referred to Council for discussion, including annual pest and fire safety inspections.

9.1 Contracting

Committees may need to engage the services of a contractor to undertake maintenance works. It is recommended that for maintenance of less than \$1000, the Committee use the list of Approved Contractors for Richmond Valley Council and arrange their own maintenance where possible.

Committee responsibilities which require engagement of a contractor must:

- Ensure the contractor is registered and licensed;
- Ensure the contractor is inducted on to the site; and
- Ensure a copy of the contractor's Public Liability Insurance (\$20,000,000 cover) is provided prior to being engaged. Council's insurance does not cover the contractor.

9.2 Maintenance Advice

Council acknowledges that for some of its facilities, income received in the day to day running of the facility will not cover all the expenses associated with the maintenance of the facility or reserve.

Council requests that Committees cover maintenance requirements where possible but will work in partnership with Committees to maintain and improve the facilities for the benefit of the community. To this end Council will perform annual inspections of facilities so that they are aware of issues and can investigate funding opportunities.

9.3 Capital Works/Special Projects

Any proposed expenditure of a capital nature (whether the source of funds is a surplus held by the Committee or a request for financial assistance from Council) must be submitted to Council, and include the following information:

- A brief description of the proposed project;
- Benefits of the project for the community; and
- The amount of funds held by the Committee that will be contributed to the project.

Council is required to ensure effective use of funds available for all its service and works throughout the community. In setting priorities, Council identifies needs, which are then funded in an annual budget developed in February each year, adopted in June and implemented in the ensuing financial year (i.e., 1 July – 30 June).

The Committee is encouraged to submit a [Proposed Projects List](#) annually to Council. The proposed projects will be considered by Council for future improvements to the facility. Council may choose to allocate funds or assist with grant applications for Council approved projects.

