



Community Asset Committee

Governance Manual

2021

HOW TO USE THIS MANUAL

This manual is a reference for all Community Asset Committee members. All members should have access to this manual and the manual should be utilised during Community Asset Committee meetings. This manual outlines the statutory requirements and provides assistance in all areas of governance.

Templates for required documents and forms are also available to Committees.

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1. APPLICATION OF MANUAL

This Governance Manual has been adopted by the Murrindindi Shire Council (Council) for the guidance of all particulars related to the running and involvement of the Community Asset Committee within the Murrindindi Shire.

2. DEFINITIONS

“Act” means the *Local Government Act 2020*;

“Committee” means the Community Asset Committee established by the Council under section 65 of the Act and named in the Instrument of Delegation;

“Council” means the Murrindindi Shire Council

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

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

“CEO” means Council’s Chief Executive Officer or person appointed in the role as an Acting CEO. The CEO can delegate their responsibilities to an appropriate Council officer.

3. EXERCISE OF POWERS

The Chief Executive Officer is delegated by Council to undertake its powers on its behalf under section 11 of the *Act*. The Chief Executive Officer can then sub-delegate these powers to Community Asset Committees under section 47 of the *Act*.

The Instrument of Delegation to each Community Asset Committee articulates these delegated functions, duties or powers.

This means that:

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

The Committee will have a signed and sealed copy that is a legally binding agreement between the Committee and Council (the Chief Executive Officer).

4. RELATIONSHIP BETWEEN COUNCIL AND COMMITTEES

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

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

governance@murrindindi.vic.gov.au

(03) 5772 0333

5. FUNCTIONS AND RESPONSIBILITIES

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

- To manage and maintain the facility in an efficient and effective manner, in the best interests of the Council, community and users,
- To act as a coordinating body between the Council and the community, clubs, schools, users and potential users of the facility.
- To promote the use of the facility within the community and to work with Council to actively promote use.
- To manage agreements on behalf of the Council with casual hirers of the facility in accordance with any conditions of hire.
- To manage all utility contracts and expenses (unless otherwise agreed with Council)
- To enter into contracts, to incur expenditure and to accept income not exceeding the value of \$5,000 and for the specific purpose of operational expenses and facility hire income.
- To ensure financial records of the transactions and affairs of the Committee are kept in accordance with relevant legislation.
- To ensure that moneys due are properly collected and security arrangements are in place.
- To ensure that all liabilities incurred by the Committee are properly authorised.
- To open and operate a bank account in the name of “said Committee” to exercise powers and functions delegated by this instrument.
- To recommend to Council a Schedule of Fees and Charges (if applicable) that will enable the Committee to meet all of its liabilities and to return an annual surplus on its operations.
- To ensure that prior approval is sought in writing from Council before applying for grant funding for potential projects.
- To advise and assist the Council to maintain the facility.
- To ensure the facility is managed in ways that protect, as far as possible the natural environment.
- To carry out regular inspections of the buildings, facilities and grounds to identify, report and remedy if practical any risk issues, compliance with all statutory laws and regulations relating to the use and occupation of the facilities and to ensure that relevant maintenance programs are implemented.
- To ensure awareness and compliance with Council’s Local Laws and policies, State and Federal Laws, safety Acts and Regulations and report to Council any breaches. Ensure that all users of the facility also adhere.

- To do all things necessary or convenient to be done for or in connection with the performance of those function, duties and powers

6. COMMITTEE LEGISLATIVE RESPONSIBILITIES

6.1 Conflicts of Interest

Under Division 2 of the *Local Government Act 2020*, a Community Asset Committee member is defined as having a “conflict of interest in respect of a matter if the relevant person has a General¹ or Material² interest in the matter”.

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

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

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

Further information is in section 10.3, 10.4 & 10.5

6.2 Responsibilities of Crown Land Committees of Management

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

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

Council will advise the Committee if the facilities under its management are located on Crown Land where Council is the land manager.

6.3 A Committee’s Record Keeping Obligations

Community Asset Committees have obligations for record keeping including adherence to the *Crown Land (Reserves) Act 1978*; the *Freedom of Information Act 1982*, the *Public Records Act 1973* and the *Privacy and Data Protection Act 2014*.

¹ *Local Government Act 2020* s.127

² *Local Government Act 2020* s.128

6.4 Freedom of Information Act 1982

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

- correspondence
- minutes of meetings
- financial records
- tenure agreements
- contracts, quotes etc

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

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

6.5 Public Records Act 1973

Under the Public Record Act 1973, Committees are public bodies as they manage a public asset on behalf of the Minister and or Council, and therefore must store, archive and dispose of certain records in accordance with the Act.

Committees must submit all records electronically to Council each financial year for storing. Once the records are stored, they are regarded as public information that may be made available to the public but only under the provisions of the FOI Act.

Refer to section 25 for more information

6.6 Privacy and Data Protection Act 2014

The Privacy and Data Protection Act 2014 requires that Committees handle personal information in a secure and responsible manner and manage in accordance with a set of 10 Information Privacy Principles (IPPs)

Principle 1: Collection

Principle 2: Use and Disclosure

Principle 3: Data Quality

Principle 4: Data Security

Principle 5: Openness

Principle 6: Access and Correction

Principle 7: Unique Identifiers

Principle 8: Anonymity

Principle 9: Transborder Data Flows

Principle 10: Sensitive Information

For further detail regarding the 10 IPPs refer to the web site for Privacy Victoria and the [Office of the Victorian Information Commissioner \(OVIC\)](#).

6.7 The Victorian Ombudsman

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

6.8 Public Interest Disclosures

The *Public Interest Disclosure Act 2012* requires Council to establish internal processes that facilitate disclosures, effectively manage the receipt of information and provide protection for looking after all parties who may be involved. The *Public Interest Disclosure Act*, which commenced operation on 1 January 2020, replaces the former *Protected Disclosures Act 2012*, *Whistleblowers Protection Act 2001* and amends the *Ombudsman Act 1973*.

The Council does not tolerate improper conduct, nor the taking of reprisals against those who come forward to disclose such conduct. Council recognises and values transparency in its administrative and management practices and supports the making of disclosures that may reveal improper conduct. Council will take all reasonable steps to protect people who make such disclosures from any detrimental action from reprisal for making the disclosure.

Policy Principles and Application

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

Council officers and agents may report to the Public Interest Disclosure Coordinator or Public Interest Disclosure Officer or external authority any behaviour that violates any law, rule or regulation or represents corrupt or improper conduct (including bribery), mismanagement of resources, or is a danger to public health or safety.

Council will not tolerate improper conduct by Councillors or Council officers or agents, nor the taking of reprisals against those who come forward to disclose such conduct. Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt or improper conduct (including bribery), conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

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

What is a Public Interest Disclosure?

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

Who can make a Public Interest Disclosure?

A Public Interest Disclosure can be made by a person (or group of persons) with reasonable grounds for believing that improper or corrupt conduct or detrimental action has occurred. A Public Interest Disclosure cannot be made by an business but its employees can.

How to make a disclosure

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

- In writing;
- In person;
- By telephone; or
- By email at Disclosures@murrindindi.vic.gov.au

Disclosures may be made anonymously.

They should be addressed to:

Public Interest Disclosure Coordinator

Murrindindi Shire Council

PO Box 138, Alexandra VIC 3714

6.9 Community Local Law 2020

Pursuant to the *Local Government Act 2020*, it is advised that Murrindindi Shire Council, at its meeting on 25 March 2020, adopted its Community Local Law, 2020.

The objectives of the Community Local Law are to provide for

- the peace and order of the municipality
- a safe and healthy environment so that the Murrindindi community can enjoy a quality of life that meets its expectations
- the safe enjoyment and fair use of public places
- the protection of Council property
- the amenity and environment of the municipality
- the reasonable use and enjoyment of private land.

Community Asset Committees must abide by the laws outlined in the Community Local Law 2020 and ensure that users of the facility abide by the laws as well.

Refer to Council's website for the Community Local Law 2020 document.

<https://www.murrindindi.vic.gov.au/Your-Council/Local-Laws-and-Permits>

7. GOVERNANCE AND GOOD MANAGEMENT PRACTICE

7.1 Starting a New Committee

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

Each Committee needs:

- a Chairperson
- a Secretary
- a Treasurer

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

7.2 Committee Decisions

Matters being discussed at meetings are usually determined by a majority of votes of the members present. If there is an equality of votes the Chairperson may exercise a second or casting vote to resolve the matter. See section 10.2 “Quorum” for more information.

7.3 Handing Over To a New Committee

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

The outgoing treasurer should:

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

The outgoing secretary should:

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

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

The incoming Committee members should familiarise themselves with:

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

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

7.4 Early Ending of a Committee's Term

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

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

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

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

7.5 Dealing with Public Complaints

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

For problems that prove tougher to resolve, in the first instance the Committee should contact the Governance team at Council for assistance. Governance@murrindindi.vic.gov.au

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

7.6 Dealing with the Media

The Committee shall not issue any media releases relating to funding announcements without the approval of Council. The Committee will not issue or make any statements to the media which are critical of Council. For assistance in dealing with the media, including with media enquiries, the Committee should contact Council's Communications Unit communications@murrindindi.vic.gov.au

8. MEMBERSHIP

The Committee membership number is determined by the Council when the Committee itself is established. The CEO has been delegated by Council the ability to appoint members in consultation with the Committee.

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

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

8.1 Attending Meetings

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

8.2 Nomination of Membership

Community Representatives

Upon advice from the Secretary the Council shall call for expressions of interest for the appointment of community representatives to the Committee by giving public notice. This may be via a local newspaper or on Council's Website, in accordance with Council's Community Engagement Policy.

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

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

Eligibility as a candidate includes:

- over 18 years of age
- not an employee of Council
- not insolvent (unable to pay debts as they become due and payable)
- not have any outstanding debts with Council

- not been convicted of any indictable offence (a serious crime that is tried by a judge)
- not been convicted of fraud (convicted by a court of obtaining of material advantage by unfair or wrongful means or an intentional dishonest act done with the purpose of deceiving)
- not committed any other act or omission that might render or be seen to render them unfit for them to be a member of the Committee
- nominees to the Community Asset Committee should not have criminal convictions, financial or taxation dealings that might render or be seen to render them unfit for office.

Recommendations for Appointment

The Committee shall accept expressions of interest and nominate preferred members as part of the meeting and recommend to Council's CEO the persons for appointment to the Committee as a Community Representative or as a User Group Representative.

Council's CEO has the power to appoint members to the Committee.

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

8.3 Dealing with Resignations

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

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

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

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

In all cases a resigning member must hand over all Committee records, keys and equipment to the Committee.

8.4 New Members

The incoming Committee members must familiarise themselves with:

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

9. ROLES AND RESPONSIBILITIES

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

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

9.1 The Chairperson

Every Community Asset Committee must have an appointed member as Chairperson. The key responsibility of a Chairperson is facilitating the operations of the Committee.

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

The main responsibilities are to:

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

Specifically during meetings the Chairperson is responsible for ensuring:

- meetings are correctly convened
- a quorum is present for all decisions
- meeting decisions are properly recorded in the minutes **(Forms 3 & 4)**
- the agenda is adhered to
- that the motions and amendments are unambiguous and otherwise in order.
- all members are given the opportunity to speak.
- the maintaining of order
- the business of the meeting is conducted
- voting rights

- a casting vote when necessary.
- the announcement of the result of all votes is clear.
- the management of discussion and avoid members dominating to the exclusion of others.

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

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

9.2 The Secretary

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

The duties of the secretary include: -

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

9.3 The Treasurer

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

The treasurer's duties include:

- maintaining a bank account in the name of the Committee (signatories to the account should be the Chairperson, the secretary and the treasurer, with any two to sign)
- recording and banking money received
- paying accounts as authorised by the Committee
- keeping all invoices, receipts, cheque butts, bank statements etc for audit purposes
- ensures that accurate records of all transactions are maintained
- assists the Committee in the preparation of the annual budget
- preparing an annual financial report (**Form 8**) based on financial year (e.g. 1 July 2019 – 30 June 2020)
- prepares and presents financial reports (**Form 8**) for Committee meetings
- reporting at each Committee meeting current details on bank balances, transaction since the previous report, the Committee's current financial position and any other information that the Committee may require
- arranges the audit of financial statements
- treasurers of Committees are required to complete the Format of Accounts Form (**Form 1**) annually and submit it to the CEO by August each year.

9.4 Committee Members Who Are Not Office Bearers

Non-office bearing members' duties include:

- actively participating in Committee activities and business
- managing the facility, including preparation and implementation of management plans, financial plans and business plans and subsequent reporting against those plans
- attending all Committee meetings and participating in decision making
- bringing to the Committee's attention any identified problems or issues.

9.5 Non-Members as Office Bearers

Community Asset Committees may find it useful to appoint someone who is not a Committee member, but has relevant skills, to undertake particular tasks such as bookkeeping and secretarial work. In some cases this will be a volunteer, in other cases the Committee may engage a local accountant or bank manager to keep the books and act as the Committee's custodian. This intended engagement must be approved by the CEO.

10. MEETING PROCEDURES

10.1 Council's Governance Rules 2020

Each Committee must abide by the following sections of Council's Governance Rules 2020:

- Part 4 – Quorum
- Part 6 – Conflicts of Interest
- Part 9 – Conduct
- Part 12 – Voting

*Community Asset Committee members are to be considered Councillors for the purposes interpreting the Governance Rules 2020.

10.2 Quorum

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

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

- adjourn the meeting, for a period not exceeding 7 days from the date of the adjournment or
- conduct the scheduled business of the Committee, but refer all decisions and motions to a subsequent meeting when a quorum is present for reconsideration and/or ratification

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

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

10.3 Conflicts of Interest

Under the Act there are two types of conflict of interest that may arise.

Material Conflict of Interest

A material conflict of interest involves specific relationships or situations that could result in a benefit or a loss. A relevant person has a material conflict of interest when “*an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.*”¹

Things to consider:

- this is relevant for the Committee member directly or their family member (including grandparents, parents, sisters, brothers, spouse or children) or a resident in the same household.

- this extends to a body corporate – impacts on a committee members business or incorporated body that they are an office holder of. This does not include where a user representative sits on the committee and has been elected by the group to attend.
- The impact may be direct or indirect – Committee member suffer direct loss or indirect loss due to a flow on impact.
- This may be monetary in nature or not, may be loss of reputation for example.

Example of material conflict of interest:

Committee XYZ wants to employ someone to clean their windows, Committee member A has a son who is a window cleaner – they have a conflict of interest and should remove themselves from the discussion and it should be minuted.

General Conflict of Interest

The Act says a relevant person will have a general conflict of interest in a matter if *“an impartial, fair minded person would consider that the person’s private interests could result in that person acting in a manner that is contrary to their public duty”*.

Things to consider:

- A change to circumstances that doesn’t amount to a gain or loss
- A close friendship or association that stands to gain
- A significant past employment
- Would an impartial member look at the facts and say I think that Committee member was swayed in the way they voted.

Example of general conflict of interest:

Committee XYZ is deciding whether or not to hold a large wedding for the Smith Family and how much to charge them, Committee member A will be attending the wedding as the couple are close family friends – they should remove themselves and a conflict should be noted.

Obligations with regard to conflict of interest:

Committee members are required to:

- avoid - all situations which may give rise to conflicts of interest
- identify - any conflicts of interest, and
- disclose – or declare all conflicts of interest.

Where a conflict of interest is identified Committee members:

- May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- When disclosing a conflict of interest, Committee members must clearly state their connection to the matter.

- All disclosures of conflicts of interest will be recorded in the minutes of Committee meeting.
- The Committee will maintain a Conflict of Interest Register which will be made available to Council on an annual basis.

Procedure at a Committee meeting:

1. At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:
 - (a) the item for which they have a conflict of interest; and
 - (b) whether their conflict of interest is general or material; and
 - (c) the circumstances that give rise to the conflict of interest.
2. Immediately prior to the consideration of the item in which they have a conflict of interest, the Committee member must indicate to the meeting the existence of the conflict of interest and leave the meeting.
3. The Committee member who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that is required for the declarations of conflicts of interest immediately prior to consideration of the item in which he or she has a conflict of interest and leave the meeting.
4. A Committee member who discloses a conflict of interest and leaves a meeting must not communicate with any participants in the meeting while the decision is being made.
5. Immediately after the decision is made, Committee member who discloses a conflict of interest will return to the meeting.

10.4 Keeping Good Conflict of Interest Records

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

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

The minutes must record:

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

10.5 Voting

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

Once a vote on a motion has been declared carried or lost by the Chairperson, no further discussion relating to the motion is allowed, unless the discussion involves calling for a division.

11. SCHEDULED MEETINGS

11.1 Meeting Schedule

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

The meeting schedule must be submitted to the Governance Team.

governance@murrindindi.vic.gov.au

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

11.2 Notice of the Meeting

A notice of meeting (**Form 5**), typically incorporated with the agenda (**Form 2**), is circulated to Committee members at least two days, and preferable a week before the meeting.

11.3 Agenda

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

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

The agenda must include the following:

- Details of time and place of meeting (Notice of Meeting)
- attendance and apologies
- disclosures of conflicts of interest
- confirmation of minutes
- financial report – including financial statement (income and expenditure), future transactions for Committee approval and copy of most recent bank statement
- items of Committee business – may include (not limited to) proposed recommendations to Council, maintenance reporting, upcoming bookings and user group reports.

Please refer to Form 2 for the Agenda Template

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

At the start of the meeting the Chairperson usually asks (a) if there are other items of business that any member wishes to be added to the agenda, and (b) if any member wishes to change the order of the agenda. The addition of new items at the meeting is generally acceptable, but if those items

are contentious and/or some members are absent from the meeting, the meeting may decide to refer such items to a subsequent meeting of the Committee.

11.4 Chairperson duties

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

11.5 Addressing the Meeting

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

11.6 Making Decisions/Motions

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

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

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

"I second that motion," says Mary Jones.

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

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

For Example:

MOTION:

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

BS/MB

CARRIED

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

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

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

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

11.7 Minutes

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

- the date, place, time and nature of the Meeting
- the names of members and whether they are present, an apology, on leave of absence, etc.
- the titles of the members of Council staff or community members who are present
- the disclosure of a conflict of interest made by a Councillor in accordance with the *Act* and Part 6 of the Governance Rules 2020.
- the decisions of the Committee on items of business, who moved and who seconded, if the decision was passed or lost
- where a division is called, the names of every member and the way their vote was cast (and if they abstained) noting that under s61(5) that a member present at the meeting who does not vote is taken to have voted against the question
- details of any failure to achieve or maintain a quorum
- the time the meeting was opened and closed.

Refer to **Form 3 – General Meeting Minute Template**

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

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

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

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

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

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

12. THE ANNUAL GENERAL MEETING (AGM)

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

Refer to Form 4 – Annual General Meeting Minute Template

12.1 Notice of AGM

The Secretary shall notify Council a minimum of four (4) weeks prior to the date of the Annual General Meeting so that Council can advertise the date.

Refer to Form 5 - Notice of Meeting Advert Template

Please fill in this template and submit to the Governance Team.

12.2 Order of Business

The AGM includes:

- details of time and place of meeting (Notice of Meeting)
- attendance and apologies
- disclosures of conflicts of interest
- confirmation of the previous year's AGM minutes

- Annual Report (**Form 7**) that includes the Chairpersons report of the Committee's activities, operations and usage of the facility for the previous 12 months
- Annual Financial Report – including financial statement (income and expenditure), future transactions for Committee approval and copy of end of year bank statement
- receive a proposed budget for the year ahead
- receive an outline of the Committee's proposed activities for the next 12 months, which may also include seeking the community's approval of those plans
- election of Committee members – recommendation to go to Council for Chief Executive Officer endorsement. Recommended members remain non-voting until endorsed by CEO
- election of office bearers
- set meeting schedule for the following year

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

12.3 Duties of the Secretary

Prior to the AGM:

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

The outgoing Secretary should:

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

12.4 Duties of the Chairperson/President

Prior to the election, the Chairperson/President shall:

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

- Conduct the election of community representatives
- Handover to an independent member for election of Office bearing positions – i.e. the Chair if choosing to re-elect as chair should conduct the election.

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

The outgoing Chairperson should:

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

12.5 Duties of the Treasurer

Prior to the AGM

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

The outgoing Treasurer should:

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

12.6 The Election of Members and Roles

The Chairperson will declare all office bearing positions vacant and any community representative positions due for re-election. Voting must be by show of hands.

Election of community representatives

- The Chairperson will call for nominations for the community representative positions. Where the Chairpersons community representative position is up for re-election they will hand over to an independent member – for example a user group representative.
- List all nominations received prior to the meeting for the relevant Committee positions
- Call for additional nominations (if applicable) for the relevant Committee positions

- Verify the eligibility of all nominations
- After a reasonable interval, declare nominations closed
- If the number of candidates is less than the number of vacancies, declare all candidates as the successful recommended candidates;
- If the number of candidates exceeds the number of vacancies, announce that an election will be held and give details on how it will be conducted. For example, each eligible voter can only cast one vote for one candidate, whether the nominees will be given an opportunity to present and if applicable the nominees may be required to leave the room.
- Conduct the vote
- Ensure the results are minuted.

Election of Chairperson position

- The Chairperson will declare whether they intend to re-nominate, if they do they should step down and hand over to a member that does not intend to nominate as Chairperson.
- This temporary Chairperson should call for nominees for the role
- Where multiple nominees are received then a vote will be conducted
- The Temporary Chair then calls for a show of hands for each nominee, where there are 3 or more nominees the person with the lowest votes will be eliminated and a re-vote will take place, this should occur until two nominees are left then the nominee with the majority of votes will be declared the Chairperson/
- The new Chairperson takes the position.

Chairperson will then conduct the election of the secretary and treasurer following the same process.

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

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

13. UNSCHEDULED MEETINGS

The Chairperson/President may call an unscheduled meeting by giving a minimum 2 days' written notice to all Committee members. The majority of the Committee must indicate that they will be able to attend or the meeting will not go ahead at the proposed date and time.

14. FINANCIAL MANAGEMENT

Accurate record keeping will assist the committee to understand what funds are available to them and facilitate good financial management. Bank accounts should be in the name of the committee and have multiple signatories. Whatever system you put in place, you need to ensure anyone could pick it up and use it. This includes ensuring paper and electronic documents are clearly labelled and stored securely. Remember financial documents are required to be stored for a minimum of seven years.

Accounting for all money received

Ensure that any money received is issued with a tax invoice. The tax invoice should outline what the funds were for and when they were issued to the group. Bank the funds as soon as possible. Cross check bank statements with tax invoice's received at least monthly. Ensure all financial transactions have the oversight of two or more committee members. For example, if hosting an event where cash is being collected, ensure at least two members of the committee collect and account for the money prior to handing it over to the treasurer.

Accounting for all money spent

Payments should be made by cheque, card or through online banking, authorised by a minimum of two committee members– not by cash (unless petty cash). Require several quotes for purchases (over a set limit). Check supplier invoices against the purchased items. Keep petty cash in a lockable tin, record all transactions in a petty cash book and ask committee members to keep receipts for all items. Where possible have someone independent look over the petty cash book regularly.

Record Keeping

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

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

This may be on an excel spreadsheet and if your turnover is as little as just a few thousand dollars per year, maybe you will only need a basic journal. To help clarify what will work best for you, speak to a chartered accountant. With any method undertaken to manage your records and report on your group's finances, be sure every committee member has a full understanding of the format and terminology used so they are able to comment and query appropriately

14.1 General Financial Record Keeping

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

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

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

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

14.2 Bookkeeping and Accounting

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

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

14.3 Bank Account

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

14.4 Annual and Quarterly Accounts

Annual Financial Reporting – as part of the AGM process and submitted to Council's Governance Team, must include:

- Annual financial report **(Form 8)** based on financial year (e.g. 1 July XXXX – 30 June XXXX)
- Committees are required to complete the Format of Accounts Form **(Form 1)** annually
- End of Financial Year bank statement
- Financial Year Bank Reconciliation **(Form 9)**

Quarterly Financial Reporting to Council's Governance Team must include

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

14.5 Format of Accounts

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

14.6 Revenue and Spending

The Committee shall have the power, on behalf of the Council, to raise funds, solicit and receive donations and secure government grants, in accordance with the objectives of the Committee, policies of Council and the budget, subject to the consent of the Council. Committees delegated limit in this regard is specified in the Instrument of Delegation.

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

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

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

14.7 GST

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

14.8 Contracts

Committees can enter into contracts that are directly related to the management of the facility within its specified amounts in the Instrument of Delegation (generally \$5000 for services or for goods).

The Committee is not empowered to enter into tender agreements, contracts or agreements valued over \$5,000 or make any alterations without Council's consent. It is good practice that Committees call for quotations for the contract. Should the amount exceed \$5,000 the Committee must contact the Governance Team and guidance and approvals will be provided where appropriate.

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

- they achieve value for money
- open and fair competition for all potential providers
- operates with professional integrity
- clear and consistent specifications and documentation to all
- make and record decisions in a clear and transparent manner
- be aware of conflict of interest responsibilities

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

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

14.9 Receiving Money

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

14.10 Fees

Fees must be used responsibly and:

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

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

As part of the Annual General Meeting the Committee must propose facility fees and submit to Council's Governance Team for CEO approval and endorsement

14.11 Raffles / Fundraising

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

Where you wish to conduct a raffle from Council managed land (i.e. in the Main streets) you will also require a Local Law Permit, See link for details <https://www.murrindindi.vic.gov.au/Your-Council/Local-Laws-and-Permits?BestBetMatch=local%20laws|d13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>

The requirements for running a raffle under the VCGLR guidelines including specific details relating to prize pool and further permit requirements can be found on the following website: www.vcqlr.vic.gov.au

14.12 Community Grants Program:

Committees are ineligible to receive funding from Council's Grants Programs as Committees are a Council entity.

14.13 Paying Money

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

14.14 Honorariums

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

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

Refer to section 14.9 for further information and options

14.15 Cash Records

As cash books are very rare to find we suggest using an excel spreadsheet for your cash record purposes. We have provided a template to assist in this process, one section is for money received to detail all the major areas of income from your receipt book. The second section is for expenditure, again with columns to detail all the major areas of expenditure. Any cash received should be banked immediately.

Refer to **Form 6 - Cash Book Template**

14.16 Bank Reconciliation

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

Refer to **Form 9 – Reconciliation Template**

14.17 Petty cash

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

14.18 Cash on Premises

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

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

14.19 Financial Controls

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

Authorisation

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

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

Cheque Signing

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

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

14.20 Auditing

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

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

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

The Auditor will need to be provided with:

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

14.21 Developing a Budget

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

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

14.22 Borrowing Money

The Committee CANNOT under any circumstances borrow money, including the issue of debentures and promissory notes.

14.23 Water and Sewerage

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

14.24 Council Rates

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

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

14.25 Waste Collection

A Committee is responsible for any fees and charges related to waste collection. Please contact Council to speak with the relevant officer from the Waste area.

14.26 Bushfire Services Levy

Council can enforce payment of the Bushfire Services Levy to a Committee if the legislation allows.

15. FACILITY MANAGEMENT

15.1 Power to Manage a Facility

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

15.2 Allocating and Controlling Use

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

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

15.3 Delegation

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

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

15.4 Maintaining the Facility

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

- keep the facility clean
- ensure waste is disposed of appropriately
- must immediately notify Council of any maintenance issues that arise (via email or Council's Customer Request System)
- ensure that any damage caused is repaired immediately, by notifying Council so they can contact approved suppliers..

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

If significant maintenance is urgently required please send a maintenance request through to Council.

Committees must provide a Facility Condition report every 6 months after they have conducted their checks, this is to ensure that any maintenance issues are addressed and facilities are maintained to a high standard.

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

Council officers are happy to assist with these processes – please contact governance@murrindindi.vic.gov.au

Refer to Form 10 – Maintenance Request

Refer to Form 11 – Facility Condition Checklist

15.5 Asset Management

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

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

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

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

15.6 Future Management and Development

The management of facilities should be planned, rather than ad hoc, to help achieve the best possible outcomes. Committees are strongly recommended to work with Council officers to contribute to Council's works and renewal schedule for the facility.

Committees are encouraged to look at future potential uses and required infrastructure or works and discuss with Council officers. Council can assist by budgeting where deemed appropriate for works, supporting grant applications and providing general guidance.

The Committee is the conduit between Council and the Community, the Committee should be actively consulting with user groups and the community to scope any future development or use.

16. CAPITAL WORKS

The Committee:

- must not carry out or authorise any capital works, extensions or additions which materially alter the buildings or surrounds of the facility without prior approval from the Council
- for any capital works, extensions and additions for amounts exceeding \$5,000 this will be handed to Council to manage.
- any works less than \$5,000 will require a maintenance request and approval from Council
- is encouraged to investigate and make recommendations in writing to Council on the development of future capital works and the provision of future facilities and amenities for the facility
- must consult with organisations who use the facility as part of the development of said recommendations.

17. FACILITY HIRE & USE

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

Refer to Form 12 - Facility Hire Agreement

17.1 Hiring Agreements

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

- deposits
- cancellation policy
- cleaning responsibilities

- damage
 - any damage to the facilities must be reported immediately to the Community Asset Committee contact. Users must supply details of how the damage was caused so that it can be determined who will be responsible for paying for the repair or replacement to Council property
- keys or access
- alarms in place
- vehicle parking / access
- breach of conditions

Refer to Form 12 - Facility Hire Agreement

17.2 Hire Agreement & Liability Insurance for Casual Users

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

All hirers must have a public liability policy in place at the time of the hire. A valid certificate of currency must be recorded prior to the hire.

For uninsured hirers a policy is available for purchase from council for hirers of council owned or controlled facilities, subject to conditions.

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

The hirer will be required to pay the \$500 excess should a claim be lodged.

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

There is no cover for sporting events, and cover only extends to the hirer of the facility not performers, stall holders or food providers etc., these should have their own cover in place.

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

Refer to Form 13 - Public Liability Hirer Insurance

In this way:-

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

- Community property is maintained in good condition.

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

17.3 Regular Users

A regular user is a group or individual who uses the regularly for a portion of the year, or the whole year.

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

Regular users need to have appropriate insurance in place.

18. INSURANCE

Committees have a duty to ensure that claims are minimised through the use of risk management should an incident occur Committees must use the Murrindindi Shire reporting procedures (<https://sycle.cammanagementsolutions.com.au/IMS/Public/Index?Client=Murrindindi>).

Murrindindi Shire Council's insurance program covers the insurance needs of Community Asset Committees in regard to:

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

Refer to <https://sycle.cammanagementsolutions.com.au/IMS/Public/Index?Client=Murrindindi> - for reporting incidents

18.1 Public Liability & Risk Management

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

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

- Maintain documented risk management programs for the facility
- Avoid or minimise situations that may give rise to a claim

- Control and record any incident that may lead to a claim being made (<https://sycle.cammanagementsolutions.com.au/IMS/Public/Index?Client=Murrindindi>), and
- Prepare for a claim to be made resulting from an incident no matter how remote it may seem.
- Report all property damage/maintenance issues that may contribute to a claim

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

- All incidents or asset damage must be reported to Council as quickly as possible, delays in reporting may lead to claims being denied by Councils insurer.
- Property losses that are not reported in a timely manner can be denied by Councils insurer.
- A detailed investigation will be carried out by Council.

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

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

18.2 Liability Claim Procedures

All Public Liability claims should be forwarded directly to Council's Corporate Governance Officer (governance@murrindindi.vic.gov.au)

18.2.1 How and when claims are made

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

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

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

18.2.2 What to do on notification?

Contact Councils Corporate Governance Officer

Upon notification in writing or verbal:

- (a) Make a note of how the letter or claim arrived – by mail or hand delivered. If by hand, who delivered it?

- (b) Do not make any remarks or comments about the incident to any person who delivered the letter or claim.
- (c) Do not reply to any letter or claim.

Send the letter or claim and relevant incident report (<https://sycle.cammanagementsolutions.com.au/IMS/Public/Index?Client=Murrindindi>), including any names of witnesses and any notes or photos relating to the incident to Murrindindi Shire Council, Corporate Governance Officer

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

- remain calm
- treat the person politely
- take notes about what they are saying
- do not admit responsibility for any incident
- ask the person to submit the claim in writing to Murrindindi Shire Council
- contact Murrindindi Shire Council, governance@murrindindi.vic.gov.au about the incident, and follow the course of action recommended.

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

18.2.3 What not to do on notification

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

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

- **Do not** discuss the incident at any time with any person other than Councils Coordinator Governance
- **Do not** discuss the incident with the media.

18.2.4 Incident and claim report

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

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

The two main reasons for conducting an investigation are to:

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

18.2.5 Under no circumstances admit liability.

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

Reports of any investigation undertaken by the Committee on Councils behalf should be put in writing. It is recommended that all incidents be reported using the link provided <https://sycle.cammanagementsolutions.com.au/IMS/Public/Index?Client=Murrindindi>.

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

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

18.3 Other Important Information

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

18.4 Third party users of Crown land reserves

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

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

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

18.5 Hire Agreements & Insurance

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

18.5.1 Regular Users

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

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

18.5.2 Casual Hirers

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

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

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

18.6 Building (Property) Insurance

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

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

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

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

19 EXCLUSIONS

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

20 RISK MANAGEMENT

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

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

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

Committees are strongly urged to undertake a formal risk assessment (**Form 14**), develop a risk management plan and conduct an annual review. It is better to plan for risks than to think about them after something has gone wrong.

The Committee is required to:

- ensure users are aware of the location of emergency exits and fire protection equipment and emergency response procedures.
- On a 6 monthly basis, complete a Facility Condition Checklist (**Form 11**) retain a copy and send a copy to the Governance Team. This will identify the condition of the facility and highlight any problems.
- Advise the Council immediately of an incident likely to give rise to:
 - injury to any person

- damage to any property associated with the facilities (damage may be to the facilities or other parties).
- A Hazard, Incident or injury should be reported via the link provided with all relevant details <https://sycle.cammanagementsolutions.com.au/IMS/Public/Index?Client=Murrindindi>
- Refer any public liability insurance claimants directly to the Governance Team.

20.1 How do Committees Undertake Risk Management?

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

The six steps are:



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

20.2 Identification of Risk

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

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

The aim of the risk identification process is to generate a comprehensive list of events that might affect the Committee’s operation or objectives. These risks are then considered in more detail to identify the potential impact of each risk. The identification process should be broad, so that all possible risks, big and small are considered.

Refer to (Form 14) - Hazard Identification, Risk Assessment & Control

20.3 Assessment of Likelihood of Event Occurring and Consequence

Once a Committee has identified all its risks, each of these risks should be rated in terms of the likelihood of an event occurring, from “**Very Unlikely**” to “**Almost Certain**”. Refer to form 14 above.

Each identified risk should then be rated in terms of the consequence of it occurring, from “**Minor**” to “**Catastrophic**”.

20.4 Identification and Assessment of Risk Controls

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

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

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

20.5 Monitoring and Review

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

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

20.6 Risk Categories and Control Methods

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

RISK CATEGORY	EXAMPLES OF RISK AREAS	RISK OF: _____	RISK CONTROL
Management: (Risks associated with a Committee’s general management of the facility)	<ul style="list-style-type: none"> • Business planning • Contract management • Projects Implementation • Change Management 	<ul style="list-style-type: none"> • not completing, or not completing to an adequate standard, required management and business plans • not adequately managing contracts • not adequately implementing projects 	<ul style="list-style-type: none"> • Business plan prepared and approved • Annual review and reporting • Minimum of 4 Committee meetings per year
Financial: (Risks associated with financial management or transactions)	<ul style="list-style-type: none"> • Borrowing, lending and credit • Loss of revenue • Fraud • Monitoring of grants 	<ul style="list-style-type: none"> • not being able to obtain credit, or repay loans • losing one or more sources of 	<ul style="list-style-type: none"> • Financial plan prepared and approved • Annual review and reporting

RISK CATEGORY	EXAMPLES OF RISK AREAS	RISK OF: _____	RISK CONTROL
		revenue <ul style="list-style-type: none"> • the Committee funds being used fraudulently • grants not being adequately monitored and reported 	<ul style="list-style-type: none"> • Annual budget preparation and auditing • All expenditure above to be approved at Committee meeting
Asset management/ Technology: (Risks associated with management or maintenance of physical assets, buildings or equipment. This includes security, function or management of technological systems or processes)	<ul style="list-style-type: none"> • Maintenance of assets • Use of assets • Portable plant and equipment • Natural hazard • IT security • IT capacity • IT failure 	<ul style="list-style-type: none"> • not maintaining assets to the adequate or expected standard • not managing the use of assets adequately to ensure the protection of both the asset and users • damage to assets by natural elements such as windstorm, flood, earthquake, etc • a breach of system security • IT system capacity being inadequate • IT system failing 	<ul style="list-style-type: none"> • Asset register prepared and annually reviewed • Funds reserved annually for maintenance • Insurance for all assets reviewed and updated annually • Notify Council of all assets • Regular back up of computer files • Disaster recovery program in place
Liability: (Risks associated with legal action against CAC or it's members)	<ul style="list-style-type: none"> • Public Liability • Professional indemnity • Inaccurate public information, etc 	<ul style="list-style-type: none"> • an accident, injury or death leading to a claim • Committee members or staff giving advice that leads to an accident, injury or loss 	<ul style="list-style-type: none"> • Safety audit of facility and all equipment undertaken and recorded • Program for reducing hazards and potential liabilities prepared • Ensure contractual arrangements are understood and met • Annual review
Service Delivery: (Risks associated with the provision of CAC services)	<ul style="list-style-type: none"> • Community Services • Reserve purpose services • Suppliers/tenants • Communication 	<ul style="list-style-type: none"> • not delivering the uses or services expected by the community • not delivering the services expected by the reserve purpose (eg; recreation) • suppliers/tenants not delivering 	<ul style="list-style-type: none"> • Business and Financial Plans reviewed annually • Asset maintenance plan up to date • Regular contact with suppliers/tenants & Council
Legal/ Compliance: (Risks associated with non-compliance with Acts and Regulations or Legal Liability)	<ul style="list-style-type: none"> • Legislative compliance, eg. GST, OHS, Trade Practices, Building Regulations • Breach of fiduciary duty • Tendering impropriety • Government financial controls, etc 	<ul style="list-style-type: none"> • acting illegally • not being aware of relevant legislation and related provisions • not keeping up to date with changing requirements • not calling tenders and entering contracts correctly 	<ul style="list-style-type: none"> • Adequate training to staff in key delegated roles • Annual review or regulatory environment the committee operates under

RISK CATEGORY	EXAMPLES OF RISK AREAS	RISK OF: _____	RISK CONTROL
Environment: (Risks associated with the management and integrity of the built or natural environments)	<ul style="list-style-type: none"> • Pollution: contamination, waste, emissions, etc • Eco-system integrity • Biodiversity 	<ul style="list-style-type: none"> • pollution of the facility • damage to the facility's ecological character • damage to the facility's biodiversity 	<ul style="list-style-type: none"> • Environmental risk assessments made prior to works commencing • Notify Council of any potential risks • Identify hazards and implement controls to eliminate/reduce
OHS/People: (Risks associated with the safety, occupational health or well-being of CoM staff, volunteers and contractors)	<ul style="list-style-type: none"> • Occupational hygiene • Workplace injury • Hazardous activities • Recruitment 	<ul style="list-style-type: none"> • an accident, injury or death due to failure to meet OHS requirements • inability to recruit adequate people • loss of skill/knowledge due to unforeseen resignation 	<ul style="list-style-type: none"> • Identify hazards and implement controls to eliminate/mitigate • Develop a common view of values and culture to attract and retain people • Promote healthy work practices to prevent harm

20.7 Public Safety & Standards

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

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

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

20.8 Checklists

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

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

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

20.9 Maintaining Public Safety Standards

Once a Committee has checked the current safety levels, and undertaken any repairs and improvements as necessary to bring the facility up to the appropriate standard, it needs to maintain that standard. To do that it requires regular inspections, a maintenance program and a system for reporting and remedying faults and defects. This system should be documented as per checklists outlined in 20.9.

20.10 Regular Inspection

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

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

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

Facility checklists must be conducted and submitted to the Governance Team at least once every 6 months.

20.11 Fault/Defect Reporting

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

It is crucial for a Committee to have a system to record faults and defects that are identified outside the regular inspection program and to ensure that any such faults and defects are brought to the attention of Council immediately by phone on 03 5772 0333 or email at Governance@Murrindindi.vic.gov.au

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

20.12 Signage

Any required signage should be organised through Council as Planning Permits and Building Permits may be required for certain signs. If you contact Council prior to commencing any signage works, we can advise if permits will be required or not for the specific sign you're requiring.

For example signage on Public Ovals has specific requirements and permits, where any flyers or posters do not require permits.

20.13 Emergency Procedures

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

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

Some facilities may be identified as having an emergency management function – such as an Emergency Relief Centre (ERC), should the need arise. These functions will take precedence over the normal use of a building. Council can advise committees if that is the case.

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

20.14 Security

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

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

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

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

20.15 Failure to Meet Risk Management Requirements

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

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

21 EVENT MANAGEMENT

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

Completing an Event Notification Form and submit it to council's Tourism & Events Team to determine whether any permits or requirements are needed by other council departments such as:

- **Local Laws** - road closures, traffic management, permission for public land access, alcohol consumption
- **Planning** - permits to hold an event on private land
- **Environmental Health** - temporary food permits (including alcohol tastings)
- **Building** - permits for temporary structures such as fencing, stages and marquees
- **Waste Management** – waste management & ordering of event bins
- **Parks and Gardens** – servicing of public toilets

- **Risk & Safety/Insurance** - public Liability Insurance, event management plan, risk assessment (**Form 14**)
- **Facilities** – access to power and Council owned facilities and venues

You can find the Event Notification Form on Council’s website under “Organising an event in Murrindindi Shire” “Register your Event”. It is recommended that you submit this form as early as possible to ensure that there is enough time to obtain any necessary information or permits before your event takes place.

Contact Council's, Tourism & Events Team on (03) 5772 0333 or email events@murrindindi.vic.gov.au for more information.

Additional information can be found via <https://www.murrindindi.vic.gov.au/Our-Community/Organising-an-event-in-Murrindindi-Shire>

22 VOLUNTEERS

Volunteers and voluntary groups are an invaluable resource to the Council and our community making a significant contribution to the community life. Volunteers contribute to a range of activities including among other areas social community support, emergency services and environmental protection.

When Committees conduct events with volunteers such as working bees or additional help is required they must follow the following points and procedures,

- All volunteers will have a nominated Volunteer Supervisor who is a member of the committee. This appointed supervisor will be responsible to ensure that all health and safety provisions are in place and being monitored.
- All volunteers must complete a registration form and provide proof of identity, to ensure that they are covered by Council insurance (**Form 15**)
- A risk assessment (**Form 14**) of any volunteer activity needs to be undertaken prior to a one off activity; or on a regular basis for ongoing volunteer programs. The Committee’s Volunteer Supervisor must organise and sign off the risk assessment of the volunteer activity.
- A log must be kept of all Volunteer attendance (**Form 16**)
- Depending on the role volunteers may be required to undertake a police check, and other screening prior to appointment.
- All registered volunteers will be covered by Council personal accident insurance. Volunteers must be a minimum of 16 years old and under 90 years of age to be covered by insurance.

- Volunteers under the age of 18 require additional permissions from parent/guardians to meet requirements for duty of care.
- In instances of misconduct or breaches to the volunteer responsibilities, the Volunteer Supervisor has the right to dismiss the Volunteer. The reasons for termination will be provided to the volunteer.

The Community Asset Committee must make sure that the volunteers fill out the volunteer registration sheet (**Form 15**) and that they sign in on the day through the Volunteer attendance sheet (**Form 16**).

Both records need to be provided to Council via the Corporate Governance Officer.
(Governance@murrindindi.vic.gov.au)

Refer to Form 15 – Volunteer Registration Sheet
Refer to Form 16 - Volunteer Attendance Sheet

23 HEALTH REGULATIONS

If your community group or organisation provides or sells food, you will need to be aware of the requirements set out in The Food Act 1984 (The Act) and the updates adopted since.

The Environmental Health Unit is available to assist in interpreting the requirements and your obligations. Please get in touch on 03 5772 0333.

23.1 Setting up a new food premises

Council encourages the opportunity to review food premises plans together to get the best outcomes throughout design, construction and ready to trade stages with reference to Australian Standards – Design and construction Guidelines.

When planning to operate a new food premises, consideration should be given to the design and construction of the premise. It must be appropriate for the purpose for which it is to be used and consider the below;

- Allow effective cleaning
- Not permit the entry of pests
- Water supply location(s), treatment (if applicable) and temperature
- Sewerage and waste water
- Garbage and recycling
- Ventilation
- Lighting
- Storage
- Toilet facilities
- Hand washing facilities

Please contact the Environmental Health Unit on 03 5772 0333 for assistance.
(It is the responsibility of the business owner to arrange an inspection of the premises before it is open to the public).

23.2 Registering a food premises

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

Registration commences on the day the business is approved and expires on 31 December each year. Registration fees are set each year and are based on the risk classification of a business. All relevant fees are set out in the registration form.

23.3 Operating a food premises

Food Safety Plan

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

For assistance with creating or refining a Food Safety Plan visit [FoodSmart.vic.gov.au](https://www.foodsmart.vic.gov.au) . It is a free step by step guide that enables you to print the plan and required templates for keeping temperature logs etc.

Food Safety Supervisor

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

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

A great place to start is dofoodsafely.health.vic.gov.au . This is a free, non-accredited, online learning program provided by the Department of Health Victoria that is designed to enable you to understand how to safely work with, and handle, food in commercial settings.

There are providers of food safety training both online and face to face. Search online for 'food safety supervisor course' or get in touch with the Environmental Health Unit who can advise if there are currently any local registered training organisations (RTO).

Food Recalls

In the interest of public health, it is sometimes necessary to remove foods from sale, distribution and consumption if they pose a threat to consumers. This may include incorrectly labelled product/ingredients or the presence of an undeclared allergen.

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

Transferring a food premises

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

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

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

24 LIQUOR PERMIT PROCESS

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

In Summary:

- There are various scenarios where the requirements may differ;

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

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

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

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

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

25.1 Managing Records

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

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

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

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

25.2 Managing Electronic Records

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

25.3 Records Disposal

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

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