



Community Facilities Operations Manual

Adopted by Council 18 April 2012



**PORT MACQUARIE
HASTINGS**

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INTRODUCTION

Port Macquarie-Hastings Council's vision is " a sustainable high quality of life for all". For many years, Council has been working in partnership with the community and State and Federal Government agencies to provide community services and facilities in the Port Macquarie-Hastings local government area. This partnership has resulted in the provision of community facilities for which Council has responsibility and from which a range of services and activities are undertaken.

Some community facilities are directly managed by Council via Council's Customer Service Centre (CSC) some operate under lease arrangements and some are managed by volunteer management committees under section 355 of the Local Government Act 1993.

Please check Council's website for the community facility which best suits your needs. In some cases you will need to contact Council's CSC to make a booking. In other cases you can contact a community member who is part of a section 355 (s355) management committee for that facility or a lessee/sub-lessee of a Council facility.

How to use the Community Facilities Operation Manual

This Community Operations Manual provides guidance for management and hirers of these facilities.

The Appendices contain the forms required in the operation of the facility and other relevant information.

Sections 1, 2, 3, & 7 and appendices 1.1 to 2.2 are for all community facilities' management and hirers. Sections 4, 5, 6, and appendices 3.1 to 4.3 are specifically for use by s355 management committees and for anyone interested in the way these committees operate.

1. OPERATION OF FACILITY

Port Macquarie Hastings Council provides a range of community facilities for the use of the community. These facilities are hired out at modest fees and these fees help fund the ongoing maintenance costs of the facility. Each facility is managed either by Council's Customer Service Centre, a s355 management committee or under a lease agreement.

The following guidelines form the basis for acceptable hiring practices.

1.1 Rules and Conditions of Hire

It is essential that hirers sign appendix 1.1 "Agreement between Hirer and Port Macquarie Hastings Council", that they have read, understand and will abide by appendix 1.2 "Alcohol Policy for Community Facilities" (where applicable) and appendix 1.3 "Rules and Conditions of Hire – Community Facilities."

1.2 Permissible Hire of Community Facility

Community facilities provide venues for activities that improve the quality of life for residents of and visitors to the Port Macquarie Hastings.

Much of the uncertainty regarding permissible hire of community facilities centres on the charging of fees for activities and the selling of goods.

Recreation and educational activities that charge participants fees are legitimate uses of community facilities. However, management of the facilities needs to be vigilant in terms of utilising the correct fees structure for such hire (i.e. Not for Profit or For Profit fee structure). If uncertain please contact Council's Community Facilities Officer for clarification.

Retail activities and/or the selling or promotion of goods is not permitted. The only circumstances where goods can be sold at community facilities are for the purposes of fundraising for community-based projects. Prior written permission from the Community Facilities Officer is required in such circumstances.

Dangerous and illegal activities are not permitted.

1.3 Hours of Use

Community Facilities' hours of use will be between 7.00am – 12.00 midnight. The facility will not be hired outside of these hours.

1.4 Functions Involving Alcohol

Alcohol is not permitted in any Council community facility without the written permission of the management committee and/or Council. Users must adhere to Council's "Rules and Conditions of Hire – Community Facilities" (appendix 1.3) and "Alcohol Policy for Community Facilities" (appendix 1.2).

There are a number of facets of the "Rules and Condition of Hire" form that need to be highlighted to potential hirers who wish to have alcohol at their function. These include:

- Automatic holding of an alcohol bond (in accordance with the current schedule of fees and charges) for all functions involving alcohol. This is in addition to the general bond.
- 12.00 midnight as the absolute finish time for all functions, and those functions that exceed this finish time will automatically forfeit the entire contingency bond.
- Professional security guards are to be in attendance for all functions involving alcohol where there are 50 or more patrons, these costs to be borne by the hirer.

For more details please see "Rules and Conditions of Hire – Community Facilities" (appendix 1.3) & "Alcohol Policy for Community Facilities (appendix 1.2).

1.5 Fees and Charges

Council, taking into consideration the recommendations of management committees and the operating costs and requirements of the facility, sets the schedule of fees and charges.

Only Council has the power to do this under section 377 of the Local Government Act 1993 (see appendix 3.3).

Explanation of Fee Categories:

- Commercial or other - includes activities staged by individuals, groups or organisations that are not incorporated under the Associated Incorporations Act NSW (2009), where revenue generated by use of the building goes back to these individuals, groups, or organisations. This rate enables Council to take a full cost recovery approach to this use (e.g. local dance school).
- Private Functions - includes activities that are restricted to an identifiable group e.g. birthday party, wedding reception. No financial gain will be obtained from the activity and a reduced hire rate is applied.
- Not for Profit organisation - includes activities provided by community groups, clubs and organisations for the physical, social, cultural, intellectual development or welfare of the local community. Organisations eligible for this rate should be incorporated under the Associated Incorporations Act NSW (2009). This rate recognises the benefit these activities provide to the community and therefore a significantly reduced hire rate is applied. Council will give special consideration to other organisations on application (refer Appendix 1.4)

Council's Customer Service Centre, the s355 committee or lessee/sub-lessee are not able to provide subsidies or waive hire fees. All requests concerning fee reduction must be referred to Council's Community Facilities Officer for consideration. A written response will be provided (see appendices 1.4 and 1.5).

1.6 Hire Revenue

All hire revenue generated by the hiring of the venue is to be deposited into the relevant Council reserve asset account for the facility (unless covered by a lease agreement).

1.7 Bookings

Information on all Council's community facilities is on Council's website. Bookings will be managed by the s355 management committee, Council's Customer Service Centre or the lessee/sub-lessee of the community facility.

Each s355 committee managed facility will have a contact person who is responsible for the bookings (the booking officer). It is anticipated that the person's name and telephone number is well publicised for the benefit of the community. This entails this information being on Council's website. To make a booking of one of these facilities, a person or a group contacts the booking officer and books the facility for a particular day and time.

The booking officer, CSC or lessee/sub-lessee will advise the hirer of the fees, bonds, rules and conditions of hire. This involves providing the hirer with appendix 1.1 "Agreement between Hirer and Port Macquarie Hastings Council", appendix 1.2 "Alcohol Policy for Community Facilities" and appendix 1.3 "Rules and Conditions of Hire – Community Facilities." When the hirer signs the form, acknowledging that they have read and understand the conditions of hire, the relevant information is entered into the booking diary/booking system.

The booking officer, CSC or lessee/sub-lessee is to advise potential hirers that fees are subject to change and that this usually occurs from 1st July when Council adopts the fees and charges for the financial year. Fees and charges are to be those applicable for the time the function actually takes place and not when the venue is booked (e.g. a booking is made in March for an event in August – if the fees increase in July the new increased fee is to be charged.)

For community facilities that are managed directly by Council or by a lease arrangement, Council's Customer Service Centre or the lease holder, respectively, will fulfil the role of the booking officer.

1.8 Booking Diary

The s355 management committee's booking officer, Council's CSC or the lessee will be responsible for all bookings and hiring of the facility.

The booking diary is preferably a large hard cover book with one page for each day, which will be kept in an accessible place. All bookings are recorded in the Booking Diary at the appropriate date and should clearly show;

- Date when preliminary booking was taken
- Name, address and telephone number of the hirer
- Type of function
- Times of hire
- Hire charge, deposits and bonds
- Insurance details – are they providing their own or using Council's (see appendix 2.2, "Rules and Conditions of Hire-Community Facilities")

In the event that Council adopts a central booking system, the booking diary may be replaced by this system.

1.9 Public Liability Insurance

All activities in the community facility must be covered by public liability insurance. On making a booking a hirer can either provide evidence of their current insurance or elect to take up Council's coverage based on Council's Regular Policy (for facilities managed by a s355 committee or directly by Council). Please see appendix 1.3 "Rules and Condition of Hire Form". Where the community facility is operated under a lease agreement, public liability requirements will be subject to that lease agreement.

1.10 Donations, Contributions and Ownership

Community Facilities and their hire income are the property of Council and as such, may not be loaned or donated.

Community groups contributing items for the permanent embellishment of the facility will need to be informed by management of the facility that such a contribution will become the property of Council and will not be for exclusive use of any group or individual. Any items provided and funds raised for the facility are the property of Council. All such items are to be added to the asset register.

1.11 Variation to Manual

The provisions of this Manual may only be varied or amended by resolution of the Council.

1.12 General Health and Safety

The good health of all the participants using Council's facilities is paramount. All efforts are to be made to identify any areas of the facility, which may endanger health and have these areas rectified as soon as possible.

Inspections by Council staff will be carried out on a periodic basis, however, the management of the facility must ensure there is no risk to the health of users.

In order to reduce the risk of health problems associated with the operation of Council's facilities the following guidelines should be adhered to:

1.12.1 Food Preparation

- Food preparation and eating areas are to be kept in a clean and hygienic condition.

- Food is to be maintained at temperature above 60o C or below 5o C.
- Ensure soap and disposable hand towels, hand dryers – are available.
- Good personal hygiene is to be practised by those handling food .
- Avoid unnecessary handling of food with bare hands – use tongs and forks .
- Ensure that cooked and raw food is stored separately to prevent cross contamination.
- Cooking utensils and equipment are to be kept clean.
- The necessary steps are to be taken to keep the food preparation and eating areas free of pests and vermin.
- New facilities or alterations to food preparation areas will comply with Council’s Food Premises Code.

1.12.2 Toilets and Shower

- Toilets and showers are to be kept in a clean and hygienic condition.

1.12.3 Effluent Disposal

- No primary treated effluent should be discharged to the surface of the ground.
- Effluent disposal systems must be managed and maintained in a way that does not create a public health risk or pollute any watercourses.
- Septic tanks should be cleaned every 2 to 4 years, contact Council's Customer Services on 6581 8111 to organise this with Council’s Building Services.

1.12.4 Community Facilities Waste Disposal

The supply of waste containers and the removal of waste is the responsibility of management of the facility. These services can be arranged through Council by contacting Council’s Customer Service Centre on 6581 8111 during office hours.

1.13 Smoke Free Environment

Council has resolved that all buildings and vehicles/plant are to be “Smoke Free” and as such management of the facility is required to enforce this resolution. Smoking is strictly prohibited in any community facility or within 10 metres of the facility.

1.14 Anti Discrimination and Equal Employment Opportunity

Discrimination means treating people unfairly or “less favourably” just because they belong to a particular group or category of people.

The Anti Discrimination Act 1977 (NSW) is designed to promote equality of opportunity for all people. Under the Act, it is illegal to discriminate on the grounds of:

- Sex
- Pregnancy
- Marital status
- Physical or intellectual impairment
- Homosexuality
- Race, skin colour, ethnic or ethnic-religious background
- Age

Sexual Harassment is also illegal under this Act. Discrimination may be direct or indirect.

Direct discrimination occurs when for example a person is refused a job or access to the facility, simply because they have a disability. Indirect discrimination occurs when requirements, (selection criteria for example) practices or policies that seem neutral have an effect, which actually results in disadvantage to a particular group of people. Both direct and indirect discrimination are against the law. The anti-discrimination laws cover the way in which the committee manages the use of the facility.

2. RESPONSIBILITIES OF COUNCIL

2.1 Capital Works Improvements

Council shall be responsible for the funding, organisation and supervision of all capital works for the facility, in accordance with Council's Capital Works Funding & 20 Year Program. Council's commitment to the principles of sound asset management is to establish a clear direction and framework to ensure that asset management is undertaken in a structured, coordinated, cost effective and financially sustainable manner for all Council facilities.

2.2 Maintenance Responsibilities

Council is responsible for the funding, organisation and supervision of minor & major maintenance works to the facility and the general maintenance of the area around the building. Council must be responsible for the organisation and supervision of both major and minor maintenance works due to WHS and other legislative requirements. Under no circumstances are any works to be carried out without written Council permission.

Minor maintenance works (normally classed as work to a value of \$1500) include but are not limited to:

- Window pane replacement and repairs
- Door lock repairs
- External and internal painting repairs
- Repairs to cupboards/storage areas
- Repairs to plumbing e.g. tap/toilets leaks
- Minor electrical repairs e.g. replacement of faulty power points
- Repairs to roof guttering and down pipes
- Repairs to external cladding
- Repairs to floor coverings
- Pest inspections and eradication

The s355 committee is responsible for the identification & reporting of minor maintenance works on an ongoing basis. In addition, the identification and reporting of major maintenance issues should be discussed during the annual audit in conjunction with appropriate Council divisional representative(s).

2.2.1 Process for Minor Maintenance Works

The reporter shall inform Council as soon as is practical, by contacting Council's CSC of the nature of the maintenance issue and the need to undertake corrective works. Telephone 6581 8111 or email council@pmhc.nsw.gov.au noting the facility and issue to be resolved. The appropriate Council employee will be contacted through Council's internal maintenance notification system and Council will source approved trades people to undertake required works.

2.2.2 Process for Major Maintenance Works

In setting priorities, Council & representative(s) from the s355 management committee will identify such works during the annual audit inspection of the facility. Major works are then considered for funding in Council's annual budget allocation. Council's budgetary process continues into the following year, with the budget being adopted in late June and implemented in the ensuing financial year starting 1 July. Council will advise the committee, in writing, of the outcome of the major maintenance work request.

Council prioritises its funding allocation to community facilities on the basis of:

- Urgent repairs due to damage, excessive wear and safety or security issues;
- Works to meet statutory or licensing requirements and periodic major maintenance works; and/or
- Works that will meet demonstrated community need.

2.3 Defibrillator (where installed)

A Council Officer will inspect the Defibrillator (located on some sites) on an annual basis. If the unit is utilised throughout the year it is the responsibility of the user group to notify Council's Community Facilities Officer to instigate a thorough maintenance check. Committee members and representatives from regular user groups will have been trained in the operation of the unit.

2.4 Cleaning

Council will use contract cleaners to clean facilities as required. Where special arrangements have been made to include cleaning as part of the committee's annual operating grant, committees are to seek quotations for cleaning services for a period of one year. This process needs to be undertaken in an open and transparent manner. At least two (2) quotations must be obtained. The committee & Council's Community Facilities Officer then assess the quotations and by resolution agree on a preferred contractor.

2.5 Insurance of Community Assets

Council shall fully insure fittings, and contents (belonging to the Committee and therefore Council) of all community buildings and fixtures.

2.6 Insurance of Section 355 Management Committee Members

Council shall insure the s355 management committee in respect of Public Liability and Professional Indemnity, whilst carrying out the duties of the s355 management committee.

2.7 Notification of Fees and Charges

Council will request s355 management committees to provide advice on the fees and charges each year. These committees are asked to consider the running costs of the facility and the ability of users to pay in undertaking these reviews.

Council will then consider these recommendations in preparation of its budget for the upcoming financial year.

Draft fees and charges will be placed on public exhibition in May/June as part of the development of the annual Operational Plan. Fees and Charges will be reported to Council for consideration and adoption.

Council will notify management committees of adopted fees and charges annually and on request.

2.8 Property Rates and Charges

Council will be responsible for the payment of rates, water, waste water (sewerage) and waste removal charges.

3. RISK MANAGEMENT AND INSURANCE

3.1 Risk Management

Risk Management is a method of taking preventative and precautionary measures to avoid injury, loss and damage to either persons or property. As a committee of Council, the s355 management committee has a duty of care to ensure the health, safety and welfare of persons using the facility. This involves regular maintenance inspections and the reporting of maintenance issues to Council, in order to keep the facility safe, clean and tidy. It also includes putting in place a system of inspections to detect faults and hazards.

Council and committees, have a wide range of potential liabilities. These liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

The following guidelines are to use to ensure the appropriate documentation is kept to evidence the due diligence process and ensure all reasonable steps are being taken to identify any risks to Council and users of the facility.

3.1.1 Hazards

A hazard is a situation that could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning should be placed near the hazard to alert users of the facility to the danger. The s355 management committee must notify Council of the situation by phoning Council's Customer Service Centre on 6581 8111, or emailing council@pmhc.nsw.gov.au, or after hours on 6583 2225, (if danger is imminent).

Committees are urged to apply common sense rules for hirers of facilities such as stacking of tables and chairs, cleaning spills from floors and rubbish removal, for example, "chairs must be stacked in sets of no higher than 5 chairs high and placed against the wall."

A routine inspection process will alert s355 management committees to possible dangers or faults, fire or accident risks to users of the facility, and can be carried out periodically using the Hazard Checklist.

3.1.2 Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on how to use them. If this is not available Council must be notified immediately.

A professional and qualified contractor will inspect the fire fighting/protection equipment on an annual basis. Council's Building Coordinator will organise this. If equipment is used irresponsibly by a hirer and subsequently damaged, the costs of repairs/ replacement should be deducted from the hirer's bond.

3.1.3 Emergency Exits

All exits must be identified by an illuminated exit sign and inspected on an annual basis by a qualified contractor. Council will organise the contractor. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use.

3.1.4 Building Inspections

Regular inspections are essential to identify potential risks, and to assist in the defence of claims brought against Council. Inspections must be thoroughly documented. The s355 management committee will be responsible for inspection of the facility under their control. Inspections may be either formal or informal.

Council will be responsible for organising an annual formal audit/inspection of the facility.

Informal inspections are incidental in the course of the s355 management committee's business. For example, they may be undertaken prior to committee meetings. Any defects or problems discovered must be dealt with immediately by contacting using Council's CSC or emailing council@pmhc.nsw.gov.au to notify Council of any issue or concerns.

Council staff may also undertake informal inspections, as required.

3.2 Insurance

3.2.1 General

Council is required to take out insurance policies to cover Council's liability as a consequence of Council activities. These include:

Public Liability (including casual and non incorporated regular facility hirers coverage)

Professional Indemnity
Personal Accident
Property (for Council owned items only).

3.2.2 Notification

Committees and hirer/user groups are instructed that any matter or incident, which may give rise to a claim against Council, must be reported to Council's Community Facilities Officer as soon as possible. This will ensure that investigations and remedial actions can be undertaken to protect public safety.

Council has a legal responsibility to notify its insurer as soon as a potential claim is known. The s355 management committees may receive advice from users or the general public about incidents in the facility via any form of communication. Once the committee becomes aware of an incident and potential claim they are to notify Council immediately. If Council does not notify its insurers of potential claims which, Council could reasonably have known about, then the insurer may deny indemnity to Council.

3.2.3 Insurance for Volunteer Labour

For projects involving labour, an estimate of numbers of volunteers and details of the project must be forwarded to Council as soon as possible to ensure the Council can apply to its insurer for additional insurance coverage for such volunteers.

3.2.4 Property & Contents Insurance

Council maintains property and contents insurance on community facilities. This may include contents insurance on equipment owned by Council, such as furniture.

Any new equipment purchased for the community facility by the committee must be notified to Council for inclusion under the policy. If the item is not included it is not insured.

Other equipment belonging to users of the facility is not covered by Council's policy and as such groups must be advised to effect their own cover for such items stored at the facility.

3.2.5 Professional Indemnity Insurance

Professional indemnity insurance usually refers to claims where it is alleged that incorrect advice, documentation, or practice has occurred. The Council may be liable for its conduct arising out of its representations or the conduct of its employees and volunteer s355 management committee members.

As discussed previously in relation to public liability insurance it is essential that all claims are reported as soon as practicable and all documentation is collected and investigations conducted as soon as possible.

3.2.6 Public Liability Insurance

Council does provide public liability insurance for s355 management committee members and registered volunteers of the management committee.

If a third party suffers property damage or personal injury as a result of Council or the committee's negligence, they may be covered under Council's "Casual and Regular Hirer Insurance Policy".

Council can provide public liability insurance for users of the facility under its' "Casual and Regular Hirer Insurance Policy". Please see appendix 1.3 "Rules and Condition of Hire". However incorporated bodies cannot be covered under Council's policy, as they are required to have their own public liability insurance by law.

S355 management committees must sight evidence of their liability insurance, such as a certificate of currency prior to them hiring the facility.

3.2.7 Personal Accident Insurance

Personal accident insurance covers bodily injury for s355 management committee members whilst engaged in an activity directly or indirectly connected with or on behalf of Council, including travelling directly to and from such activity.

4. ROLES AND RESPONSIBILITIES OF SECTION 355 MANAGEMENT COMMITTEE

Under s355 of the Local Government Act 1993, Port Macquarie Hastings Council appoints volunteer management committees to manage certain aspects of community facilities on Council's behalf.

Under this delegation, Council remains the owner of the facility and has the ultimate responsibility and accountability for effective, efficient and equitable management of Council's community facility.

Each community facility s355 management committee has a "Terms Of Reference", which defines the intent and duties of that committee.

Whilst the committee has control over the facility, Council may exercise overriding authority and may revoke the powers of the committee or overturn decision(s) of the committee.

Council retains the right to enter the facilities (and will hold keys for this reason) in order to inspect, maintain and repair the facility (this includes Council authorised contractors). All effort will be made to contact the appropriate s355 management committee member before such a visit. Council will endeavour to not disturb a hall user during a booked event except in the case of an emergency, where immediate access may be of paramount importance to the safety of the occupants and/or the preservation of the facility.

The promotion and hiring of the community facility and making this facility readily accessible to the community, whilst at the same time collecting revenue to help offset its maintenance and other costs, is the central purpose of the management committee.

As the s355 management committee operates as a committee of Council it is important that its operation is open and transparent. All committee members are required to read Council's Code of Conduct booklet and sign that they have done so. Council needs up to date information on who is on the committee and copies of the minutes of each committee meeting including financial and hall usage reports. All committee members are required to read Council's Work Health and Safety (WH&S) booklet and sign that they have done so.

It is part of the s355 management committees' responsibility to promptly inform Council of any Work Health & Safety (WH&S) or other safety issues actual or pending, and to promptly report all known maintenance issues as they are discovered, by reporting to Council's Customer Service Centre on 02 6581 8111 or by emailing council@pmhc.nsw.gov.au. For emergencies, Council can be contacted on 6583 2225 (after hours emergency service).

4.1 Formation of a New Section 355 Management Committee

The appointment of s355 management committees is entirely at the discretion of Port Macquarie-Hastings Council. The committees are appointed and reappointed in accordance with the provisions of s355 of the NSW Local Government Act (1993).

Council aims to appoint committees that are representative of the local community and user groups of the facility.

Council will advertise in the local press, calling for nominations for s355 management committee members. Council will process the nominations, nominees will receive feedback and nominations will be approved or declined.

4.2 Election and Ratification of Section 355 Management Committee Members

A community facility management committee will comprise of those people appointed to it by Council. Committee membership is on an annual basis. Members must stand for election or re election at the Annual Review Meeting (ARM), see 4.8 Annual Review Meeting for details on the process for the election of committee members.

S355 management committees are committees of Council and therefore must be open and accountable to the general community.

Accordingly, these management committees will hold Annual Review Meetings that are open to the public. S355 management committees are required to advertise this to the local area 21 days prior to the date of the meeting. Please contact Council's Community Facilities Officer to undertake this, at least 10 working days notice is required to organise media arrangements, where required. The management committee will also inform all user groups in writing of the date of the Annual Review Meeting. This written advice must be provided to user groups at least 21 days prior to the date of the meeting.

All management committees are required to inform Council of elected committee members and office bearers resulting from Annual Review Meetings, for ratification and approval by Council. This is achieved via the submission of the "Notification of S355 Committee Membership" form immediately after the committees' ARM. Please see appendix 3.1.

It is expected that a member would serve a minimum of 1 year.

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

New members to the committee need to read this manual and its appendices and the "Terms of Reference" document for that facility, to familiarise themselves with the objectives and procedures for the facility. They are also required to read Council's WH&S and Code of Conduct booklets and to sign that they understand the content.

4.3 Composition of Section 355 Management Committee

Committee membership will not number less than 6 and not more than 10 members.

The s355 management committee will ideally consist of 8 members consisting of 6 office bearers and 2 committee members. Office Bearers will occupy the positions of:

- President
- Vice President
- Secretary
- Treasurer
- Bookings Officer
- Maintenance Officer

One person can occupy two positions, however, it is only in special circumstances where Council will allow one person to occupy both the Bookings Officer and Treasurer positions.

The s355 management committee membership should reflect the makeup of the general community and the user groups that use the facility. Membership of the management committee will ideally be comprised of 60% community representatives and 40% users groups. (There shall be no more than two representatives from any one user group as committee members).

Community Representatives nominated for the committee must reside in the Port Macquarie-Hastings Local Government Area.

4.4 Election of Office Bearers

At the Annual Review Meeting the committee shall, from its own members elect office bearers as outlined in 4.3;

Election is by way of nominations, where a person will be nominated, seconded and committee members given the opportunity to speak for or against the nomination. Committee members then vote on nominations by secret ballot. The acting president will have an additional deciding vote in the event of a tied result.

The committee may, from its members, elect additional positions such as:

- Assistant Secretary
- Publicity Officer
- Other positions as deemed necessary e.g. Promotion Officer

A maximum of two (2) relatives of any one family can be office bearers on the same committee at the same time.

Only one (1) of those office bearers in 4.3 is to sign cheques on behalf of the same committee at the same time.

4.5 Dissolution of a Section 355 Management Committee

Council may dissolve a management committee at any time. Council may wish to dissolve a management committee in order to carry out the control of the facility itself. Council may also dissolve a management committee if it is not complying with the roles and responsibilities of the committee.

The management committee shall be dissolved in the event of membership dropping to less than four (4) persons. The committee can also recommend to Council that it be dissolved. Council has established the following policy to address this issue;

- If a committee chooses to remain active it is given 6 months and Council assistance to re-establish a viable membership (i.e. minimum of 6 members); or
- If a committee or facility becomes inactive or inoperable, the committee will be dissolved and all responsibilities will be taken over by the designated area of Council.

The committee can also be dissolved by a vote of 75% of members that are entitled to vote and are present at an Extraordinary Meeting convened to consider this option.

Upon the dissolution of a s355 management committee and confirmation by Council, all assets and funds of that committee shall, after payment of all expenses and liabilities, be handed over to Council.

4.6 Vacation of Office

A person shall cease to be a member of a s355 management committee if;

- The member becomes bankrupt;
- The member does not reside in the Port Macquarie-Hastings Local Government Area;
- The member resigns from office by notification in writing to the committee and Council;
- The member is absent for more than 6 months without leave from meetings of the committee;
- Council passes a resolution to remove the member from the committee;
- The member holds any office of profit under the committee;
- The member fails to disclose any pecuniary interest in any matter with which the committee is concerned and takes part in consideration, discussion or votes on any question relating to the matter;
- The member while holding office is convicted of an offence referred to in part 4 of the Crimes Act 1900 (offences relating to property); or

- The member is prohibited by Order under Section 230 of the Corporations Law from managing a corporation within the meaning of that section.

Council has the right to remove any members of the s355 management committee after consultation with the committee.

A member can resign at any time (in writing), or at the Annual Review Meeting.

4.7 Filling of casual vacancies on Management Committees

Where a member of a s355 committee resigns a written resignation will be presented to the management committee and passed on to Council.

Upon receipt of the resignation, the committee members will call for nominations from the user group from which the member was affiliated and refer nominations to Council for concurrence.

If the member was a community representative then Council will advertise the vacancy in the local press and process applications in consultation with the committee.

All nominations/elections of new committee members are to be submitted to Council for ratification.

This includes the turnover of members by the A RM process and through casual vacancies. This is done via the "Request for S355 committee membership" form. Please see appendix 3.1.

4.8 Annual Review Meeting

The s355 management committee will be responsible for holding an Annual Review Meeting within two (2) months following the end of the financial year, (30 June).

At the end of this meeting, the chair will declare all committee membership vacant and in an acting capacity, oversee the election of a new management committee and office bearers via secret ballot.

The ARM is to be held on a date and at a time approved by Council's Community Facilities Officer, to ensure the maximum number of interested members of the community is able to attend.

All users of the centre are to be notified in writing by the committee 21 days prior to the meeting, inviting attendance and seeking nominations to the committee.

The following business shall be transacted at the ARM:

- Confirmation of the minutes of the last Annual Review Meeting;
- The president will present a report of the activities of the committee. It will be a written report of no more than two (2) A4 pages in length;
- Report on annual operating grant;
- The Chair will declare all committee positions vacant and call for the election of the management committee and office bearers by secret ballot;
- The first meeting of the new committee is to occur within two months of the date of the Annual Review Meeting.

When the new committee has been elected and office bearers appointed, in accordance with the "Terms of Reference", they will be responsible for submitting the following information to Council's Community Facilities Officer by September 30 each year:

- Minutes from the Annual Review Meeting;
- List of all elected/nominated committee members and office bearers for Council ratification;
- Usage & Hire summary for previous financial year period. (appendix 6.3);

- Asset Register listing all contents belonging to the committee (not user groups) for inclusion in Council's Insurance Policy.

4.9 Payment of Committee Members

Payment to a s355 management committee member is not permitted except for out of pocket expenses. This will only be for telephone, postage and stationery costs incurred by members of that committee. Documentation such as invoices, receipts and phone bills must be provided to support the claims for reimbursements. Travel costs cannot be reimbursed.

4.10 Membership Fees

Fees are not to be charged for membership of the management committee.

4.11 External Disputes

Where individual citizens or groups of citizens of the LGA disagree with a resolution of the s355 management committee, these bodies have the right to refer their grievances in writing to that committee for reconsideration.

Where the s355 management committee refuses to alter its decision, the individual resident or group of citizens from within the LGA can present their grievance to Council in writing, for reconsideration.

Where such notice is referred to Council, Council will request a written report on the issue from the s355 management committee. Upon receipt of the report the matter will be referred to Council for resolution.

Upon Council adopting a resolution, the details of Council's deliberations will be advised to the s355 management committee and to the resident group of citizens who referred that matter to Council. The resolution by Council will be the final decision.

4.12 Internal Disputes

All disputes between members of the s355 management committee are to be resolved within that committee where possible.

Where a dispute occurs within a s355 management committee, the resolution of the majority of the committee as a whole will determine the outcome, and where this is not possible the President will have the casting vote.

4.13 Limitations of powers

The committee may not make decisions concerning the following:

- Fixing of charges or fees (the committee may submit recommendations to Council in relation fees and charges however Council will make the final decision).
- Unreasonably withholding consent for the letting of the facility to any organisation or individual, when they have agreed to comply with the rules and conditions of hire and providing there is an acceptable letting period available.
- Borrowing any monies.
- The sale or lease of any land or other property vested in the committees care under provision of the NSW Local Government Act 1993.
- The acceptance of tenders which are required to be called for by Council.
- Formation of submissions to government bodies without the prior written consent of Council.
- The payment of travelling expenses incurred whilst attending committee meetings.
- Reimbursement of expenses: As a volunteer committee, members do not receive payment for their services. The committee may by resolution reimburse the booking officer for phone calls and secretary for postage and office supplies used in relation to the management of the facility. No other payment is to be made to committee members without prior written approval of Council.
- Vote monies for expenditure on the works, services or operations of Council other than those associated with the facility.

If at any time the committee is deemed to be functioning outside the limits of its powers as described herein, the committee may be dissolved by written notice signed by the General Manager or their representative.

4.14 Code of Conduct

From a legal perspective it is important for s355 management committees to be aware that they are acting on Council's behalf. Legally, the committee is Council and any action which the committee undertakes, is Council's responsibility.

Council delegates its authority to the s355 management committee to act on Council's behalf, within the Local Government Act (1993).

Each committee member is required to read Council's Code of Conduct booklet, then sign and return the accompanying acknowledgement form to Council's Community Facilities Officer, (who can provide guidance in understanding the content of this booklet).

4.15 Records of Section 355 Management Committees

The records of s355 management committees' activities, such as minutes of meetings, financial reports, etc. should be kept for at least seven years. After this time they should be given to Council's Records Section to be archived. Council's Community Facilities Officer can organise this.

Management committees need to be aware of the importance of minutes, because of their legal status and their liability to subpoena in court cases. As the management committee is a committee of Council, minutes from meetings are part of the public record that can be subject to GIPA requests.

The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members said at the meeting, but there may be occasions when it is appropriate to record the thrust of the discussion.

The President and the Secretary are responsible for the confirmation of meeting minutes, and must check that there have been no unauthorised alterations to minutes. The President will sign off the minutes after they have been confirmed at the appropriate meeting (usually the next committee meeting). The signing must not take place until the motion for confirmation has been completed. The motion to confirm the minutes can only be moved and seconded by a person who was in attendance at that meeting to which the minutes relate.

4.16 Pecuniary Interest

Chapter 14 of the NSW Local Government Act (1993) includes a separate framework for the handling of alleged breaches of the pecuniary interest provision of the Act. Please see Appendix 3.3 "Extract from NSW Local Government Act – Duties of Disclosure."

The Act is about openness, accountability and transparency in decision-making by Councils. A Pecuniary Interest is one of financial benefit. It is the responsibility of members of s355 management committees to disclose to the meeting, any pecuniary interest in a matter before the meeting.

4.17 Work Health and Safety Act (2012)

Volunteers are included in the definition of workers under the Work Health and Safety (WHS) Act (2012).

Each committee member is required to read Council's Work, Health and Safety booklet, then sign and return the enclosed acknowledgement form to Council's Community Facilities Officer.

Council may hold information and/or training sessions throughout the year to keep committee

members up to date with this legislation, all committee members are expected to attend as required.

4.18 Public Interest Disclosures Act 1994 (PID Act)

Under the PID Act, people working in the public sector in NSW (which includes Council volunteers) who come forward to report serious wrongdoing in local government, are under the protection of the Act. For further information, go to www.ombo.nsw.gov.au, email pid@ombo.nsw.gov.au or telephone (02) 9286 1000.

5. SECTION 355 MANAGEMENT COMMITTEE MEETINGS

5.1 General

The s355 management committee should meet on a regular basis to discuss relevant business and make decisions regarding the administration of the facility.

An agenda is to be sent out to all s355 management committee members and the Community Facilities Officer at least five (5) working days prior to the meeting.

Minutes of the matters discussed will be kept and a copy forwarded to committee members and Council's Community Facilities Officer. A copy will be kept on Council's electronic record system.

Any items requiring action by Council are to be the subject of a separate letter.

A quorum will consist of 4 committee members. Should this number of members not be in attendance at 30 minutes after the starting time, the meeting will be adjourned to the earliest date suitable.

5.2 Agenda Format

The agenda of a meeting will be forwarded to members giving the notice of the proposed meeting. The items will include the following;

1. Welcome by the President including Acknowledgement of Country
2. Apologies
3. Confirmation of minutes of previous meeting
4. Business arising from previous meeting
5. Correspondence, in/out
6. Business arising from correspondence
7. Reports, committee executive (e.g. Booking Officer, Treasurer)
8. General business
9. WH&S
10. Any other business arising
11. Date and time of next meeting.

5.3 Minutes Format

Minutes will be kept for all meetings of the s355 management committee and a copy will be forwarded to Council for notation. The minutes are part of the public record. It is not necessary to minute discussion except for cases where it is requested. The focus of the minutes will be on motions and actions. Items to be addressed in the Minutes follow the agenda. Council's Community Development Officer will provide Council's current meeting template on request.

5.4 Decision making

Refer to 5.9, Procedure for Motions

5.5 Timing of meeting

There should be no less than four (4) meetings held each year, however it is recommended that ordinary meetings of the committees occur on a monthly basis to ensure that any outstanding

matters are dealt with expeditiously, depending on the frequency of bookings and maintenance and other issues that may need to be discussed.

5.6 Ordinary meeting

Ordinary meetings of the committee are required to address correspondence, hiring of the facility, financial matters, risk management matters and maintenance issues.

An agenda will be prepared and circulated to all members of the committee and Council's Community Facilities Officer with at least five (5) working days notice.

5.7 Annual Review meeting

All s355 management committees are required to conduct an Annual Review Meeting (ARM). S355 management committees are committees of Council and therefore must be open and accountable to the general community.

The ARM is to be held within two (2) months of the end of the financial year (June 30) and be open to the public. Notice of this meeting shall be given to the general public no less than 21 days prior to the date of the meeting via a notice in the Council Notices section of local newspapers. Please contact Council's Community Facilities Officer to arrange this notice. This will require an additional 10 working days.

The ARM is to be held on a date & time approved by Council's Community Facilities Officer, to ensure the maximum number of interested members of the community is able to attend.

5.8 Extraordinary meetings

An extraordinary meeting of committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting requested by two members of the committee or by Council.

An agenda will be prepared and circulated to all members of the committee and Council's Community Facilities Officer with at least two (2) working days notice.

Minutes will be kept of the proceedings and a copy forwarded to Council's Community Facilities Officer.

5.9 Procedure for Motions

One of the key tasks of the s355 management committee is to make decisions that will ensure the effective management of the facility.

These decisions need to be made in an open and transparent manner. Therefore the following procedure for meetings of management committees shall apply:

1. Decisions are to be made in the form of motions adopted by the committee.
2. A motion can be moved by any member of the committee (proposer), characteristics of a good motion include;
 - It begins with the word "That",
 - It is clear, unambiguous, grammatically correct and makes sense,
 - It should be framed to engender change or action,
 - It should identify who will be responsible for taking the action and the timeframe for action.
3. Motions are required to be seconded (someone else agreeing with the idea), if it is not seconded then that motion will not proceed.
4. Chair shall ask if anyone would like to speak in support of or against the motion.

5. Step 4 is to be repeated until the issue is fully discussed.
6. The proposer then has the right of reply.
7. The committee will then vote on the motion (in favour of or against).
8. The motion is carried/not carried based on the vote with the chair having a second and deciding vote in the case of a tie.

6. FINANCIAL MANAGEMENT

6.1 Introduction

S355 management committees appointed under s355 of the NSW Local Government Act (1993) are subject to the same standards of financial accountability and reporting as Council.

Therefore it is important that committees manage their finances well. All funds and assets held for the community facility belong to Council.

S355 management committees will be required to acquit an annual operating grant on a yearly basis. Operating grants will be allocated in consultation with management committees and will take into consideration the amount of administration required and utilisation of facilities by the community.

S355 management committees are required to deposit all hire takings into a designated Council reserve account, dedicated to their facility.

6.1.1 Annual Operating Grant from Council

Each s355 management committee will have a bank account at a local financial institution to manage the annual operating grant from Council. This grant is provided to meet costs in administering the facility, including promotional activities, stationery, phone call costs and light refreshments for s355 management committee meetings etc. (and some services or supplies that have previously been agreed to by Council).

The only income to be deposited into this account will be the operating grant from Council. All hire income is to be paid directly to Council, to the reserve account for that facility. Should the s355 committee wish to apply for external grant funding, this must first be approved by Council. Should the grant application be successful, Council will decide if it will accept this funding. If accepted, Council officers will manage the project in accordance with Council's usual procedures. The Community Facilities Officer will be the first point of enquiry for these requests.

6.1.2 Delegation of Authority

The s355 management committee alone can, by resolution, agree to open an account at a nominated financial institution, i.e. bank or building society to operate its annual operating grant.

The signatories of the account are to be any two of the executive of the s355 management committee.

- All approved signatories are to be notified to Council's Facilities Officer via the "Notification of S355 Committee Membership" form, please see appendix 3.1.
- All payments are to be approved by the s355 management committee prior to cheques being signed.
- All payments are to be endorsed by the committee and as such they are recorded in the s355 management committee meeting minutes. This is simply done by receiving and reviewing the treasurer's report.
- It should be noted that hire income must not be deposited into this account.

6.1.3 Cheque payments (from Operating Grant account)

- a) The procedure for paying bills is as follows:

- b) The tax invoice or bill for payment is received by the Treasurer
- c) Invoices are tabled in as part of Treasurers Report at the committee meeting and motion to pay tax invoices discussed and decided upon.
- d) The cheque is written, signed by two signatories, and sent (with an appropriate note if necessary).
- e) The date, amount, purpose and payee of the cheque payment should be recorded on the cheque butt.
- f) Payments are recorded regularly in the General Ledger.

Stationery items you will need:

- General Ledger
- Cheque Book
- Petty Cash vouchers
- Petty Cash Book
- Bank deposit book

6.1.4 General Ledger (Annual Operating Grant transactions)

The General Ledger is used to record the Annual Operating Grant received and expenditure. This allows the committee to keep a detailed record of financial activities and is useful in end of financial year auditing processes.

A General Ledger consists of pages ruled into columns. On one page you write down details of your committee's income (receipt of annual operating grant) and on the next page you write down details of expenditure (payment details). Every month you rule a line across after the last entry, add up how much you have paid and received, and check that these tally with bank statements.

On the Income pages, the columns are required for:

- Date
- Source of Funds Annual Operating Grant /Other Grant funds)
- Total Amount
- GST exclusive amount
- GST details
- Date of banking

On the Expenditure pages the following columns are recommended:

- Date
- Payee's name
- Goods or Services acquired. e.g. utilities, supplies (if negotiated within annual operating grant)
- Total Amount
- GST exclusive amount
- GST details
- Cheque number.

It is suggested that a new page be started in the General Ledger for each month. To do this rule off under the month, add up the columns, and over a new page start the next month with the first entry in each page being the balance (column table) brought forward from the previous month.

If an incorrect entry is written in the General Ledger, It is neatly ruled through and initialed before writing the correct entry. Liquid paper correction fluids should not be used to alter an incorrect entry.

6.1.5 Petty Cash Procedures

To have a Petty Cash float you will need a Petty Cash Vouchers, a Petty Cash Book and a Petty Cash Tin.

To set up Petty Cash, the s355 management committee should resolve to have a petty cash float and set the size of the float (the amount initially cashed into Petty Cash from the cheque account). The committee should also decide who is responsible for Petty Cash. Unless otherwise decided, the Treasurer will be responsible. For security reasons, it is recommended that the float be less than \$100.

6.1.6 Bank Reconciliation- Operating Grant

Preparation

Mark in the General Ledger any cheque payments and banking which are shown in the Bank Statement as having been made. Check the amounts are the same. Enter into the General Ledger any entries on the Bank Statement which are not already recorded - payments are likely to be bank charges for the month, and deposits are likely to be bank interest, fund raising etc. Rule off the General Ledger under the last entry of the month (for both receipts and payments), and add up the amounts received and paid since you last ruled off. Make sure that the total of the amounts column equals the total of the other columns.

Calculate

Write down the amount in the bank at the time of the last reconciliation (generally the amount at the beginning of the month). Add the total amount of money received (according to the General Ledger) since the last reconciliation. Subtract the total amount paid (according to the General Ledger). Add the total amount for un-presented cheques and subtract the total of any receipts in the General Ledger (the last banked amount should be recorded in the Banking column, and all receipts after that should not yet have been banked). Check that the amount you have calculated is the same as the amount on the bottom of your Bank Statement. If not, repeat this process.

6.1.7 Closing off the General Ledger – Operating Grant

This financial statement should summarise the income and expenditure for the year using the headings on the columns in the General Ledger. The easiest way of doing this is to use pages at the back of the General Ledger to record the monthly totals of receipts and payments under the same headings used on the monthly pages. At the end of the year, simply add up the total for the twelve months for each column, and write these totals in a list.

Having written up the year's totals for income and expenditure, prepare a bank reconciliation for the year. This follows the same procedure described previously, except that the starting balance is the amount in the bank on the first of July and the final balance is the amount at 30th June.

6.1.8 Acquittal of Income & Expenditure Form- Operating Grant

This form is to be completed for the previous financial year showing income and expenditure into your operating grant account and forwarded to Council by the 30th September each year.

6.1.9 PMHC Annual Operating Grant Application

At your Annual Review Meeting, the committee will need to discuss and complete this form to apply for the coming financial year, and then submit to Council by the 30th September each year.

6.2 Receiving Hire Income

6.2.1 Payments from Hire of Community Facility

Hire income is to be paid into the community facility's reserve account at one of Port Macquarie-Hastings Council offices - Port Macquarie (Burrawan Street), Laurieton (Laurie Street.), Wauchope (High Street) or The Glasshouse (Clarence Street, Port Macquarie) weekly, or as approved by Council.

To record your financial transactions, each committee should maintain and keep the following records:

- Booking diary

- Tax compliant Receipt Book
- Monthly booking report from Booking Officer to Treasurer
- Tax Compliant Invoice Book
- Hire Income Summary.

6.2.2 Issuing Tax Compliant Receipts

Receipts in duplicate (use carbon paper if needed) must be written in ink for all income as it is received, irrespective of its source. Committee is to use a standard Tax Invoice/Receipt book that can be purchased through newsagents. Council can organise a stamp with the committee's details so that receipts/invoices can note the management committee's details.

Receipts must show:

- a) Date of receipt;
- b) Name and address of person from whom payment is received;
- c) Total amount received and whether as cash or cheque, including GST
- d) Details;
- e) The reason or particulars for which the receipt was issued;
- f) Signature of (authorised) person receiving the payment; and
- g) Council's ABN.

Only the original copy of the receipt is to be given out. The second copy is to remain fixed in the book for audit purposes. Receipts are issued and entered onto the Hire Income Deposit Summary in chronological order.

Personal cheques must be receipted to the name on the cheque. If, for example, a person pays by personal cheque for Facility hire on behalf of a group or organisation, the receipt should be made out to the name on the cheque with a notation of the group or organisation he/she represents e.g. *Mr. G. Jones of Panthers Soccer Club*.

Change cannot be given for cheques received. The hirer's cheque should be crossed and marked "Not Negotiable" and be made payable to Port Macquarie-Hastings Council.

6.2.3 Invoicing Regular Hirers

This duty is the responsibility of the Treasurer. The Booking Officer advises the Treasurer by way of a monthly booking form the usage by regular users. The Treasurer will then raise invoices to regular user groups using the facility. Depending on the facility the responsibility for this process may differ. Invoicing may not apply to some facilities where regular hirers pay on each occasion they use the facility.

6.2.4 Preparing Deposit of Hire Income to Council Reserve Account

Regularly, after hire income is received and receipted, prepare a Hire Income Deposit Summary. Enter the facility name, your facilities reserve account number, the cashier number, date of deposit, date of receipt, facilities receipt numbers, hours, name of group, rate charged and amount from each receipt. Total the hours column and the amount deposited column. The amount deposited will equal the amount of actual cash/cheques and can also be cross checked with the amounts in the receipt book for this depositing period.

6.2.5 Bonds

There are a number of instances where bonds are charged in the hire of facilities. In the case of the general bond and the alcohol bond, these monies are to be paid to the committee at least one week prior to the date of hire of the facility. Cheques are to be made payable to Port Macquarie-Hastings Council. If the bond is forfeited, it is entered on the Hire Income Deposit Summary & deposited to the community facility's Council reserve account.

6.2.6 Recording of Bond Money

Bonds received are receipted and entered in your Booking Diary under the date of the booking. No GST is payable on Bond monies taken. The committee will retain the bond in the facility cash

tin until such time as it is deemed that it is proper (after inspection) to refund the bond. If refunded, the amount paid is shown and entered in the Booking Diary under the date of the booking, noted as "bond refunded". The 'user' will sign the booking diary that the bond cheque/cash has been returned. If a bond is refunded in its entirety no GST is applicable.

However, if the bond is forfeited it is treated as if it was part of the supply. Hence GST is payable on the amount forfeited (to pay for cleaning or repair of damage to the facility where applicable). Therefore, again in the Booking Diary note that the bond has been forfeited, stating the reason the bond was withheld. The amount of the bond is deposited with any hire income into your Council reserve account. The amount forfeited needs to be noted in both the GST exclusive and GST details column.

6.3 Assets

6.3.1 Purchase of Assets

A submission for the purchase of any asset(s) will be forwarded to Council's Community Facilities Officer prior the 31st March each year. The purchase of assets can be discussed during the annual facility inspection.

6.3.2 Sale of Assets

S355 management committees may sell assets they have purchased if these become redundant, however prior written permission from Council is required for the sale of any asset. The process will involve the s355 management committee which will organise the sale of these assets through Council's auctioneer agent. Funds generated by the sale will be reimbursed to Council and deposited into that community facility's Council reserve account. If the item is passed in at auction the s355 management committee will liaise with Council's Community Facilities Officer regarding alternative means of selling the asset(s). S355 management committees must not sell items to other s355 committees, instead these items are to be exchanged free of charge, with any transportation/removal costs to be met by the s355 management committee acquiring the asset.

The income from the sale is entered onto the Hire Income Deposit Summary when preparing banking. GST is payable on the revenue gained from the sale of items and needs to be reflected in the summary. The committee's asset register will need to reflect the sale of the asset.

6.4 Financial Reporting

Council's financial year is from 1st July to 30th June. The acquittal of income and expenditure of committees must cover the same period.

6.4.1 Annual Operating Grant Application and Acquittal.

The PMHC Annual Operating Grant Application and Acquittal Form (Appendix 5.1) should be completed and submitted to Council's Community Facilities Officer as soon as possible after 30 June. Council will then assess the application against the acquittal information to issue the operating grant for the new financial year. An estimation should be made by the s355 committee treasurer in May, in case an interim amount will be required before the new grant is issued.

6.4.2 Annual Hire Income Summary.

A completed Annual Hire Income Summary – Community Facilities form is required to be submitted to Council's Community Facilities Officer by the 30 September each year. The information in this form will enable Council to incorporate the committee's accounts into Council's accounts as required under the NSW Local Government Act (1993).

7. COUNCIL CONTACTS AND AFTER HOURS EMERGENCIES

Port Macquarie-Hastings Council's Community Facilities Officer is responsible for the operation and development of community facilities and supporting s355 management committees.

Port Macquarie-Hastings Council
Ph: (02) 6581 8111
Fax: (02) 6581 8123
Email: council@pmhc.nsw.gov.au
Corner Lord & Burrawan Streets
PORT MACQUARIE NSW 2444

Community Facilities Officer
Ph: (02) 6581 8042
Fax: (02) 6581 8033
Mobile: 0439 818 430

Wauchope Office
High Street
WAUCHOPE NSW 2446
Tel: (02) 6589 6500

Laurieton Office
9 Laurie Street
LAURIETON NSW 2443
Tel: (02) 6559 9958

The Glasshouse
Clarence Street
PORT MACQUARIE NSW 2444
Tel: (02) 6581 8888

After Hour Emergency
Ph: (02) 6583 2225

Please note that the After Hours Emergency phone number should only be used for after hours emergency situations. Council's After Hours Call Out Staff will attend to any emergencies (e.g. burst water pipe). All other contact should be made during Council's normal business hours of 8.00am to 5.00pm Monday to Friday.

APPENDICES

- 1.1 Agreement between Hirer and PMHC
- 1.2 Alcohol Policy
- 1.3 Rules and Conditions of Hire Form
- 1.4 Application for Not for Profit Hire Rate
- 1.5 Guidelines for Waiving Fees for Hire of Community Facilities

- 2.1 Incident/Accident/Hazard Report Form
- 2.2 Hirers' Insurance Information Sheet

- 3.1 Request for S355 Committee Membership Form
- 3.2 NSW Local Government Act 1993, S355 and Section 377
- 3.3 NSW Local Government Act 1993, Duties of Disclosure

- 4.1 Operating Grant Application and Acquittal Form
- 4.2 S355 Annual Hire Income Summary
- 4.3 S355 Deposit Summary

Agreement between HIRER AND PORT MACQUARIE-HASTINGS COUNCIL

I/we.....(name of individual/organisation)
of.....(address)
hereby make application to use the(Community Facility)
between the hours of.....and.....on.....(day).....(date)
for the purpose/s of having a.....(type of function/activity)

*I have read and understand the Rules and Conditions of Hire for Community Facilities and I agree to accept these conditions and pay the following charges and bond(s) where applicable:

*If alcohol is to be supplied or consumed on the premises, I have read and understand the Council’s Community Facilities Alcohol Policy:

Note: - please make all cheques out to Port Macquarie-Hastings Council

| | |
|---|-----------|
| Hire of Facility: hours @ \$ per hour = | \$ |
| General Bond (See current Fees and Charges) | \$ |
| Alcohol Bond (See current Fees and Charges) | \$ |
| Other | \$ |
| TOTAL | \$ |

Signed by Hirer: -.....date.....

Name (Please Print).....(ph).....

| | |
|--|--------------------------|
| For Management use only. | |
| 1. Approval granted by..... <i>for the Facility Committee</i> on.....(date) | If yes ,tick box |
| 2. Certificate of Currency for Public Liability (to the value of \$10mil) - sighted | <input type="checkbox"/> |
| 3, Organisation incorporated under Associated Incorporations Act NSW - sighted | <input type="checkbox"/> |
| 4. Hire covered by Council’s Public Liability Insurance – (excluding Not-for-Profit) | <input type="checkbox"/> |
| 5. Liquor License (if required) - sighted | <input type="checkbox"/> |
| 6. Council’s Community Facilities Alcohol Policy given to Hirer (if applicable) | <input type="checkbox"/> |

ALCOHOL POLICY FOR COMMUNITY FACILITIES

1. If a community facility hirer is intending to sell alcohol at a function, they must obtain the relevant liquor licence. An application form can be accessed via the NSW Office of Liquor Gaming and Racing website: www.olgr.nsw.gov.au. A full copy of the application is required to be submitted to the Office of Liquor Gaming & Racing at least 28 days before the date of the function and a copy lodged with Council and Local Police (see application form.)
2. Licensed Security attendants are required at all functions involving more than 50 people where alcohol is to be served. The Hirer shall provide at least two professional security attendants per 50 persons attending the function. (A copy of the quotation for security services is to be submitted with the signed Rules and Conditions of Hire Form.)
3. The Hirer will notify the Duty Officer of the Police Station nearest to where the facility is located, seven days prior to the function if alcohol will be present.
4. The function will cease at 12.00am in compliance with Council Policy. If this does not occur then the entire Alcohol Bond and General Bond will be forfeited.
5. The hirer is responsible for ensuring the responsible service and consumption of alcohol at the function, including ensuring persons under the age of 18 are prohibited from obtaining or consuming alcohol.
6. Food and water must be freely available for patrons whenever alcohol is consumed on the facility premises.
7. The hirer shall be responsible for the maintenance of good order during the function.
8. The noise from the facility shall not be audible within any habitable room in any residential premises near by the facility between the hours of 11.00 pm and 7.00 am.
9. The hirer will ensure that all guests leave in a quiet and orderly manner so as not to disrupt the good order of the neighbourhood, including the provision of adequate transport from the facility at the completion of the function, e.g. booking an appropriate number of taxis/maxi-taxis for completion of function.
10. The hirer will ensure liquor provided by the hirer is not carried away by guests or consumed by guests outside the facility.

Rules and Conditions of Hire - Community Facilities

1. Introduction

Thank you for expressing an interest in using a Community Facility. These are owned by Port Macquarie-Hastings Council and are managed by community based management committees or directly by Council. Community Facilities are a great community resource and we ask that you value and care for them.

2. Hours of Operation

7.00am – 12.00 midnight.

No function/event shall start before 7.00am or continue past 12.00 midnight.

3. Fees and Bonds

Fees and charges for Community Facilities are set annually by Council, after consultation with management committees.

Only under special circumstances can hire fees be waived. Prior permission must be given by the Council's Community Facilities Officer.

A General Bond will be taken in all cases and an additional Alcohol Bond where alcohol is to be consumed (see current fees and charges). These bonds are refundable if, after inspection, the facility is deemed to be left clean and undamaged and noise restrictions have not been exceeded. This also includes the grounds of the facility.

The hirer further agrees to pay for any cleaning or rectification of damage, not covered by the amount of the bond(s).

Payment of fees and bonds are to be made one week prior to use of the facility, to the Booking Officer for each management committee, or at a Council office for Council operated halls.

All cheques must be made payable to Port Macquarie-Hastings Council.

4. Public Liability Insurance

All activities in the facility are required to be covered by Public Liability Insurance to the value of \$10 million.

The hirer must provide evidence of insurance coverage at the time of booking.

Council provides public liability insurance coverage to non-incorporated groups and individuals.

\$2000 excess applies to each and every claim, this is payable by the hirer. The policy only covers hirers of facilities that have been specified to our insurer. Council must be notified immediately in the event of any accident that may result in a claim against the policy.

5. Noise From Activity

The noise from the facility shall not be audible within any habitable room in any residential premises near the facility between the hours of 11.00 pm and 7.00 am.

6. Functions Involving Alcohol

Alcohol shall NOT be brought into the premises without the prior written consent of the Management Committee.

The conditions set out in appendix 1.2 "Alcohol Policy for Community Facilities" must be accepted.

Where permission is granted for alcohol to be consumed in the facility an additional Alcohol Bond will be required at the time of booking (see current fees and charges). This Alcohol Bond is in addition to the General Bond and is refundable if the facility is vacated on time and left clean and undamaged and noise restrictions have not been exceeded. This also includes the grounds of the facility.

7. Access to the Facility

The hirer needs to allow time for setting up before a function and cleaning up afterwards when making the

booking, this time is charged at the same hire rate.

The premises must be vacated by all patrons within the booking time and the hirer shall remove all the

hirers' goods, materials and equipment and leave the premises in a reasonably clean state at the expiration of the booking, otherwise additional charges, at the scheduled rates, shall apply.

8. Responsibilities of Hirers

Hirers are responsible for;

- Setting up and restacking and/or removal of chairs and tables etc.
- Ensuring that chairs are not stacked too high, or in front of exits or fire extinguishers.
- Inspecting kitchens before the function/event to ensure that the facilities are adequate.
- Ensuring that all electrical leads and appliances that are to be used in the facility have been inspected and tagged in accordance with AS/NZS3760 (as they will be held responsible for damage caused by untagged electrical leads or appliances brought into the facility).
- Cleaning kitchens after use, including the removal of all unconsumed food and drink from the refrigerator.
- All rubbish is to be removed from the premises unless advised otherwise by the management committee or Council office.
- Turning off air conditioner and/or fans (if applicable) and lights.
- Double checking that all windows and doors are locked.
- Reporting any damage to the Booking Officer/Council office.
- Returning the key to the Booking Officer/Council office within 24 hours of the expiration of the booking.
- Making arrangements with the Booking Officer/Council office for an inspection of the facility to facilitate the return of the deposit(s).

9. Loss or Damage to/of Property

The Management Committee/Council shall not be responsible for any loss or damage to any property whatsoever belonging to the hirer or persons attending the function.

The hirer shall indemnify the Management Committee/Council against any claim for compensation arising

out of any action by the hirer or persons acting on his/her behalf.

The hirer shall be liable for costs associated with making good any damage caused to buildings, fittings, furniture and other installations arising out of his/her use of the Facility.

10. Child Protection

The Hirer shall meet the legislative provision of the State Government's Child Protection (Prohibited Employment) Act 1998. The hirer is responsible for ensuring that volunteers or employees, who have direct

and unsupervised contact with children and young people, have undergone police checks on their background.

11. Sale of Goods

Retail activities are not permitted at any Community Facility. Selling goods to raise funds for community based projects can only be done with the prior written consent of the Community Facilities Officer.

12. Smoking

In accordance with the Smoke-Free Environment Act 2000 smoking is not permitted inside the facility or within 10 metres of any Council building.

13. Acceptance of Conditions

The payment by any person of any amount of rental for the hire of the facility shall be deemed an acknowledgment and acceptance by such person of the conditions set out herein.

14. Conflict over Hire

In the event of any dispute or difference arising as to the interpretation of the conditions contained in this agreement, the decision of the General Manager of Port Macquarie-Hastings Council shall be final.

**PMHC Community Facilities
Consideration of Fee, Charging Hirers at Not for Profit Rate**

Port Macquarie-Hastings Council recognises that some attendees of community halls are charged fees by the hirer to recover costs incurred in providing activities as a hobby (not for profit). Community Halls are also used by hirers conducting activities as a private business generating income for individuals (commercial).

Council’s fees and charges for community halls are reflective of these different types of use and provides not for profit groups with a significantly discounted rate of hire. **Organisations that are Incorporated Not For Profit bodies do not need to use this form.**

In order for you or your organisation to be considered for a not for profit rate please complete the following details below and over the page.

For more information please contact Council’s Community Facilities Officer on 6581 8042.

Applicant Details

Name of hirer :.....

Postal Address :.....

.....

Phone Number:

Email Address :.....

ABN (if applicable):.....

Hall Use Information

Name of Community Hall to be hired:.....

Frequency of proposed hire e.g. Every Monday during school term, 5pm-7pm

.....

.....

Activity provided:.....

Dollars per hour/session participants are charged:.....

Approximate number of participants per class/session:.....

What the benefits to the Community will your use of the hall provide?

.....

.....

.....

Financial Information

Please estimate your income and expenditure associated with providing these activities for a 12 month period.

| Month | Income from Hall Activities | Expenditure related to hall activities |
|-------|-----------------------------|--|
| | | |
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| | | |

Declaration

I declare that the details supplied are true and my use of the community hall is undertaken as a hobby only (not for profit) and not as a private business to generate personal income.

Name:.....

Signature:.....

Date:.....

Please return this form to:
 Community Facilities Officer, Port Macquarie-Hastings Council
 PO Box 84 – PMQ NSW 2444
 Or Fax it to - 65818033 Or scan and email to – david.purnell@pmhc.nsw.gov.au

| | |
|---|---------------------------------------|
| Office Use Only | |
| Application approved <input type="checkbox"/> | Not Approved <input type="checkbox"/> |
| Comments: | |
| | |

Guidelines for Waiving Fees for Hire of Community Facilities

Intention of Guidelines

Council offers a greatly reduced hire fee for community events and activities which are not commercial or private (see current PMHC Schedule of Fees and Charges, Not for Profit rate). This reduced fee is primarily for Not-For-Profit incorporated bodies, who must provide their own Public Liability insurance.

Council is occasionally requested to waive fees for the use of community facilities, for certain events and fundraisers.

The intent of these guidelines is to provide a transparent and equitable process, to be applied to each request for the waiving or reduction of fees, outside of Council's Schedule of Fees and Charges.

In deliberating if the organisation or individual should be granted the waiving of the fee for that occasion, it should be remembered that Council has the Not-For-Profit rate available. Council's Community Facilities Officer is able to provide the criteria for this category.

It should be noted that any hire fees charged for a facility are used for the maintenance of this facility.

Criteria

Does the event or activity address a community need not available elsewhere at an affordable cost for socially or financially disadvantaged people?

Does the organisation receive any external funding?

Would the payment of the reduced Not-For-Profit rate for this booking prevent it from being held, (ie can the organisation afford the rate for this booking)?

Procedures

If a community organisation wishes to request that the fees be waived an application should be made to council@pmhc.nsw.gov.au attention the General Manager. Claims should be outlined against the criteria mentioned above. The request will be considered by the General Manager.

Applications should be made at least 28 days in advance of the event.

Council will respond within 14 days of the application.

INCIDENT/ACCIDENT/HAZARD REPORT

Please fax to the Community Facilities Officer 6581 8033

1. DETAILS OF PERSON MAKING REPORT

NAME: _____ PHONE: _____

ADDRESS: _____

2. INCIDENT / ACCIDENT / HAZARD DETAILS: (please circle one)

Address where Incident occurred or Hazard is located:

Exact location of Hazard: _____

Date Reported:

Time: am/pm

Did/Can this cause (Please tick one or more)

Personal Injury Fire Property Damage Vehicle Damage Equipment Damage

Please give details:

What could or has been done to prevent the incident occurring again, or to eliminate the hazard?

3. THIRD PARTY DETAILS

If there was injury to a person, or damage to a third party's property, what was the person's name and address? If the person was under 18 can you please provide parental contact if available.

NAME: _____ DATE: _____

ADDRESS: _____

PARENT'S NAME: _____

Appendix 2.1 (page 2 of 2)
4. PERSONAL INJURY DETAILS



NAME:

DETAILS:

WITNESS 1: - DETAILS

Name:

WITNESS 2: - DETAILS

Name:

Note: If this hazard has the potential to cause death or serious injury, it must be reported immediately. You must do everything within your control to prevent injury from the hazard until the hazard is minimised and/or eliminated.

Signature _____ Date _____

| |
|------------------------|
| Office Use Only |
| Date Received: _____ |
| Council Officer: _____ |
| Action: |
| _____ |
| — |
| _____ |
| — |
| _____ |
| — |

Appendix 2.2

Casual and Regular Hirers Insurance, Community Facilities

Port Macquarie-Hastings Council holds a “Casual and Regular Hirers” policy to protect against public liability claims arising from the casual and regular hiring of specified Council facilities.

As a service to our community, Port Macquarie-Hastings Council has extended the coverage of the policy to also cover what are termed “Regular Hirers” – those who hire the facility more than ten times per year.

So in effect, all hirers (apart from those specified below) are covered under the policy in accordance with the terms and conditions of the policy wording, irrespective of the number of times they hire the specified Council facility.

Important things to bear in mind in respect of this policy include:

Incorporated bodies, sporting clubs, associations of any kind or profit making /commercial activities are not covered under the policy. These types of groups should hold their own liability insurance, and it is prudent that you sight evidence of their liability insurance, such as a certificate of currency prior to them hiring the facility.

\$2,000 excess applies to each and every claim, which is payable by the hirer.

The insured limit of indemnity is \$10 million.

The policy only covers hirers of facilities that have been specified to our insurer.

Council must be notified immediately in the event of any incident that may result in a claim against the policy.

Request for S355 committee membership

| | | | | |
|--|--|----------------------|--------------------------------|----------------|
| Committee name:..... | | Date of AGM/ARM..... | | |
| MEMBERSHIP | | | | |
| Elected Member | Community Facilities Operations Manual, WH&S and Code of Conduct booklets received & read (Member to sign) | POSITION | ADDRESS | CONTACT NUMBER |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Committee FINANCIAL INSTITUTION Account Signatories | | | | |
| Please record the previous and current committees members who were/are now signatories | | | | |
| Name(s) of Previous signatories | | | Name(s) of Current signatories | |
| | | | | |
| Yearly Income & Expenditure Acquittal– forward after AGM/Annual Review | | | | |
| Asset Register | | | | |
| AGM minutes | | | | |
| | | | | Appendix 3.1 |

Chapter 12

How do councils operate?

Introduction

This Chapter describes the ways in which a council carries out its functions and makes decisions.

The Chapter enables each council to adopt a code of meeting practice after giving public notice of a draft code. The Chapter provides for the basic matters concerning council meetings (frequency of meetings, notice of meetings, quorum, voting, rescission motions, committees etc).

The Chapter enables a council to delegate its functions, other than those functions the delegation of which is expressly prohibited. Functions that may not be delegated include the making of a rate or charge, the borrowing of money, the compulsory acquisition of land, the adoption of financial statements and the classification of public land as operational land. Functions may be delegated to the general manager and to specified persons and bodies but may not be delegated directly by the council to council employees other than the general manager.

The Chapter requires councils to have public liability and professional liability insurance. The Chapter also makes provision for the constitution, functions, operation and dissolution of county councils.

Part 1- General

355 How does a council exercise its functions?

A function of a council may, subject to this Chapter, be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or Councils (including by means of a Voluntary Regional Organisation of Councils of which the Councils concerned are members), or by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member).
- (e) by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member).

Part 3 - Delegation of functions

377 General power of the council to delegate

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

- (a) the appointment of a general manager,
- (b) the making of a rate,
- (c) a determination under section 549 as to the levying of a rate,
- (d) the making of a charge,
- (e) the fixing of a fee,
- (f) the borrowing of money,
- (g) the voting of money for expenditure on its works, services or operations,
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- (i) the acceptance of tenders which are required under this Act to be invited by the council,
- (j) the adoption of an operational plan under section 405,
- (k) the adoption of a financial statement included in an annual financial report,

(Appendix 3.2 Page 2 of 2)

- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
- (t) this power of delegation,
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.

Part 2 Duties of disclosure

Division 1 Preliminary

441 Who are “designated persons”?

For the purposes of this Chapter, designated persons are:

- the General Manager;
- other senior staff of the Council;
- a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest; and,
- a person (other than a member of the senior staff of the council) who is a member of a committee of the Council identified by the Council as a committee whose members are designated persons because the functions of the committee involve the exercise of the Council’s functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.

442 What is a “pecuniary interest”?

- (1) For the purposes of this Chapter, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in section 443.
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.

443 Who has a pecuniary interest?

- (1) For the purposes of this Chapter, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - (a) the person, or
 - (b) another person with whom the person is associated as provided in this section.
- (2) A person is taken to have a pecuniary interest in a matter if:
 - (a) the person’s spouse or de facto partner or a relative of the person, or a partner or employer of the person, has a pecuniary interest in the matter, or
 - (b) the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2):

- (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
- (b) just because the person is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or
- (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

446 What disclosures must be made by a member of a council committee?

A member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests in accordance with section 451.

Division 3 Disclosure of pecuniary interests at meetings

451 Disclosure and presence in meetings

- (1) A councillor or a member of a Council committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- (2) The councillor or member must not be present at, or in sight of, the meeting of the Council or committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.

