



JUNEE SHIRE COUNCIL

SECTION 355 COMMITTEE GUIDE

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This Guide has been produced by Council in the interest of the community and members of the community who serve on Section 355 Committees. If used appropriately, the Guide provides the governance framework to help ensure the safety, health and well-being of all members of Section 355 Committees and the broader public.

I INTRODUCTION

Junee Shire Council can appoint various committees to assist Council in its decision making processes and for the undertaking of various Council functions.

This Guide has been produced to assist the members of Council section 355 committees in the undertaking of their role as committee members.

Committees are effectively a Committee of the Council. They are established under section 355 of the Local Government Act 1993, which allows a Council to delegate some of its functions.

As such, Council is responsible for everything that your Committee does while it is acting within its Constitution. It is therefore important that your Committee only acts within the powers set out in its Constitution and keeps Council advised of what it is doing.

From a legal perspective, it is important for you to be aware that your Committee is acting on behalf of Council. Legally your Committee is 'Council', and Council becomes accountable for anything your Committee does while it is acting within its Constitution. The actions of your Committee are actions of Council. Your Committee should not act independently of Council and if it does act independently and outside its Constitution, then its members may be liable for its actions.

Council values your contribution as a member of a Committee. Should you have any questions either about these guidelines or the way in which your Committee is operating, or should operate, please contact Council's Governance Section.

As there are a range of types of Committees appointed by Council, this Guide has been produced as a General Guide covering the basic issues likely to be confronted by most Committees in their operations. Each Committee will be assigned more details defining their role and function.

1.1 What is a Section 355 Committee?

Section 355 of the *Local Government Act 1993* merely states, in part, that a function of the Council may be exercised by a committee of Council.

1.2 What are Section 377 delegations?

Section 377 of the *Local Government Act 1993* provides that Council may delegate to any person or body, any of the functions of the Council, subject to some exclusions. Typically the Council appoints a committee under Section 355 and delegates some function(s) to that committee under Section 377. This function could include the provision of advice to Council.

1.3 Types of Committees

The following are types of committees that can be appointed by Junee Shire Council.

- Advisory Committees

Membership can comprise councillors and members of the public, or members of the public only. These Committees provide advice to the Council on either a locality or a specialist field. These Committees generally do not handle funds.

- Management Committees

Membership can comprise councillors and members of the public, or members of the public only. They typically have delegated responsibility for the care, control and management of a Council facility or function.

- Event Management Committees

Similar to Management Committees, but these Committees have delegated responsibility for organising and conducting a specific event. This may or may not include some financial responsibilities.

For the purposes of this Guide, the term “Committee” will be used in reference to the above types of Committees.

1.4 Variation to this Guide

The provisions of this Guide may only be varied or amended by the General Manager, under delegation from Council.

2 APPOINTMENT AND DISSOLUTION OF COMMITTEES

2.1 Appointment

The appointment of Section 355 Committees is entirely at the discretion of Council. The Committees are appointed and re-appointed in accordance with the provisions of Section 355 of the *Local Government Act 1993* and delegations made to such Committees pursuant to the requirements of Section 377 of the Act.

Each Committee is a Committee in its own right and does not have the ability to sub-delegate its delegations to any other committee or sub-committee.

Each Committee must have a Constitution, which may have another name such as Terms of Reference. The Constitution and any amendments to the Constitution require the approval of Council.

Each Committee should also receive an Instrument of Delegation from the Council which sets out those functions of Council that the Committee has authority to undertake.

2.2 Dissolution

Council may dissolve a Committee at any time for any reason, including but not limited to:

- to carry out the function itself;
- if the Committee is not complying with its roles and responsibilities;
- in the event of membership dropping to less than four persons;
- if a Committee or facility becomes inactive or inoperable.

If a Committee has been delegated any financial responsibilities and the Committee is dissolved, all assets and funds of the Committee will, after payment of all expenses and liabilities and collection of all monies due, be handed over to Council.

On dissolution of a Committee, the Secretary/Treasurer or the responsible Committee member must forward all records (minutes, correspondence, financial records, etc.) to Council immediately.

2.3 Members of Committees

Membership of the Committee will be as detailed in the Constitution for the Committee and *may* comprise:

- Councillors
- Representatives of community organisations or sporting bodies.
- Members of the public

Committee members are to be appointed by the Council. Council will invite nominations for membership to committees.

Committee members can only be appointed to one Committee.

Where persons under the age of 18 years seek membership on a Committee they must have parent/guardian consent to become a member of a Committee.

Upon Council resolving to accept the nomination of the person proposed for membership of the Committee, Council will advise that person in writing of the appointment to the Committee.

People who have nominated for Committee membership cannot vote or take part in meetings of the Committee until after their appointment is confirmed in writing by Council.

A Committee member's commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential.

Each member or delegate is entitled to one vote.

Members of Section 355 Committees are volunteers and therefore do not receive payment for services.

Transportation to and from Committee activities is the responsibility of each Committee member.

Council conducts induction training on a regular basis covering such issues as Code of Conduct, Code of Meeting Practice and Work Health and Safety. This induction is mandatory for all Committee members.

Council may nominate staff as the Council liaison and to provide services such as professional advice and secretarial duties. In these instances staff members are not appointed members of the Committee and cannot take part in the formal voting or decision making processes of the Committee.

2.4 Working with Children

If Committees are involved with or carry out activities with young people, then its members will be required to have clearance under a Working With Children Check.

A Working With Children Check is a requirement for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct.

The result of a Working With Children Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked.

While a criminal record check can be an important tool to being 'child safe', they cannot identify people who have not previously been caught or are yet to offend. The Council is committed to provide safe environments for young people and encourages any person to report incidents or awareness that undermines children's safety or wellbeing.

The Working With Children Check is fully portable so it can be used for any paid or unpaid child-related work in NSW for as long as the individual remains cleared.

2.5 Casual Vacancies

A casual vacancy on a Section 355 committee may occur when a person ceases to be a member of the committee. A person shall cease to be a member of a Committee if the:

- Committee is dissolved by Council;
- member resigns by notification in writing to the Committee;
- member is absent without a granted leave of absence for three consecutive meetings of the Committee;
- Council passes a resolution to remove the member from the Committee;
- member is found to have acted in a manner contrary to the Code of Conduct;
- member holds any office of profit from the Committee;
- member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any questions relating to the matter. For the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the *Local Government Act 1993*
- member is prohibited under the *Corporations Act 2001* from managing a corporation within the meaning of that Act;
- member becomes bankrupt;
- member becomes a mentally incapacitated person.

In the event of a casual vacancy occurring on the Committee for any reason, the General Manager or the Council can appoint an individual to fill a casual vacancy.

3 DUTIES AND RESPONSIBILITIES

3.1 Responsibilities of Council

Council's responsibility is to:

- undertake the functions identified in Council's strategic and management plans through the most efficient and cost effective means including through the appointment of Section 355 Committees;
- ensure that its community facilities are maintained structurally and in safe repair in accordance with Council's adopted Delivery Program, Operational Plan and Budget, and are safe for use by the community;
- ensure that its community facilities operate in accordance with the *Local Government Act 1993*, Council policies and the applicable Delivery Program and Operational Plan;

- Ensure the insurance and security of property belonging to user groups of its community facility is the responsibility of the user group.

3.2 Responsibilities of Committees

The Committee is responsible for:

- undertaking the Council functions delegated to it;
- complying with the provisions of the Committee Constitution;
- handling funds (where applicable) in accordance with the financial practices specified by the Council;
- providing reports to Council as provided in this Guide;
- meeting as frequently as required by the Committee Constitution. Meetings are to be conducted in accordance with standard meeting procedure and a copy of the minutes of each meeting is to be forwarded to Council as required by the Committee's Constitution.

3.3 Responsibilities of Committee Members

All Committee members are required to:

- comply with Council's Code of Conduct,
- carry out the business of the Committee in accordance with the Committee's Constitution and the terms of Council's delegation to the Committee.

3.4 Protections for Committee Members

The Council holds the following types of insurance where "members of a Committee established by Council" are included in the definition of "the insured". The following is generic in nature and more specific information can be obtained from Council's Insurance officer.

Public Liability

Council's Public Liability Insurance covers damage or injury to the public as a result of an act or omission by Council due to negligence. In this instance "Council" means employees, Councillors, Committee members and volunteers.

Personal Accident

Provides limited benefits to committee members where death or injuries are suffered in the course of their duties for the committee. The policy does not cover medical costs.

NB: Death or injury must be accidental. The policy does not extend to a death or injury from medical causes (eg. heart attack) while undertaking Council duties.

Property Protection

Property protection insurance covers the assets of the Council such as buildings. The policy has an associated excess. Volunteers' personal items are not covered by Council's insurance whilst the volunteer is undertaking volunteer activities. Volunteers/committee members should ensure their insurance policy provides coverage in this regard should they deem it a necessity.

4 LIMITATIONS ON POWERS OF A COMMITTEE

4.1 Legislative Limitations

There are limits to the powers Councils are allowed to delegate to Committees under Section 377 of the *Local Government Act 1993*. Those which cannot be delegated to Committees include:

- the making of a charge;
- the fixing of a fee;
- the borrowing of money;
- the voting of money for expenditure on its works, services or operations;
- the acceptance of tenders which are required under the Act to be invited by Council
- a decision under Section 356 to contribute money or otherwise grant financial assistance to persons;
- the making of an application, or the giving of a notice, to the Governor or Minister;
- any function under this or any other Act that is expressly required to be exercised by resolution of Council.

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

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

4.2 Setting Fees and Charges for Use of Council Facilities

The *Local Government Act 1993* does not permit the delegation of the fixing of fees and charges for the use of a Council facility to a Committee. Fees and charges must therefore be fixed by Council at the same time that it adopts its' annual fees and charges (usually late June).

A Committee may be requested by the Council to provide advice on new fees and charges that apply to facilities under its control.

Fees and charges are effective on a financial year basis from 1 July – 30 June.

4.3 Making of Donations

The making of donations is a matter which Council must approve by resolution. It is therefore necessary for the Committee, if it proposes to make a donation, to seek approval from Council.

4.4 Correspondence

The Committee is not permitted to forward official correspondence to government officials or government departments including the Governor-General, Prime Minister, Premier or government ministers. All official correspondence must be signed by the General Manager or their representative. This includes signing applications and acceptances in relation to grant funding.

4.5 Media

Committee members are not permitted to speak to the media on any Council matters in their

capacity as a Committee member. All such requests received must be referred to the General Manager or their representative.

4.6 Employment of Staff

The Committee cannot employ any staff without the authority of Council and/or the General Manager.

4.7 No Authority over Council Staff

Committee members/volunteers have no authority to direct a Council staff member to undertake or complete any task.

4.8 Legal Status

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

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

It should also be noted that individual committee members are considered to be public officials while engaged in Committee activities.

5 DUTIES OF OFFICE BEARERS AND COMMITTEE MEMBERS

The Committee will, from its own members, elect the office bearers provided for in the Committee Constitution.

The office bearers are to be elected at the Committee's Annual General Meeting and hold office for a period of twelve months or until their successors have been appointed.

Councillors may hold the position of Chairperson on a Committee.

The Office bearers to be elected will depend on the Committee's Constitution. Duties of office bearers may include the following:

5.1 Chairperson

- To ensure the smooth running of Committee meetings in accordance with standard or adopted meeting procedure.
- To preside at meetings, ensuring that all Committee members have an equal opportunity to speak.
- To regulate meetings, ensuring that sufficient time is allocated for discussion and decision making.
- To provide background on matters discussed so that all members are equally informed.
- To summarise decisions made by the Committee, thus clarifying the 'who, what, when and how' of the decisions being made.
- To receive and put to the meeting for debate any motion that is brought before the Committee.
- To act as spokesperson for the Committee, where an appropriate delegation has been

provided by Council.

5.2 Deputy Chairperson

- To assist the Chairperson and during his/her absence, assume the role of Chairperson.

5.3 Treasurer

A Treasurer is only required if a Committee has been delegated financial accountability for funds provided to the Committee.

Should that be the case the Treasurer has responsibility for keeping appropriate financial records for the Committee. The duties of the Treasurer are:

- To be responsible for receipt of all moneys payable to the Committee and give receipts for same.
- To keep correct accounts and books showing the financial affairs of the Committee.
- To bank all moneys received to the credit of the Council / Committee.
- To submit financial statements as required to Council.
- To make available an up-to-date financial statement (Treasurer's Report) for each meeting of the Committee.
- To submit accounts to each Committee meeting for confirmation of payment.
- To close off the Committee's financial records at 30 June each year and have the financial records audited if required by the Constitution.
- To forward a copy of the financial report to Council by 31 July each year and submit a copy of the financial statements to the Annual General Meeting.
- To prepare and submit GST Summary Returns to Council as required by Council.

5.4 Secretary

A Secretary is only required if a Management or Event Management Committee has been established.

The Secretary is often the first point of contact with the Committee through correspondence and by phone and can be supported by a council staff member. The Secretary's major areas of responsibility are:

- To deal with all incoming and outgoing correspondence and present it at Committee meetings for either receipt or confirmation.
- To provide notices and agendas of Committee meetings to Committee members.
- To accurately record the minutes of each meeting and to promptly forward a copy of all minutes to Council and all Committee members.

5.5 All Committee Members

All Committee members have important roles, both in the general duties of the Committee and at meetings. Attendance and participation in decision making at meetings is vital to the effectiveness of the Committee.

It is the responsibility of all Committee members to:

- Familiarise themselves with their Committee's Terms of Reference to ensure they are aware of how their Committee is to function.
- Attend most Committee meetings.

- Participate in meetings – this involves:
 - being on time;
 - sticking to the agenda;
 - contributing to the discussion where appropriate;
 - being objective and listening to others' views;
 - volunteering to do some of the necessary tasks required.
- Support the office bearers in carrying out their jobs.
- Attend and participate in any planning meetings that may be held.
- Where a facility or event is involved, making sure the facility is being maintained and runs smoothly.

5.6 Training of Committee Members

The *Work Health and Safety Act 2011* requires Council to ensure that volunteers have the skills and training necessary to carry out their activities in a safe manner. Training to advise Committee members and office bearers of the requirements of their positions will be arranged and conducted by Council where appropriate or requested by the Committee.

5.7 Records of the Committee

The *State Records Act 1998* mandates that all public officials have a responsibility for keeping full and accurate records which document their activities and decisions and the reasons for those decisions. They must be kept secure against unauthorized access, alteration, loss or destruction.

Most of the records of Council Committees, e.g. minutes of meetings, financial records, booking diary, etc., should be kept for at least seven years. Council will provide advice as to the most appropriate records storage procedures.

6 INSURANCE

6.1 Insurances held by the Council

Council is required to hold insurance policies to cover its liability as a consequence of its business activities. Policies that relate to volunteers and their activities include:

- Public Liability Insurance
- Persons Accident Insurance
- Property Protection Insurance.

Public Liability Insurance

Council's Public Liability Insurance covers damage or injury to the public as a result of an act or omission of an act by Council due to negligence. In this instance "Council" means employees, councillors, Committee members and volunteers.

Public liability claims often end up in court and it is most important that accurate details are taken down immediately after an incident/accident. This information may be used in court and the volunteer involved called upon as a witness.

Council's insurer determines all insurance claims. Committee members must NEVER ADMIT LIABILITY.

Personal Accident Insurance

Council's Personal Accident Insurance covers Council employees, Committee members and volunteers for bodily injury incurred while carrying out activities on behalf of Council that result in death or disablement. Personal Accident Insurance does not cover loss of income.

Personal accident cover provides limited benefits to committee members where accidental death or injuries are suffered in the course of their duties for the committee. The policy does not cover medical costs.

Volunteers, who are not committee members, must sign in and out on the Volunteer Register each time they undertake volunteer activities. This is necessary in order to record the hours the volunteer works to ensure insurance cover in the event of an accident or injury occurring while carrying out duties on behalf of Council.

Property Insurance

It is Council's responsibility to ensure all its properties and assets are adequately insured.

Property Insurance covers damage but is subject to the policy's terms, conditions and exclusions and each claim carries an excess (the amount not covered by the insurer).

Burglary and malicious damage incidents **MUST** be reported to the Police immediately upon discovery and a Police Report Number and the name of the Police Officer recorded.

All incidents, regardless of value, must be reported to Council.

It should be noted, that volunteers' personal items are not covered by Council's insurance whilst the volunteer is undertaking volunteer activities.

6.2 Insurance Required by Casual Hirers

Council has available a Public Liability Insurance Policy for casual hirers who do not have their own insurance and who wish to hire a Council facility as a one off or on a casual basis.

Casual hirers are defined as those using a Council facility for one off events such as birthday parties, weddings, receptions, christenings, etc.

Excluded from Council's casual hirer's policy are all incorporated bodies, sporting clubs, associations of any kind and commercial entities (businesses). These exclusions are determined by Council's insurer, not Council.

6.3 Insurance Required by all Other Hirers/User Groups

Public Liability Insurance

All incorporated bodies, sporting clubs, associations of any kind and commercial entities (businesses) **MUST** have their own Public Liability Insurance with a minimum cover of \$20 million dollars, noting Council as an "interested party" on the policy. A copy of the hirer's Public Liability Insurance Certificate of Currency must be obtained prior to approving the hire to ensure that appropriate cover is in place.

Workers Compensation Insurance

If the hirer has employees that will be assisting with activities during the hire of the Council facility it must have Workers Compensation Insurance or Sickness and Accident Insurance if a sole trader. A copy of the hirer's Certificate of Currency must be attached to the User Agreement for Council facilities before the hire is approved.

6.4 Volunteer Insurance

If the hirer has volunteers that will be assisting with activities during the hire of the Council facility, it must also have Volunteer insurance. A copy of the hirer's Certificate of Currency must be attached to the User Agreement for Council Facilities before the hire is approved.

6.5 Property Insurance

Equipment belonging to hirers such as sports clubs, playgroups, etc. is not covered by Council's insurance Policy and such groups must be advised to obtain their own cover for such items if stored at the facility.

6.6 Insurance required by Contractors of the Hirer

Any additional services or contractors engaged by the hirer, e.g. to install stage or lighting equipment, caterers, operators of amusement devices, must have a minimum of \$20 million Public Liability Insurance. A copy of the contractor's Certificate of Currency must be attached to the User Agreement for Council Facilities before the hire is approved.

6.7 Insurance Required for Fundraising and Community Events

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

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

6.8 Notification of Potential Claim

Any matter or incident that may give rise to a claim against Council must be reported to Council as soon as possible. This will ensure that investigations and remedial actions can be undertaken to prevent further occurrences and protect Council's interests.

The Committee may receive notification of an incident either verbally, in writing, by telephone or by observation. Once the Committee becomes aware of a potential claim it must notify Council by the next business day. If Council does not notify its insurer of a claim which it could reasonably have known about, indemnity may be denied.

7 WORK HEALTH & SAFETY

Council is required to comply with the provisions of the Work Health & Safety Act 2011 and Work, Health & Safety Regulation 2011. In complying with the Act, Council has a statutory responsibility to take appropriate measures to ensure that no person (including employee's volunteers, contractors or visitors to a Council workplace) suffers harm or injury to their health and safety from the way in which Council conducts its activities. Council has a duty to ensure that risks to health and safety at a workplace are identified, assessed, eliminated or controlled. "Workplace" means premises where people work and in particular includes:

- Any land, building or part of a building;
- Any vehicle
- Any tent or moveable structure

Council is committed to providing a safe and healthy work environment for all employees, volunteers and visitors to a Council workplace. It is acknowledged by Council that ensuring the highest possible standards of health and safety is an important responsibility which is shared by all managers, employees and volunteers.

Volunteers have a responsibility not to place themselves and others at risk through their activities. It is a condition of being accepted to undertake voluntary work that volunteers follow all reasonable directions in regard to ensuring a safe and healthy place to undertake the activity. Council requires that volunteers observe the following procedures:

- Be aware of and comply with Council policies
- Participate where required in hazard identification, risk assessments and adoption of risk controls;
- Follow the procedures issued by Council;
- Generate and maintain any records of activities as required;
- Use any Personal Protective Equipment (PPE) provided by Council as part of risk management procedures;
- Refrain from inappropriate behaviour which could place them or other persons at risk;
- Observe any safety signs;
- If uncertain as to the proper procedures, seek advice from the appropriate Council officer;
- Report to the appropriate Council officer any accidents, incidents or near misses which have, or could have, caused injury to a person or damage to property

Any questions about work, health and safety should be directed to Council's Work Health and Safety representative.

8 RISK ASSESSMENT

Where a Section 355 Committee undertakes an activity as opposed to providing advice to the Council, it must consider the risks associated with such activity. A risk assessment should be undertaken for each relevant activity. Guidance on undertaking risk assessments are available from Council and copies of completed risk assessments should be submitted to Council for their records.

9 CODE OF CONDUCT OBLIGATIONS

All Committee Members are responsible for complying with Council's Code of Conduct. There are also General Conduct Obligations contained within the Code which are enforceable standards of conduct.

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

9.1 Conflict of Interests

The Council's Code of Conduct places similar obligations on Committee members as it places on Councillors in relation to conflict of interests. There are two kinds of conflict of interests, pecuniary interest and non-pecuniary interest.

9.2 Pecuniary Interest

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.

Chapter 14 of the *Local Government Act 1993* includes a framework for handling alleged breaches of the pecuniary interest provision of the Act. The Act is about openness, accountability and transparency in decision making by Councils.

Responsibility of Committee Members

Where a "pecuniary interest" exists it is the responsibility of the Committee member:

- To disclose to the Committee meeting any pecuniary interest in a matter to be considered by the Committee or raised during the Committee meeting.
- To leave the meeting and be out of sight of the meeting and not to participate in discussion of that matter in which the member has a pecuniary interest while it is being considered by the meeting.
- Not to vote on the matter being considered by the meeting in which the member has a pecuniary interest.

The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

9.3 Non-pecuniary Interest

A "non-pecuniary" conflict of interest can arise when a Committee member has another involvement or interest which makes it difficult for them to remain impartial when involved in discussions and decision making. These can include the following situations:

- business or professional activities;
- employment or accountability to other people or organisations;
- membership of other community organisations or service providers;
- ownership of property or other assets.

The conflict may lead to:

- financial benefit - eg. sale of goods or privileged knowledge (this would become a pecuniary interest);
- political benefit - eg. gaining or losing electoral/community support; or
- personal benefit - eg. career advancement or increased standing in the community.

9.4 Dealing with Conflicts of Interest

To protect Committee members as well as Council as a whole, all Committee members should declare their interests in advance. If a potential conflict arises, it should be declared as soon as possible and must be recorded in the Minutes of the Meeting where such conflict is declared. It will be necessary to determine whether the interest is a significant non-pecuniary conflict of interest or a less than significant non-pecuniary conflict of interest.

The potential actions that should be taken in relation to a significant non-pecuniary conflict of interest include:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict;
- b) have no involvement in the matter, by leaving the meeting and not taking part in any debate or voting on the issue.

As a last resort it may be necessary for a Committee member to resign from the Committee where the nature of the conflict is so pervasive that the above actions are not appropriate methods of handling the conflict. Advice should be sought before taking this course of action.

9.5 Dispute Resolution – Internal

All disputes and disagreements between members of the Committee are to be resolved within the Committee, where possible.

Where a dispute or disagreement over a matter under consideration occurs within a Committee, a resolution of the majority of the Committee will determine the outcome. Where this is not possible, the Chairperson will have the casting vote.

Whilst Council staff are available to assist the Committee in attempting to resolve internal disputes, Council would prefer that the Committee resolve its disputes and/or conflict situations within the Committee.

10 VOLUNTARY WORKERS

Members of Management or Event Management Committees may also be involved in setting up and taking down equipment used for the conduct of an event. In addition members of the public may volunteer to assist with this work. Members of some Committees may undertake voluntary work such as cleaning, maintenance, gardening or landscaping in respect of a Council operated facility.

Generally members of advisory Committees do not undertake voluntary work of this nature.

A number of obligations are placed on the Committee and Council where voluntary work is being undertaken. These include:

- Maintenance of a Volunteer Register,
- Maintenance of a work record,
- Provision of appropriate induction and training,
- Provision of a site induction,
- Provision of a warning in relation to the type of work,
- Maintenance of a safe working environment (WH&S).

Additional details on each of these items are provided below and will vary from Committee to Committee based on the activities they undertake.

10.1 Volunteer Register

Committee members *and volunteers who are not Committee members* must complete a **Volunteer Registration Form** which will form part of the Volunteer Register. Provision exists on the Volunteer Registration Form to record training provided in respect of the type of work to be undertaken. These forms are to be submitted to the nominated Council contact.

A work record must be maintained for each period of work where voluntary workers (including Committee members) are involved. This can be in the form of a sign on/sign off sheet or a diary. Committee office bearers are to ensure that all volunteers are entered into the Work Record. This is necessary in order to record the hour's volunteers work to ensure insurance cover in the event of an accident or injury while carrying out duties on behalf of Council.

The Work Record is to be retained by the Committee so as to be accessible by Council if required.

10.2 Training

Committee office bearers are to ensure that voluntary workers have received appropriate training for the work to be undertaken, and that this is recorded on the Volunteer Registration Form. If training assistance is required, this should be coordinated with the nominated Council contact.

10.3 Site Induction

For each period of work being undertaken by voluntary workers, a site induction is to be provided by the Council or their delegate and recorded on the work record.

The site induction is to include a warning to the voluntary workers that the work may be hazardous and the nature of such hazards.

11 FUNDRAISING

The Committee may hold fundraising events to raise funds to improve a community facility or event it has responsibility for. Council supports these efforts.

When planning a public event the Committee must gain the approval of the General Manager or delegate at the beginning of the planning process.

The following points should be kept in mind if the Committee engages in fundraising activities.

- a) Any fundraising activities must be carried out in accordance with the *Charitable Fundraising Act 1991*. An information package can be obtained from the NSW Office of Liquor, Gaming and Racing website at www.olgr.nsw.gov.au
- b) Make sure when organising a fundraising event that all fees, charges and donations comply with GST legislation.
- c) If you are organising a major fundraising event, please check whether you need to apply to Council for approval via a Land Use/Development Application that may attract a fee.

If you require any further information in relation to fundraising activities and/or insurance cover, please contact the nominated Council contact or Council's Insurance/Risk Management officer.

12 APPLYING FOR GRANTS

There are many types of grants available to assist Council and communities in providing services and facilities. Many of these programs require the applicant to provide equal funding. Committees may not apply for grants without the prior approval of the General Manager.

As the grant programs and their timetables for submission vary greatly, Council suggests if your Committee is interested in applying for grants, you regularly search the internet to see what is available that may suit your Committee's needs. The nominated Council contact may be able to assist as well.