

# Section 355 Committee Guidelines



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Directorate	Community, Arts and Recreation
Branch	Community and Recreation

## SUMMARY

Council recognises and appreciates the important work done by volunteers through Section 355 (S355) Committees. These Guidelines have been developed to assist committee members in the ongoing operation of a S355 Committee. They are provided as a general overview of requirements that may apply to individual S355 Committees, depending on the function(s) being performed and/or the asset(s) that are being managed. The Guidelines should be read in conjunction with *S355 Committee Delegations* that set out the boundaries within which Council has authorised committees to operate.

Every S355 Committee and each individual member of those committees, acts on behalf of QPRC so they are bound by the same legislation that binds QPRC.

In July 2022 Council resolved to appoint Councillor members to every S355 Committee. You can find all QPRC S355 Committees with their Councillor delegates on the website <https://www.qprc.nsw.gov.au/Council/Council-Business/Committee-Representatives>. It is recommended the details of at least one contact officer per committee be included on the Council website.

### Contact with Council

S355 Committees are encouraged to communicate with Council at any time, particularly if urgent maintenance is required on their facility. Direct contact details are below.

PURPOSE	NAME & POSITION	CONTACT DETAILS
General contact and advice	Terry Campese Coordinator, Community	<a href="mailto:terry.campese@qprc.nsw.gov.au">terry.campese@qprc.nsw.gov.au</a> (02) 6285 6198 0457 857 773
General contact and advice	Chris Duncan Manager – Community and Recreation	<a href="mailto:chris.duncan@qprc.nsw.gov.au">chris.duncan@qprc.nsw.gov.au</a> (02) 6285 6168 0439 060 012
Alternative Contact	Mark Spear Coordinator, Recreation	<a href="mailto:mark.spear@qprc.nsw.gov.au">mark.spear@qprc.nsw.gov.au</a> (02) 6285 6331 0400 926 290

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# 1. COMMITTEE MEMBERSHIP

Generally, S355 Committees have a minimum of four and a maximum of 12 members. Committee members are approved by Council and become registered volunteers of Council to ensure that they are covered by Council's insurances. Committees can be appointed for a specific or indefinite term but are usually re-elected with each new Council term.

Members are eligible for re-appointment unless they:

- fail to attend meetings without reasonable explanation;
- become bankrupt;
- fail to disclose any pecuniary interest in any matter with which the committee is concerned and take part in discussions or votes on any question relating to the matter. (Refer Section 442 of the NSW Local Government Act);
- while holding office, are convicted of an offence referred to part 4 of the NSW Crimes Act 1900; and
- becomes unfit to hold a position

Or if

- Council passes a resolution to remove the member from the committee.

If a vacancy occurs, the committee should inform Council in writing regardless of whether it wishes to recommend a replacement. Council may call for nominations by way of public advertisement to fill a vacancy.

## 1.1 Office bearers and duties

Based on their needs and size, S355 Committees can elect the following office bearers.

### 1.1.1 Chairperson

The Chair of a committee is responsible for:

- providing coordination, guidance, and leadership to ensure the successful functioning of the committee
- representing the committee in the public
- ensuring the administrative and other tasks from meetings are carried out.

During meetings, the chairperson should ensure that:

- meetings are correctly convened
- a quorum is present for all decisions
- meeting decisions are recorded properly in meeting minutes
- order is maintained
- the business of the meeting is conducted and completed properly.

The Chairperson may vote on any motion and if a vote is tied, the chairperson may exercise a casting vote. If the Chairperson is absent, the committee may appoint another member to temporarily act as Chair.

### 1.1.2 Deputy Chairperson (optional)

### 1.1.3 Secretary

The secretary is responsible for the administration work of the committee including:

- taking and distributing meeting minutes
- maintaining all records and correspondence
- managing correspondence to and from the committee

- preparing notices of meetings, agendas, reports, and copies of correspondence for committee members
- liaising with the chairperson between meetings.

#### 1.1.4 [Treasurer](#) (if the committee handles funds)

The Treasurer is responsible for keeping the committee's financial records in good order. The Treasurer does not have to be a financial professional. Duties include:

- maintaining a bank account in the name of the committee (once approved by Council)
- ensuring signatories to the account are the chairperson, treasurer, and secretary (or one other office bearer) with any two to sign
- recording and banking money received
- paying accounts as authorised by the committee
- keeping all invoices, receipts, and bank statements etc. for audit purposes
- reporting on bank balances, transactions, current financial position, and other financial information the committee may require at each meeting.
- preparing an annual financial report.

#### 1.1.5 [Bookings Officer](#) (if required)

#### 1.1.6 [Publicity Officer](#) (if required)

#### 1.1.7 [Community/ Specialist representative](#)

#### 1.1.8 [General committee members](#)

Non-office bearing members' duties include:

- actively participating in committee activities and business
- attending committee meetings and participating in decision making
- bringing to the committee's attention any problems or issues.

#### NOTE:

Non-committee members with the relevant skills may be appointed to undertake tasks such as bookkeeping and secretarial work. In some cases, this will be a volunteer; in other cases, the committee may engage a relevantly qualified person to keep financial records.

### **1.2 *Election of office bearers***

Positions should be declared vacant and re-elected at each Annual General Meeting.

Members of the public are encouraged to attend S355 Committees and consider becoming a volunteer member at any time. The committees should advise Council of any new members so that they may be formally approved by Council.

## 2. COMMITTEE MEETINGS

Each committee will decide its own meeting frequency and times in accordance with its charter. The aim is to meet as often as is necessary for good management of the Council asset. As a minimum, one meeting should be held each quarter. S355 Committee meetings are open to the public because the committee is representing the community in the management of a public asset. Therefore, visitors should be able to attend meetings if they wish. They can take part in discussions only at the invitation of the chairperson and cannot propose motions or vote.

The committee should determine the dates and venues for its meetings and provide adequate notice to the local community via newsletters, noticeboards, letter-drops and/or printed advertisements in local newspapers, newsletters and/or by electronic means.

Each committee should advise Council of its meeting schedule to enable this to be publicised on Council's website as public information.

The business that a committee deals with at the regular meeting will be largely determined by its level of activity. The basics that need to be covered include reports from the:

- Chairperson
- Treasurer
- Secretary, including a list of correspondence received and sent
- Progress reports on any works being done

### 2.1 *Holding Committee meetings*

#### 2.1.1 Notice of the meeting

Reasonable notice of meetings should also be provided to both committee members and the public. This may be by publishing annually a schedule of meetings on Council's website, community newsletters, or publishing a notice of meeting prior to each meeting or by appropriate electronic means.

#### 2.1.2 Agenda

Prior to any meeting, an agenda is prepared. The agenda is a short document that sets out the business to be dealt with at the meeting. It is usually prepared by the Secretary in consultation with the Chairperson, but any committee member can nominate items of business to be included. The agenda is circulated with the minutes of the previous meeting and any reports to be considered at the meeting preferably at least one week prior to the meeting. An example of a meeting agenda is at the end of this chapter.

At the start of the meeting the Chairperson may ask if there are any additional items to be added to the agenda. New items of business are generally acceptable however, if they are contentious or if some members are absent, the meeting may decide to defer discussion of these issues.

#### 2.1.3 Quorum

A quorum is the minimum number of committee members that must be present and remain present for the duration before a meeting is valid. For QPRC S355 Committees a quorum is a majority of members, i.e. half the members, plus one (e.g. for a 12-person Committee, seven members will need to be present for a quorum). If, after 15 minutes from the start of the meeting, a quorum has not been obtained, the chairperson may decide to postpone the meeting, or conduct the meeting but refer all decisions and motions to a subsequent meeting when a quorum is present for reconsideration and/or ratification.

#### 2.1.4 Decision Making

Committee decisions are made through motions. Any committee member may move a motion and the chairperson accepts the motion for consideration. Motions should be moved by one committee member and seconded by another. They are then discussed and voted on by the committee (i.e. all in favour/ all against). If a vote is tied, the Chairperson can exercise a casting vote.

Motions can be simple i.e. 'I move that the Treasurer's report be accepted' through to motions that are complicated and contentious. In such cases, it may be useful for the motion to be written down and read out or circulated prior to voting, so that everyone is clear about what is being decided.

Decisions can only be made at a meeting where a quorum is in attendance.

#### 2.1.5 Public Participation

Public participation at any committee meeting is at the discretion of the committee and may range from simply allowing the public to witness the committee's proceedings to actively encouraging input into the discussion of items of general business. This could include:

- Allowing question time at the start of any meeting
- Accepting questions in writing for consideration either at the start of the meeting or as part of general business, and
- Encouraging deputations and petitions.

If a committee attracts a high level of public interest, it can develop and circulate some simple rules on how members of the public are expected to conduct themselves in committee meetings. These rules can detail any limits on participation such as limiting questions to two per person, giving the chairperson the right to eject any person disrupting the meeting etc.

Members of the public cannot vote on any matter before the committee.

Council's Manager Community and Recreation can provide guidance on meeting procedure.

#### 2.1.6 The Annual General Meeting (AGM)

The AGM is a public meeting where the committee reports to its community. It must be held no later than 30 September annually. The AGM agenda includes:

- ratification of the minutes of the previous AGM and signing by the chairperson
- the chairperson's report on the committee's activities of the past 12 months
- presentation of financial statements by the Treasurer or Secretary
- an outline of the committee's proposed activities for the 12 months, that may also include seeking the community's approval of those plans
- the ratification/ election of office-bearers for the ensuing term.

The AGM should be advertised at least seven clear days in advance in local newspapers, on public notice boards, in community newsletters, by electronic means and/or via a mail-out to users of the asset. Committee members should receive the agenda, reports, and minutes from the last AGM at least one week before the meeting.

Attendees can ask questions of the committee (at the appropriate time), but it is not a forum for taking motions from the floor or voting on proposals. These actions should be held over to the next regular meeting.

The minutes of the AGM are to be forwarded to Council, along with notification of changes to names, addresses and contact numbers of office bearers.

## 2.2 *Agenda Template – Ordinary Meeting*

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*Committee Meeting for the (Committee Name) Management Committee*

### **MEETING AGENDA**

**Meeting No: \_\_/23**

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**Meeting Date:**

**Meeting Time:**

**Meeting Venue:**

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*Members:*

---

*Apologies:*

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*Absent:*

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1. Opening of meeting by Chairperson/ Welcome to any visitors
  2. Apologies
  3. Declarations of pecuniary interest/conflict of interest
  4. Confirmation of Minutes of the previous meeting held *(Copy of Minutes attached)*
  5. Business arising from the previous minutes
  6. Correspondence In/Out
  7. Treasurer's report
  8. Agenda Items
    - 8.1. *(List any items submitted by committee members separately)*
    - 8.2.
  9. General Business
  10. Confirmation of next meeting date
  11. Closure of meeting

*(Attach any relevant documents to be sent out with Agenda)*

### 3. CODE OF CONDUCT

Councillors, members of staff and delegates, including members of S355 Committees must abide by the QPRC Code of Conduct. This Code is available on Council's website at <https://www.qprc.nsw.gov.au/Policies-Strategies-and-Plans/Adopted-QPRC-Policies>

#### 3.1 Purpose of the Code of Conduct

The Code of Conduct assists councillors, members of staff and delegates to:

- understand the standards of conduct expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence
- act in a way that enhances public confidence in the integrity of local government.

#### 3.2 Conflicts of interest

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. A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of financial gain or loss to you or someone close to you. Where the interest is pecuniary, the person with the interest must comply with the *NSW Local Government Act 1993* as amended.

Committee members must avoid and appropriately manage any conflict or incompatibility between their private or personal interests and the impartial performance of their public or professional duties. They must declare any pecuniary interest or conflict of interest they may have with any matters on the agenda. The declarations should be stated at the start of the meeting and be recorded in the minutes, including the reason given for such interest. Any member declaring such interests must not take part in discussion or voting on the relevant item.

#### 3.3 Bribes, gifts, and benefits

A councillor, member of staff or committee delegate must not:

- seek or accept a bribe, or other improper inducement.
- take advantage of their official position to improperly influence other councillors, members of staff or delegates in the performance of their public or professional duties for the purpose of securing a private benefit for themselves or for some other person.
- by virtue of their official position accept or acquire a personal profit or advantage of a pecuniary value other than as permitted by the Act.

Avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you. Gifts of a token value (up to \$100) may be accepted provided the description of the gift and the circumstances under which it was accepted are reported to QPRC's Manager, Community and Recreation for inclusion in QPRC's gift register.

#### 3.4 Use of Council resources

A Councillor, member of staff or delegate must:

- use Council resources effectively in the course of their public duties, and must not use them for private purposes; and
- not convert to their own use any property of the Council.

## 4. MEETING MINUTES

In accordance with the *Model Code of Meeting Practice for Local Councils in NSW 2021*, each committee of Council must ensure that full and accurate minutes of their meetings are kept. Minutes are a formal, written record of a meeting and must be kept for all meetings of the committee. They should record decisions, rather than a detailed account of the discussion.

### 4.1 What to include

At a minimum, the minutes should record:

- The time the meeting started and finished
- The place of the meeting
- The names of the committee members present and those who are absent, noting those who provided apologies
- Disclosure of any pecuniary interest or conflict of interest of any member.
- The time of any arrivals and departures of members during the meeting
- A list of all items of business considered
- The exact wording of any motions moved, including the name of the mover and seconder, and the mover and seconder of any amendments to the motion
- A record of all members who supported or opposed the motion if requested by any member
- The results of consideration of any motions – carried, lost, withdrawn, lapsed, amended
- Details of any questions taken on notice
- Details of any deputations made to the committee, or any guest speakers, and

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

### 4.2 Other details

- All payments should be approved at a meeting of the committee and recorded in the minutes.
- Each recommendation passed by the committee must have a sequential identifying number and the year, e.g. 1/2023, 2/2023 etc.
- Members may have their name recorded against or for a motion if the motion is carried contrary to the way they voted.
- Every page of the minutes should be numbered and bear the date of the meeting.
- Minutes of a meeting should be endorsed at the following meeting as being a true and accurate record. They can also be confirmed by consensus via email to all members. The motion endorsing the minutes should only be moved by a member who attended that meeting.
- Minutes of meetings should be forwarded to the Manager Community and Recreation. If a recommendation is required to go to Council, a councillor may submit a notice of motion for consideration or alternatively the committees can contact the Manager Community and Recreation requesting a committee recommendation be reported to Council.
- Minutes are a permanent record of the committee's decisions and proceedings. The secretary should keep a Minute Book or appropriate electronic record that will be passed on to the incoming secretary at the end of the committee's term. In the longer term the minutes are public records of Council and should be stored and archived in accordance with the *State Records Act*.

## 5. FINANCIAL MANAGEMENT

S355 Committee Guidelines outline the financial requirements that are legislated under the *Local Government Act 1993* and Regulations. Records of financial transactions can be assisted by the following information:

- [Receipt or Cash books](#) (hard copy or electronic) to record all monies received. Where a hard copy is used, it should consist of pre-numbered receipts and duplicates, so that the original may be detached, and the duplicates remain in the book. Where an error is made in writing out a receipt both the original and duplicate should be cancelled and both copies retained in the book.
- [Expenditure – disbursements](#) All payments should be authorised by any two committee office bearers. Where possible, accounts should be submitted to a meeting for approval prior to payment so that particulars can be recorded in the minutes. Where payment must be made before the next committee meeting, particulars are to be recorded in the minutes of the next committee meeting to confirm the payment. All payments must be also recorded separately either in the cashbook or by electronic means.
- [Banking](#) - Committees should open an account with drawing facilities in the name of the committee at an approved bank within the Queanbeyan-Palerang local government area. All monies received should be banked in the form they were received.
- [Petty cash](#) payments must be supported by receipts/dockets. The total of receipts and cash in the container must equal the total cash float. Receipts must be attached to the cash withdrawal receipt.
- [Annual reports](#) should contain brief details of:
  - membership
  - office-bearers
  - achievements for the past 12 months
  - plans for the next 12 months
  - plans for the longer term
  - income and expenditure including the major source of income and any major expenditure

The report must accompany the submission of a financial statement.



## 6. CONTROL AND MANAGEMENT OF COUNCIL FACILITIES

Committees manage facilities under guidelines set by Council and the *Work Health and Safety Act 2011 and Regulations*. Generally speaking, committees operate with minimum Council intervention or involvement. However, the facilities involved represent an investment of public funds and Council bears ultimate responsibility for the facility. Regular liaison between S355 Committees and Council staff is encouraged to resolve any problems before they escalate.

Committees are responsible for the management of the facilities including arranging and paying for electricity, cleaning, and other items in the general maintenance of the facilities, except rates and property insurance.

### 6.1 Fees and charges

Based on S355 Committee recommendations, Council fixes all fees and charges annually when developing its budget for the following year. Committees should forward their recommended fees and hire charges before 1 March each year, to the Manager Community and Recreation. Fees and charges recommended (including a bond) should be calculated to cover the costs of managing and maintaining the facility including periodic maintenance such as repainting, top dressing, furniture replacement, running of events, etc.

Council retains the right to set or increase fees and charges to secure a reasonable income for the facility. Committees cannot make changes to their fees and charges after adoption of the annual Operational Plan and Fees and Charges unless they have been publicly exhibited and approved by Council. Section 355 Committees do not have the financial delegation to waive fees for external hirers, therefore all bookings are to be charged in accordance with the Council's adopted Fees and Charges. If the committee wants to alter or waive charges, a report to Council will be submitted by the Manager Community and Recreation.

Committees will collect and retain any approved fees for the use of the facility for minor maintenance and running expenses.

If, for any reason, a committee ceases to function, all funds held at that date should be transferred to Council forthwith and without deduction and all assets, improvements and equipment will revert to Council's custody.

### 6.2 Access

Council encourages the use of facilities by members of the public. Subject to the payment of relevant fees and charges and other such considerations, the public has a right to seek the use of the facility. Committees should exercise due diligence when hiring out Council's facilities to minimise the risk of damage and negligence. An appropriate bond should be charged for all public events. Care should be taken to ensure that one group or one section of users/hirers do not unduly subsidise others and that all users contribute on an equitable basis.

Committees must ensure that the premises and surroundings of the facility are safe. A plan and description of the facility will be annexed to the delegations of authority granted by Council to S355 Committees in their charters. If committees are unable to make their facilities safe, they must immediately notify Council.

Council's buildings must not be used for any purpose that may conflict with Council's planning and health requirements, or *Work Health and Safety Act 2011 and Regulations*. Committees should inspect premises prior to hire to enable them to determine that the facility is returned to its pre-hire state.

### 6.2.1 [Keys to facilities](#)

Keys to all Council buildings and facilities are kept on a master system by Council's Facilities and Safe Cities team. Staff will provide a key to each S355 Committee executive. Any additional keys may be requested by the committee, but the allocation of these must be recorded on a key register. Each key must be signed for by the recipient and returned to the committee upon cessation of membership for any reason.

Keys issued to members other than the executive office-bearers are the responsibility of the committee. Any replacement of lost or misplaced keys will be charged to the committee.

Refer 7.4 - Template for Hire Agreement.

### 6.3 [Maintenance and improvements](#)

Any alterations to the area shall be in accordance with development controls of Council. Each committee has the responsibility for ensuring that the facility under its control is maintained in a state of reasonable repair and does not present hazards to users. Council's staff will inspect the various facilities from time to time, but committees are expected to keep Council informed of any substantial repair or upgrading work required on the facility under their control. Fees received by the committee will be retained by the committee to cover the cost of maintenance and improvement.

Any works considered necessary or desirable, but beyond the means of the committee, should be referred to Council in writing so that early consideration might be given to their inclusion in a works program or the allocation of Council funds. Repair work of more than \$2,000 or any structural alterations must first be referred to Council's Manager Community and Recreation for approval and advice before any work is undertaken. Invoices can be processed through Council's purchasing system. This will also take advantage of Council's GST-exempt status.

Committees are encouraged to apply for any grant funding that may be available from the Commonwealth and/or State Government or external bodies. Council's Grants Officer will be available to advise and assist.

Depending on the specific requirements of the funding application form, committees may lodge such applications direct to the funding body; however, they must, **in all cases**, be approved by Council, signed by the General Manager or their delegate, before being submitted. Where required, Council will provide a letter of support for the application.

All grant funding requires acquittal upon completion of the project. To ensure that such acquittals can be properly finalised by Council, the committee must keep, and submit to Council, a record of all invoices, statements, payments, in-kind contributions, and milestones.

#### 6.3.1 [Public buildings](#)

Generally, Council will be responsible for major maintenance and improvements, such as external painting or re-roofing and building extensions, subject to the availability of Council funds, grant funding and income generated by the facility. However, the committee is expected to accept responsibility for the cost of such items as:

- cleaning and replacement of consumables e.g. bins, paper towels and soap
- replacement of worn or broken items
- internal painting
- plumbing maintenance
- electrical maintenance
- minor repairs, such as broken windows and fittings
- installation of new internal fittings, such as cupboards

- utilities – gas and electricity
- excess water
- provision and maintenance of furniture and equipment

### 6.3.2 [Reserves and open spaces](#)

Generally, Council will be responsible for major maintenance and improvements, such as irrigation systems, subject to the availability of Council funds, grant funding and income generated by the facility. The committee should advise Council of periodic maintenance of a major nature, (e.g. line-marking, topsoiling, replacement of worn or broken items, fencing). The committee is expected to accept responsibility for the cost of such items as:

- cleaning
- plumbing maintenance
- electrical maintenance
- electricity
- gas
- excess water
- advertising signage
- fencing erected by the committee

Maintenance works can be carried out by:

- voluntary labour subject to prior induction and risk management
- use of contractors
- Council staff and equipment on the basis that the Management Committee pays Council the appropriate hire rates.

Council's Urban Landscapes staff will regularly check to ensure that the playing field is being properly maintained and that funds allocated by Council are being spent on the approved activities.

Applications for subsidy and loans towards the cost of upgrading playing fields under the management of a S355 Committee will be considered by Council when there is a shortfall in funds after taking into account all income, justifiable expenditure, and available services. Any application for subsidy should satisfy Council that all income is being fully utilised, adequate fees are being charged and that fields are maintained at a reasonable standard.



## CONDITIONS FOR FACILITY USE

The Hirer agrees to abide by the following conditions set down for the hire of a Council facility.

1. To occupy and use the facility (buildings or grounds) at their own risk
2. To pay the fee and/or bond as shown in Council's Fees and Charges.
3. Inspect the facility prior to use to determine whether it is suitable for the purpose being hired.
4. Not use the facility if the facility is unsafe and report this to Council as soon as possible.
5. To leave the facility in a clean and tidy condition at the end of the period of hire and in particular:
  - a. To remove all rubbish, food scraps, empty drink containers, bottles and cans from the facility and place them in the bins provided at the facility.
  - b. Sweep the facility, clean up any spillage by application of appropriate cleaning liquids and agents and leave the toilet facility and/or kitchen in a clean and sanitary condition:
  - c. Clean the tables and chairs used during the time of hire and stack them in the storage area or against the walls of the facility.

***If a facility is not left in a satisfactory condition, users will be billed for any costs incurred by Council to return it to a satisfactory condition or to repair damages incurred by the hirer.***

6. To vacate the facility on or before the end of the time of hire.
7. To maintain public liability insurance policy for at least \$20 million in respect of any one incident with a respectable insurer. Evidence, by way of a current Certificate of Currency (ideally nominating Council as an interested party) must be provided. A photocopy of the certificate must be attached to this application).
 

**Note:** This does not apply to Private Casual Hirers of facilities owned by Council who are not sporting bodies, club associations, corporations, or incorporated bodies and who hire a Council facility for non-commercial purposes. Council provides (at its discretion) cover for any damage as a direct consequence of the use of the facility in accordance with this agreement to such hirers.
8. The policy shall provide cover to the hirer for any act or omission or negligence that may cause loss, death, injury or damage to any person, equipment, personal items that can be directly attributed to the use of the facility in accordance with the terms and conditions of the agreement.
9. To pay for any replacement or repairs of fittings or fixtures in the facility, which is required because of the use of the facility during the time of hire, this includes repairs to equipment in the facility.
10. Before vacating the facility at the end of each period of hire, to turn off all lights and secure all windows and doors.
11. To comply with QPRC's code for outdoor advertising for the erection and removal of sponsor signage.
12. To return keys to the facility to QPRC or the relevant committee member at the earliest opportunity on the day following the day of hire or pay the cost of replacement keys and change of locks.
13. Not at any time while the facility is being used pursuant to this agreement to permit or suffer the emission of offensive noise. 'Offensive noise' means noise that by reason of its level, nature, character or quality or the time at which it is made, or any other circumstances is likely to be harmful to, or be offensive to, or interfere unreasonably with the comfort of people who are living close to, or in the vicinity of, the facility.
14. To observe the **'No smoking'** policy that applies to all Council-owned facilities.
15. The hirer cannot sublet or hire out the facility to any other individual, company or organisation.
16. To keep all exits and entrances free from any obstruction.

17. No high-risk activities (fireworks displays, jumping castle or jumping mats, events requiring traffic management, show events, music or festival events) will be undertaken as part of this hire unless specific Council approval has been provided.

**The hirer agrees that should the hirer breach any of the terms above:**

- 18. Council shall be entitled to bring the agreement to an end and to require the immediate vacating (or 14 days for permanent occupancy) of the facility by persons using it and if such circumstances occur. Council shall not be liable to make good any loss or damages suffered by the termination so effected or pay any compensation to anyone because of the termination.
- 19. Council shall be entitled to recover from the hirer the cost of remedying or rectifying any breach of this agreement including legal and court costs of such recovery.
- 20. Council shall be entitled to apply the whole or any part of the bond paid under terms of this agreement hereof to remedy any breach of this agreement and demand from the Hirer any balance owing to it on behalf of Council if the bond is insufficient to meet the cost of remedy and the Hirer will pay such balance to the committee within 14 days of the demand being made on the Hirer.

**The hirer also agrees with the Committee that the hirer accepts full and complete responsibility:**

- For any loss of or damage to any personal property (including money, jewellery, and credit cards)
- For property on hire or loan that is in the facility prior to, during and after the time of hire, which property is in the facility in connection with or as result of its hire by the hire.

I, .....(Hirer's representative) on behalf of  
.....

confirm that I have read, understood, and agree with the conditions as set down by QPRC in consideration of the hiring of the facility for the above period.

I agree to pay a rental bond of \$..... in advance for the hire of the facility on the date of signing this agreement or by sundry debtor account raised.

I agree to pay a key deposit as advertised in Council's management on collection of the keys to the facility or by Sundry Debtor account.

I agree to abide by the requirements of this agreement.

Hirer's signature .....

Signature of the Authorised Representative of the Committee.....

Date: .....

**OFFICE USE ONLY - Hire Charges as advertised in Council's Fees and Charges**

Usage	Casual Hire Rate Hourly or daily	Permanent Hire Charge Per season	Receipt Number
Rate			
Key Deposit			
Bond			
Electricity costs			
<b>Total</b>			

**Pre and Post Hire CHECKLIST:**

**Before  
Use:**

	✓
Copy of evidence of public liability insurance collected	
Booking entered on computer system	
Notification given to outdoor staff as required	
Copy of signed agreement provided to hirer	
<b>Verified that no high-risk activity will be undertaken as part of the hire without prior council approval.</b>	
Copy signed agreement place on file	
Copy of function on-licence (Alcohol) sited (if applicable)	
Payments collected	
Key provided	

**After  
Use:**

	✓
Inspection conducted and report (where necessary) completed	
Key deposit refunded	
Electricity read and charges applied	
Account rendered and collected	

## 7. INSURANCES

### Council Property Damage:

Council maintains insurance cover for its assets for damage in excess of \$12,000. For any major damage to Council's property:

- Report the damage to the Manager Community and Recreation.
- Photos of the damage should be taken as soon as possible
- Damage to property claim form to be completed (Refer 8.5).

### Volunteer injury:

Volunteer injury should be reported directly to the Manager Community and Recreation. Volunteers are covered by Council's Personal Accident Cover. The cover is subject to terms and conditions which may vary from year to year. Please note that as general insurers are not permitted by law to provide medical expenses cover in Australia, this policy does not extend to cover medical expenses. Medical expenses are insured by either Medicare or private health insurance.

### Third-party injury:

Any incident on Council property involving injury to a third-party should be reported to the Manager Community and Recreation as soon as possible. When an accident occurs, members of the S355 committee are instructed to NOT admit liability.

### Casual hirers liability:

This covers casual hirers of facilities owned by Council being any person or group of persons who hires a Council facility for non-commercial or non-profit making purposes

#### 7.1 Casual Hirers

Council maintains Casual Hirers Liability. A casual hirer is one who hires a facility for non-commercial or non-profit making purposes (less than 10 times per year). Sporting bodies, clubs, association, corporations, or incorporated bodies are not covered. As per the hire form, bodies not covered must have, and show proof that they have current insurance coverage for \$20million. Record of the hire form and proof of the insurance cover should be retained.

All short-term, unincorporated users of Council facilities (e.g. for weddings, birthdays etc.) are covered by Council's Hirers Policy. Please check with Council's Manager Community and Recreation to ensure the facility is covered.

Council must be notified of any potential claims as soon as possible. Should a claim occur from negligence of Council as facility owners (e.g. a third party breaks a leg after tripping on a broken step) then Council's Public Liability – Professional Indemnity Policy is the policy to respond to the claim. However, if a claim occurs from the negligence of the Hirer, (e.g. a third party breaks a leg after slipping on a drink spilt on the floor) the Casual Hirers Policy is to respond.

The Casual Hirers Policy provides cover for the ad hoc hiring of Council-owned facilities, including sports facilities. However, it does not provide cover to permanent hirers of the facilities, incorporated associations, sporting bodies or associations of any kind (see permanent hirer for more details).

#### 7.2 Permanent Hirers

A permanent hirer of Council-owned and managed facilities is one who hires a facility for more than 10 days over any 12-month period.

Incorporated associations, sporting bodies, or association of any kind are to provide their own Public Liability Insurance cover, indemnifying Council against any claims that may arise as a result of their activities. (As per the hire agreement form at 7.4.)

The hirer shall take out and maintain a Public Liability insurance policy with a reputable insurance office indemnifying Council and in the case of the facility being on a Crown Reserve indemnifying the Minister in the sum of not less than \$20,000,000 in respect of every claim.

The hirer must provide Council with proof of evidence of this by providing a current Certificate of Currency issued by the Insurer. The S355 Committee MUST ensure that all incorporated or profit-making bodies have adequate public liability cover. Committee members must also ensure that the correct licences and approvals are held by facility users

### **7.3 Property Damage/Theft**

Council has a blanket policy that covers all Council building assets and, where notified, all contents which are assets belonging to Council. Any claims for loss or damage would be subject to an excess. Only items belonging to Council can be covered under this policy.

In the event of theft or vandalism to Council property or assets, the incident should be reported to the Police in the first instance in consultation with Council's Coordinator, Facilities and Safe Cities, as required, and appropriate action taken to secure the property and ensure safety of the area.

The reporting officer must fill out an Incident – Report form (refer 8.4) and submit to Council's Manager Community and Recreation for certification. The reporting will serve as an important database of information on small incidents for future reference and budgeting.

S355 Committees will be liable for all claims below excess. A claim under this provision must be made on the appropriate Property Claim form (refer 8.5) accompanied by the Incident – Report form. If a claim is successful under this provision, the items will be on a replace/restore basis only through Council's purchasing system.

This provision only refers to property belonging to Council:

For a claim to be successful, it must be demonstrated that the committee had exercised a "duty of care" prior to the damage or loss. It is important that the assets of the committee are listed on Council's records. Written advice is required on new assets in the Annual Report to Council.



Details of people and/or vehicles causing damage:	
Owner of vehicle:	Phone Number:
Address:	
Driver of vehicle:	Phone Number:
Address:	
Registration of vehicle:	Licence Number:
Insurance Company Details:	
Details of Witnesses:	
Name of Police Officer attending:	
Station:	
Report N°:	



## **8. RISK**

### **8.1 Risk Management**

A risk is the chance of something occurring that has the potential to cause loss, damage, or injury. Most activities have risk associated with them.

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

### **8.2 Identification of Risk**

There are many ways to identify risks including checklists, judgments based on experience, records, expert opinion etc.

The aim of risk identification is to generate a list of events that might affect the Committee's operations or objectives. These risks are then considered in more detail to identify the potential impact of each risk. The identification process should be broad, so that all possible risks, no matter how small, are considered. Steps should then be taken to reduce the risk as much as possible to try to eliminate loss, damage, or injury.

As a minimum, Council's insurer has advised that where a facility is hired out, the responsible Committee should have a Pre-Hire Checklist (refer 7.4) this would need to be completed by a Committee member prior to the hirer taking possession of the facility to identify and deal with any items that may be a risk of causing loss, damage, or injury.

The checklist is also helpful as it can prove that the facility was in good order before the hire, therefore the damage must have been inflicted during the hire period.

Where the Committee identifies a major risk and reducing it is outside the scope of the Committee, a report should be forwarded to the QPRC Risk and Internal Audit Coordinator.

Council's Risk and Internal Audit Coordinator is available to assist with a risk assessment if required. The Coordinator WHS and Wellbeing should be contacted for any specialised WHS assessments that may need to be conducted. Contact Council's Manager Community and Recreation to discuss further.