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Table of Contents

INTRODUCTION	5
SECTION 1	6
WHAT IS A SECTION 355 COMMITTEE?	6
FORMING A SECTION 355 COMMITTEE	6
DISSOLUTION OF A COMMITTEE	6
TERMS OF REFERENCE	7
APPOINTMENT AND MEMBERSHIP	7
ELIGIBILITY FOR COMMITTEE MEMBERSHIP	8
COUNCIL'S COMMITMENT	8
COUNCIL'S EXPECTATIONS OF COMMITTEE MEMBERS	9
CODE OF CONDUCT	9
UNACCEPTABLE BEHAVIOUR	10
WORKING WITH CHILDREN AND AGED CARE WORKERS	10
SECTION TWO	11
ROLES AND RESPONSIBILITIES	11
OFFICE BEARERS	11
DUTIES OF OFFICE BEARERS	12
CONFLICTS OF INTEREST	14
ANNUAL GENERAL MEETINGS & ELECTIONS	15
SECTION THREE	16
MEETING PROCEDURES	16
VOLUNTARY WORKERS (NOT COMMITTEE MEMBERS)	20
EFFECTIVE COMMUNICATION AND DISPUTE RESOLUTION	21
CONFLICT RESOLUTION GUIDE	22
SECTION 4	23
FINANCIAL MANAGEMENT	23

SECTION FIVE	25
WORK, HEALTH & SAFETY	25
SECTION SIX	26
RISK MANAGEMENT	26
SECTION SEVEN	27
INSURANCE	27
TEMPLATES	31
1. <i>Ordinary Meeting Agenda Template</i>	32
2. Ordinary Meeting Minutes Template	33
3. Sign on/sign off register template	35
4. <i>Financial Reporting Template</i>	36

TEMORA SHIRE COUNCIL

GUIDEBOOK FOR SECTION 355 COMMUNITY COMMITTEES

January 2018

INTRODUCTION

The following Guidebook has been developed to assist the many volunteers who nominate for Section 355 community committees in the Temora Shire. Council encourages and appreciates community participation in such committees. Council also recognises the valuable contribution such community committees make towards the planning and management of community facilities, the provision of community input, and consultation on issues affecting the provision of services to its residents and communities across the Shire.

One way Temora Shire Council can implement its community engagement strategy is to encourage participation in community committees from a diverse cross section of the community. Council therefore provides adequate resources and support to its community committees and listens to the views, recommendations and suggestions offered by its Section 355 Committees. By utilising the expertise from the broader community through its community committees, Temora Shire Council's decision making on present and future issues is more likely to reflect the community's expectations and ownership.

Temora Shire Council has a wide variety of Section 355 committees currently operating that in partnership with Council, contribute to the community's:

- overall wellbeing and development,
- involvement in decision making, and
- The efficient, fair and equitable management of its community facilities.

SECTION 1

WHAT IS A SECTION 355 COMMITTEE?

Temora Shire Council is empowered under Section 355 of the Local Government Act 1993, to establish committees and to delegate some functions to a committee under Section 377 of that legislation. A committee is created by a resolution of Council, which will clearly set out the delegations in the Terms of Reference and will include the role, function and powers of the committee. Each Committee is unique and may operate only within its Terms of Reference and delegated powers. A committee is constituted under the provisions of the Local Government Act and cannot therefore act independently of Council. Council is responsible for everything a Section 355 committee does, within the powers and limitations of its Terms of Reference or constitution and therefore takes an active interest in the governance and management of its community committees. Committee members may become liable if a Section 355 committee acts outside its Terms of Reference or beyond the powers and limitations of its constitution.

Typically, Section 355 committees are formed by Councils' as management committees to operate the care, control and management of community facilities; to act as advisory committees to provide advice and consultation with Council on specific issues; or are formed by Council to organise and conduct special events.

FORMING A SECTION 355 COMMITTEE

By resolution, Temora Shire Council in its sole discretion may appoint a Section 355 committee and will determine the committee's Terms of Reference and outline the role, function and powers of the committee that form its Constitution. Any change to a Constitution must first, be approved by Council.

DISSOLUTION OF A COMMITTEE

Council may resolve to dissolve a committee at any time, wherein all net assets and funds held by that committee, together with all committee records, are returned to Council control.

Additionally within three months of a general election of Councillors, all community committee members will cease to hold office. All former committee members are eligible for re-appointment and may submit their individual nominations to the newly elected Council, or convene a meeting to re-elect the committee and forward those nominations to Council for approval. Re-appointments to a committee are made by resolution of Council.

TERMS OF REFERENCE

Temora Shire Council, will by resolution, determine the Terms of Reference for each of its Section 355 Committees. The Terms of Reference will clearly state the role, function and power of the committee. Each committee may determine to adopt a constitution or charter based on the Terms of Reference, depending on the nature of the normal business or activity being undertaken by the committee; any constitution or charter proposed by the committee, must be approved by Council.

Council will also determine the number and composition of committee members, including any relevant selection criteria, to ensure a fair and balanced representation of community members or interest groups is achieved. Council may appoint at least one elected member to every committee. Unless otherwise determined by Council, community committees will number not less than four (4) and not more than twelve (12) members, including the office bearers.

The term of office is limited to within three months following the next general election of Councillors, or a lesser term as resolved by Council.

APPOINTMENT AND MEMBERSHIP

Council may advertise for nominations for appointment to a community committee. Nominations or expressions of interest must be in writing and applicants should provide supporting information about their capacity and interest in the committee by addressing any selection criteria. Where appropriate, Council may seek members by invitation, where specialist expertise is required. In either case, appointments will be confirmed by resolution of Council. Until Council confirms an appointment to the committee, no person is entitled to vote or take part in meetings of the committee.

In making appointments to a community committee, appointments will generally be made so as to support the objectives and Terms of Reference of the committee, such as persons or groups having expertise, experience, demographics, special interest or who are able to make valuable contribution to the committee's discussions and recommendations.

Council may release individual members of the committee or appoint new members (within the limitations of the Constitution) at any time by a resolution of Council.

A vacancy can occur where a committee member dies, becomes mentally incapacitated, becomes bankrupt or is imprisoned for any matter, other than a sentence imposed for a failure to pay a fine. A vacancy can also occur where a member ceases to be a member of the organisation they were appointed to represent on the committee; is absent for more than three consecutive meetings without prior leave of the Committee; or submits their resignation in writing to the committee. A member found to be in breach of the Code of Conduct may be removed from the committee by Council.

Where a vacancy occurs, Council may consider nominations for new members from the committee, may advertise for and receive nominations from the broader community, or where appropriate, may invite specialist expertise to fill the vacancy, subject to formal appointment by resolution of Council.

ELIGIBILITY FOR COMMITTEE MEMBERSHIP

To be considered for appointment to, or maintain membership of, a Section 355 committee, volunteer committee members must:

- Be residents of Temora Shire, or have significant links to the Shire and an affiliation with the objectives of the particular committee;
- Demonstrate a commitment to and interest in the Committee's work, by being a good team member, respectful of the opinion of other members, and offering constructive and objective input to the committee; and
- Agree to abide by Council's Code of Conduct.

COUNCIL'S COMMITMENT

Council will support its community committees through:

- Provision of a meeting place, if required;

- Provision of insurance coverage for committee members, subject to members operating within the committee's terms of reference and in accordance with Council's Code of Conduct;
- Provision of administrative resources if necessary, to assist in the smooth operation of the committee and to accurately record and represent the views of the committee; and
- Giving due and proper consideration to all recommendations put forward by the committee.

COUNCIL'S EXPECTATIONS OF COMMITTEE MEMBERS

As a member of the committee, members agree to:

- Attend and participate in the business of the committee,
 - a) In accordance with the terms of reference and Council's Code of Conduct and
 - b) To make recommendations to Council that are fair and equitable and do not discriminate against any person or group;
- Work co-operatively with other members in achieving the aims of the committee;
- Report back to existing networks within the communities they represent on Council's role, responsibilities and its decisions relating to the Committee they are a member of;
- Use existing networks to remain informed regarding the views and interests of the particular community they represent;
- Be prepared for each meeting having read and understood any reports, documents or agenda items, so their own views, or those on whose behalf they represent, are relevant and accurate;
- Refrain from speaking publically, such as to the media, on behalf of Council;
- Maintain confidentiality, where appropriate;
- Declare any conflicts of interest in accordance with Council's Code of Conduct, and refrain from discussion and voting on that matter.

CODE OF CONDUCT

Temora Shire Council has adopted a Code of Conduct which it expects its Councillors, staff and volunteers to abide by in carrying out their Council duties. The Code outlines the standards required of all those carrying out Council's work, including all committee members, to ensure the business of Council is

carried out efficiently, honestly, impartially and in accordance with the Local Government Act 1993. Council may from time to time update these requirements and in such instance will advise Committee members of any changes to the Code of Conduct.

A committee member in breach of the Code of Conduct may be, depending on the nature of the breach:

- Censured;
- Required to apologise;
- Prosecuted; or
- Dismissed from the committee.

UNACCEPTABLE BEHAVIOUR

The following are examples of behaviour that is unacceptable from Committee members and general volunteers carrying out functions on behalf of the Council. Such behaviour can give rise to the removal of the Committee member or volunteer by Council.

- Ignoring safe work procedures issued by the Council or Committee;
- Interfering with or making ineffective protective devices;
- Horseplay and practical jokes;
- Playing with fire, electricity, compressed air or water hoses;
- Abuse, threats, bullying, harassment or intimidating behaviour;
- Fighting or damage to property;
- Interfering with or removing without permission the property of the Council or any other person;
- Failure to use Personal Protective Equipment (PPE) or follow Safe Work methods as required for any particular task;
- Failure to comply with Council's Code of Conduct.

Instances of unacceptable behaviour should be reported promptly to Council.

WORKING WITH CHILDREN AND AGED CARE WORKERS

A Working with Children Check is a legal requirement for people who work or volunteer in child-related work. Any Committee member or volunteer who as part of their Committee activities, is primarily involved in direct contact with children where that contact is not directly supervised, are affected. To determine who is required to complete a Working with Children Check,

guidelines are published on the NSW Office of the Children’s Guardian website <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check> .

Similarly, any committee involved in providing aged care services must undertake Police checks on all staff (including volunteers and committee members). Further information can be obtained on who must comply with this Australian Government directive at: <https://agedcare.health.gov.au/police-certificate-guidelines-for-aged-care-providers> .

Details of all Working with Children checks or Police checks for aged care workers, should be retained by the committee and be available for inspection by Council or other authorised officers if requested.

SECTION TWO

ROLES AND RESPONSIBILITIES

Each committee member is entitled to one vote, except the Chairperson who has a casting vote in the event of a tied vote. Unless formally appointed by Council to the committee, no other person is entitled to vote.

OFFICE BEARERS

At the first meeting following the appointment of members to a committee, the committee should meet to appoint an Executive comprising as a minimum, a Chairperson, a Secretary and if the committee is responsible for the handling of funds, a Treasurer. The committee may decide to appoint other office bearers, such as a booking officer to handle facility bookings, a vice-chairperson or a publicity officer.

At subsequent Annual General Meetings (AGMs) of the committee, all office bearers on the Executive stand down and their positions are declared vacant.

DUTIES OF OFFICE BEARERS

Chairperson

The Chairperson is responsible for conducting the business of the committee to ensure the committee's smooth running in accordance with the Constitution and Council's Code of Conduct. Typically, the Chairman's duties might include:

- Providing coordination, guidance and leadership to ensure the successful functioning of the Committee;
- Representing the Committee in the public domain;
- Ensuring the administrative and other tasks from meetings are carried out and that committee records are maintained and if required, communicated to Council.

Specifically during meetings, the Chairperson is responsible for ensuring:

- The agenda is prepared and followed;
- Meetings are correctly convened;
- A quorum is present for all decisions;
- Motions and amendments are unambiguous and otherwise in order;
- All members are given equal opportunity to speak and adequate time is allowed for discussion and decision-making;
- The conduct and control of the meeting is orderly and fair; and
- The minutes of the meeting are being recorded accurately to reflect the decisions of the committee.

If the Chairperson is absent from a meeting, the Vice Chairperson will convene the meeting. If the Committee does not have a Vice Chairperson, the Committee may temporarily appoint another of its members as the substitute Chairperson.

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

Vice Chairperson

The Vice Chairpersons role shadows that of the Chairperson. The Vice Chairperson should be able to stand in for the Chairperson at short notice.

Secretary

The key responsibility of the Secretary is the administration of the committee. The Secretary can play a crucial role in coordinating communication between the Executive, committee members, Council and the public. They can therefore retain a high degree of knowledge about the workings of the committee.

Typical duties might include:

- Keep safe all the information relevant to the committee
- Prepare and distribute meeting notices, agenda and copies of correspondence, reports, etc. as required;
- Take and record minutes of all meetings;
- Maintain all records and correspondence;
- Receive all incoming correspondence and bring to the attention of the Committee;
- Attend to all outwards correspondence required by the Committee;
- Work with the Chairperson to arrange the Annual General Meeting;
- Liaise with the Chairperson between meetings so that the business of the Committee is attended to and, when necessary, to call extraordinary meetings;
- Check minutes, with the Chairperson, for accuracy prior to distribution;
- Copy and circulate minutes of meetings to all Committee members, Council and other relevant stakeholders.

Treasurer

The Treasurer is the person with overall responsibility for maintaining the financial records of the committee, if the committee is empowered to handle funds under its Constitution.

Typical duties for a Treasurer include:

- Keep accurate records of all financial transactions;
- Receive money and issue receipts for all monies payable to the committee;
- Promptly bank all monies received, to the credit of the committee, or if appropriate to Council;
- Present to each committee meeting a Treasurer's Report, containing the committee's current financial statement together with accounts requiring authorisation for payment;
- Ensure no expenditure occurs without prior approval of the committee;

- Present an audited financial statement to the Annual General Meeting;
- If applicable, prepare a draft Annual Budget for the facility each year and distribute to the committee for approval;
- If applicable, ensure an audit of equipment is carried out annually and forwarded to Council;
- If applicable, submit financial statements and GST Summary Returns as required to Council; and
- Make available the account books for inspection by committee members or Council if requested.

Committee Members

When appointed to a Section 355 committee, community members who volunteer their time, expertise, interest and energy to the business of that committee should be prepared to attend and participate in most committee meetings. This ensures that discussions and decisions made by the committee are balanced and representative of a broad range of community views and interests. Committee members should:

- Be on time and prepared for meetings having read the agenda, accompanying reports and if required, having consulted with groups or organisations on whose behalf they represent about any issues of concern;
- Remain focused on the agenda or order of business;
- Contribute to discussion objectively and with respect for the views of others;
- Be a co-operative and willing participant in the business of the committee;
- Be prepared to share the workload of the Executive if required;
- Be prepared for involvement beyond the regular meetings of the committee, such as planning days, budget preparations, facility inspections, training days, special events etc. and
- Declare and manage all conflicts of interest in matters before the committee.

CONFLICTS OF INTEREST

Council expects committee members to declare conflicts of interest, including pecuniary interests, wherever applicable. A conflict of interest is when a person has to make a decision on an issue in which they have, or is perceived to have, a

personal interest or benefit in a specific outcome.

If a pecuniary interest exists, the committee member **MUST** refrain from discussion and voting on issues where the conflict exists. A pecuniary interest may be direct or indirect and usually relates to a potential financial gain or loss to a committee member, or other person or organisation with whom that committee member is associated. If the interest is non-pecuniary, the committee member may manage their declared interest, in accordance with Council's Code of Conduct. To ensure proper probity and good governance, committee members may discuss any concerns relating to potential conflicts of interest, with Council's General Manager before the meeting at which the matter comes up for discussion.

To ensure the business of the committee is open and transparent, any conflict of interest declared by a committee member must be recorded in the official minutes of the meeting indicating how the conflict of interest was handled.

ANNUAL GENERAL MEETINGS & ELECTIONS

The Annual General Meeting (AGM) is held annually unless otherwise stated in the Terms of Reference determined by Council. Its purpose is to report to Council and the public, on the activities of the committee for the previous twelve months and to elect new office bearers for the coming year. To align the committee's results with Council's own financial accounting and reporting timeframes, the financial year for a community committee will be from 1 July to 30 June. Financial statements, in the provided format must be forwarded to Council prior to the end of July to enable the financial activity of the committee to be consolidated into the Council's own financial reporting requirements.

At the AGM the committee shall:

- Receive the Annual Report;
- Receive a report on the program of activities for the coming year;
- Receive the audited Annual Financial Statement;
- Receive the minutes of the previous AGM;
- Receive the Chairperson's Report of the Committee's activities of the past 12 months; and
- Receive the Treasurer's Report of the past 12 months.

The AGM is a formal meeting to receive the above reports and the advertised agenda must be strictly adhered to. Limited questions from the floor may be permitted but no motions or voting can take place, unless the matter is listed on the Agenda, such as the election of Office Bearers.

To conduct the elections, the committee will appoint a Returning Officer to Chair and conduct voting for new office bearers at the AGM. All committee members will then stand down and positions will be declared vacant. After calling for nominations for positions, the Returning Officer Chair will hold elections if required, and declare those duly elected. The minutes of the AGM that lists the duly elected committee members (subject to Council confirmation) must be forwarded to Council for approval within 5 working days.

SECTION THREE

MEETING PROCEDURES

Each Committee is free to decide meeting times, schedules and styles. The aim is to meet as often as is necessary for good management of a facility if applicable, or as necessary to fulfill the committee's responsibilities to Council under its Terms of Reference.

At each regular meeting of the committee, as a minimum, reports from the following should be tabled:

- Chairperson;
- Treasurer;
- Secretary, with a list of inwards and outwards correspondence; and
- Progress reports on any works being done by, or on behalf of, the committee.

It is good practice for the Secretary to circulate the minutes of the last meeting, together with the agenda and any other papers, at least seven days before the meeting, in accordance with the meeting schedule decided previously by the committee.

Meetings must be open to the public and visitors can take part in discussions only at the invitation of the Chairperson. Visitors cannot propose motions or vote.

The Committee is allowed to exclude visitors from confidential issues. Such items can be grouped together for 'in camera' (private) discussion before or after all other business has been covered.

The following provides guidance on meeting procedures, however each community committee or Committee of Management may decide its own meeting procedures.

Notice of the Meeting

A notice of meeting, typically incorporated with the agenda, is circulated to committee members at least seven days before the meeting. At the request of the Chairman, an emergency meeting may be convened, giving no less than two days' notice to members of the committee, to discuss matters of urgency that cannot wait until the next scheduled meeting.

Agenda

The agenda lists the business to be dealt with by the committee at the meeting. It is prepared by the Secretary, often in consultation with the Chairperson, and may include items put forward for discussion by other committee members. It should be distributed to committee members with the minutes of the previous meeting and any reports to be considered at the meeting.

It is good practice at the start of each meeting for the Chairperson to ask if any committee person wishes to declare a conflict of interest and to confirm the order of business on the agenda accordingly. If a conflict of interest is declared, it may be prudent to change the order of business so that the committee person affected can leave the meeting temporarily while discussion occurs and return again to the meeting when the matter has been resolved.

The addition of new items at the meeting is generally acceptable, but if those items are contentious and/or some members are absent from the meeting, the meeting may decide to defer discussion of such items to a subsequent meeting of the committee.

A typical agenda template is attached to this handbook.

Quorum

To be able to conduct a meeting, there must be sufficient committee members in attendance before the meeting can proceed. A quorum is the minimum

number of committee members required to be present to hold the meeting. In the case of Temora Shire Council's community committees, a quorum will consist of one half of the total number of appointed members plus one, so that a majority of members are in attendance to conduct the meeting. The quorum must be present at all times during the meeting.

If a quorum is not present within 30 minutes of the designated commencement time, the meeting must be adjourned. Should a meeting proceed without a quorum, it will be treated as an informal meeting and therefore no decisions or recommendations are valid until ratified by a later meeting of that committee where a quorum is present.

Addressing the Meeting

Committee members must direct their remarks through the Chairperson. When addressing the meeting a speaker may not be interrupted by others, except by the Chairperson who may decide that a speaker is not maintaining meeting standards, such as inappropriate language or protracted dominance on an issue, and politely requests the speaker to cease further comment.

Members of the public in attendance at a committee meeting may participate in discussion only at the discretion of the committee, and are not entitled to vote on any issue before the committee. Committees that experience regular public participation or anticipate strong interest due to a contentious issue would be advised to determine and publically circulate its expectations and rules about public involvement and conduct at meetings.

Voting

Each committee member is entitled to one vote, except the Chairperson who has a casting vote in the event of a tied vote. The committee can decide its preferred method for voting, such as verbal, by show of hands or by secret ballot. If the Chairperson cannot determine the majority decision by a verbal vote, they can request committee members to raise their hands so the result is clear and the decision can be recorded accurately.

Making Decisions and Motions

To ensure the committee reaches a qualified decision, a procedure must be followed that allows fair and equitable discussion on the matter before the committee. Even if every committee member appears to agree with the

decision, each decision should be made by a formal vote and recorded in the minutes.

To enable discussion to commence on a matter, a motion must first be moved and seconded. The motion should be lawful, relevant, easily understood and positive in its intent. If not, the Chairperson may reject the proposed motion and give reasons for such ruling.

If the Chairperson accepts the motion for consideration and allows discussion, the minutes should record the exact wording of the motion, who moved and seconded the motion, whether it was carried or denied and if necessary, the voting margin. If the motion fails to attract a seconder, the matter lapses and no further discussion can occur.

The Chairperson must allow each speaker equal time to discuss the motion and for informal meetings, this might mean everyone who wishes to express a view or idea is allowed to speak for or against the motion. For more formal meetings, or where contentious issues are under consideration of the committee, the Chairperson should invite speakers in the following order:

- Mover (the person who raised the original motion)
- Secunder (the person supporting the original motion)
- Speaker against the motion
- Speaker for the motion
- Speaker against the motion
- Speaker for the motion etc.

A member of the committee may speak only once for or against the motion. When there are no further speakers, all debate finishes. The mover may speak again to the motion to close the debate and the Chairperson must then put the motion to a vote.

Amendments may be made after the motion is moved and seconded. Amendments must be:

- Clear and relevant to the issue being considered;
- Have a seconder;
- Not be a direct negative of the original motion; and
- Be put to the vote before the motion.

The Chairperson puts the amendment to the vote and if the amendment is carried, it then becomes the motion (and the original motion lapses). Discussion follows as outlined above and the motion is voted upon when put by the Chairperson. If the amendment fails, the original motion remains the only basis

for discussion, unless further amendments are proposed. The same process outlined above, applies to any further amendments.

Minutes

Minutes must be taken and retained for all meetings of the committee. They are public documents and should be forwarded to Council within 7 days of the meeting. As the written, permanent record of a meeting, they should record concisely and accurately, the proceedings and decisions made by the committee.

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

Upon ratification of the previous meeting's minutes, the Chairperson should sign the minutes. Once endorsed by the signing of the Chairperson, they must never be altered.

A typical minute's template is attached to this handbook.

Sub Committees

Sub committees or working groups may be required to assist a community committee to carry out its usual business efficiently and effectively. Sub committees may comprise formally appointed committee members or additional persons with expertise or competency relevant to the business of the subcommittee. The purpose of a subcommittee is to provide advice or recommendations to the Section 355 committee and has no other power or authority to act on behalf of Council or the committee. At all times, members of a subcommittee must conduct their business in accordance with Council's Code of Conduct.

VOLUNTARY WORKERS (NOT COMMITTEE MEMBERS)

Members appointed to a community committee are covered for insurance purposes as discussed later in this guidebook. However other volunteers, workers or helpers who offer their assistance to the committee e.g. working bees, setting up or taking down equipment for an event etc., must sign in and

out so a record is kept of their involvement assisting the committee with their activities.

Each committee **MUST**:

- Maintain a Volunteer Register (for non-committee members);
- Maintain a work record e.g. sign on and off sheet;
- Ensure a safe working environment (WH&S) e.g. safe work methods, risk assessment.

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

A typical sign on/sign off register is attached to this handbook.

EFFECTIVE COMMUNICATION AND DISPUTE RESOLUTION

All disputes or disagreements that arise between members of the committee should be resolved within the committee, if possible. Where a dispute or disagreement arises over a matter under consideration by the committee, a resolution of the majority of the committee will determine the outcome.

The following guide provided by the Conflict Resolution Network (<http://www.crnhg.org/>) may assist committee members experiencing difficulties in carrying out their duties.

CONFLICT RESOLUTION GUIDE

DO I WANT TO RESOLVE THE CONFLICT?

Be willing to fix the problem.

CAN I SEE THE WHOLE PICTURE NOT JUST MY OWN POINT OF VIEW?

Broaden your outlook.

WHAT ARE THE NEEDS AND ANXIETIES OF EVERYONE INVOLVED?

Write them down.

HOW CAN WE MAKE THIS FAIR?

Negotiate.

WHAT ARE THE POSSIBILITIES?

Think up as many solutions as you can. Pick the one that gives everyone more of what they want.

CAN WE WORK IT OUT TOGETHER?

Treat each other as equals.

WHAT AM I FEELING?

Am I too emotional? Could I:

- I. get more facts,
- II. take time out to calm down,
- III. tell them how I feel?

WHAT DO I WANT TO CHANGE?

Be clear. Attack the problem, not the person.

WHAT OPPORTUNITY CAN THIS BRING?

Work on the positives, not the negatives.

WHAT IS IT LIKE TO BE IN THEIR SHOES?

Do they know I understand them?

DO WE NEED A NEUTRAL THIRD PERSON?

Could this help us to understand each other and create our own solutions?

HOW CAN WE BOTH WIN?

Work towards solutions where everyone's needs are respected.

The Conflict Resolution technique aims to resolve conflict and create successful human relationships where everyone wins. It is applicable to anyone who is experiencing conflict and wishes to take action whether the problem is their own or they want to help others.

You are recommended to identify the issues alone or with others and write down possible solutions or answers to the issues. This may be the first step to resolving the immediate problem, or better understanding the opposing views to your own. At all times, Council expects committee members to treat each other with respect and courtesy.

SECTION 4

FINANCIAL MANAGEMENT

If the Terms of Reference permit a committee appointed under Section 355 to hold funds, that committee is subject to the same standards of financial accountability under the Local Government Act 1993 as Council. Responsible management of financial resources by a committee is imperative, as all funds and assets held, or under the control of the committee, belong to Council and are subject to public scrutiny. Committee members have a responsibility to ensure that funds are only used for the purposes permitted under the Terms of Reference or the Constitution and should be aware that unlawful transactions outside the authority of the committee, may be recovered personally from committee members.

To safeguard public funds and protect committee members, the committee will need to maintain accurate and complete financial records. The following conditions are required by Council, relating to the receipt or expenditure of money by a community committee:

- An account in the name of the committee, must be opened at any branch of a recognised bank or credit union with an office in the Shire of Temora;
- All monies received by the committee must be banked in the Committee's bank account within 1 week of receipt;
- The committee is authorised to draw on its account, subject to a resolution of the committee, for sums required to carry out its delegated function. At no time can the account be overdrawn;
- A suitable cashbook, receipt book, bank deposit book and petty cash book will be maintained and kept up to date. All such records will be

submitted to Council no later than 14th July in each year for audit purposes. (The financial year will be from 1st July to 30th June);

- Receipts, in the name of the committee, will be issued for all charges and other monies received, and duplicates of all receipts will be retained for audit;
- Payments made will require supporting evidence of the need for the payment, which will be obtained and attached to payment records;
- The committee may authorise its Chairman, Treasurer and one other committee person to transact payments on its behalf on the basis that two signatures (or electronic equivalent) are required;
- All records and books will be made available for inspection whenever required by any inspector of local government accounts, Council's auditor or any authorised officer of Council.
- The committee will be entitled to spend all monies raised in the management of the facilities under their control, and on their operations; provided that they will be expended strictly in accordance with any conditions imposed by Council and only upon the facility of the Council for which the Community Committee has been constituted;
- In the event that the committee receives a financial contribution from Council, this payment will be made in the form of a grant for which Council will require appropriate expenditure certification.

Note the equivalent requirements apply to committees operating electronic banking facilities.

Petty Cash

The committee may advance an amount up to \$100.00 to the Secretary for the purpose of change or petty cash. Petty cash should only be used for minor items and a receipt/docket provided for each purchase. Receipts and cash in hand should be reconciled monthly and included in the Treasurer's monthly report to the committee.

Goods and Services Tax

For the purposes of the Goods and Services Tax (GST), Temora Shire Council's Section 355 Committees will generally not need to obtain an Australian Business Number (ABN). If the scale of the committee's operations is as an entity carrying on an enterprise with an annual turnover above \$150,000, then the committee will need to be registered for the GST and should discuss their GST

liability requirements with Council's Finance Manager. For further detail go to: www.ato.gov.au/Non-profit/Your-organisation/GST/

For all other committees who handle money, Council's ABN and GST registration will apply. This means Council will include information provided by a committee in its report to the Australian Tax Office on a quarterly basis regarding its GST obligations. To do this, committees' must produce quarterly GST statements for inclusion in Council's Business Activity Statements (BAS). Council's Finance Manager will issue to the committee's Treasurer the necessary income and expenditure forms, which must be completed and remitted to Council within seven (7) days.

If a committee becomes liable for net GST payments due to their business activity, it will forward the required amount to Council for inclusion in its BAS report. Where a refund of GST occurs, Council will refund this amount direct to the committee. All tax invoices and receipts must be retained by the committee's Treasurer to substantiate the amount of GST to be paid or claimed.

A close working relationship between the committee Treasurer and Council's Finance Manager will ensure that each committee meets its obligations to Council for GST reporting which in turn enables Council to meet its obligations to the ATO for GST.

SECTION FIVE

WORK, HEALTH & SAFETY

Every volunteer serving on a Temora Shire Council Section 355 committee has a responsibility to take reasonable care of their own health and safety, and that of others (SafeWork NSW 2017)¹.

Additionally all workers, including committee members, volunteers and visitors, must comply with any reasonable work health and safety instructions, policies and procedures issued by Council. This applies to everyone engaged in activities on behalf of or involving any Council asset (property, plant, buildings, motor vehicles, moveable structures etc.).

Council has an obligation under the Work, Health & Safety Act 2011 and Work, Health & Safety Regulation 2011 to its workers, volunteers, contractors and visitors, to ensure no person suffers harm or injury while involved in Council

activities or while on Council's facilities or assets. Council takes seriously its duty of care to those persons and requires in return your commitment to strive for a 'zero-harm', safe work environment.

For example, committee members will be required to observe all safety instructions, signs and protocols such as wearing Personal Protective Equipment (PPE) when directed and ensuring others similarly comply. If a committee member is concerned about any safety issues or observe non-compliance with Council's safety policies and procedures, they have a legal duty to immediately report such instances to Council's Work, Health & Safety Officer or Council's General Manager if necessary, including near misses, accidents or injuries.

1. *SafeWork NSW 2017, WHS PCBUS, Workers and Officers: Fact Sheet*,
<http://www.safework.nsw.gov.au/media/publications/health-and-safety/whs-pcbus,-workers-and-officers-fact-sheet> accessed 4.1.18

SECTION SIX

RISK MANAGEMENT

Most activities have associated risks, which is the chance of something occurring that has potential to cause loss, damage or injury. Committees take ultimate responsibility for the risk management associated with their purpose and operation and therefore every committee member plays a part in minimising risk.

Risk management involves identifying potential risks and developing methods to eliminate or control those risks. Every committee should develop plans and systems that minimise losses before an incident happens by taking into account,

- What can go wrong;
- The likelihood of it happening; and
- What to do if it happens.

Community committees appointed by Council are required to comply with Council's risk management procedures. Council undertakes risk management on all of its activities to:

- Reduce the chance of anybody being injured;
- Avoid legal action;
- Reduce insurance premiums;
- Provide better information for decision-making and
- Improve management of the building or property.

Community committees as part of the process of risk identification, risk assessment, risk control, monitoring and review of all of their activities, may choose to treat the risk, avoid the risk, reduce the risk, transfer the risk or accept the risk. Risk management and insurance are inextricably linked, as it is often to an insurer that risk is transferred.

Whatever decision the committee decides in terms of risk management, the committee should be mindful of Council's risk management procedures and the need to develop a risk management plan for all its activities.

Risks relating to community committees may relate to or involve:

- Events and festivals;
- Building and property security;
- Work health and safety;
- Public liability;
- Financial and administrative; or
- Emergency management.

Risk for a committee member may relate to their individual general liability.

The management of risk is an important obligation for Council, its employees and volunteer community committees. If committees require assistance to meet this obligation and develop their risk management plan, please contact Council.

SECTION SEVEN

INSURANCE

Temora Shire Council holds insurance policies to cover its liabilities relating to its total business activities. Council is required to advise its insurers of any changes to those business activities, including the establishment of any new Section 355 community committee, prior to any new or changed activities commencing.

Applicable insurance policies include:

- Public Liability - committee members are covered by Council's public liability policy, but are not precluded from due diligence and may incur liability if Council's policies are not adhered to;
- Personal Accident – while undertaking their role on the committee, members are insured against personal accident;

- Motor Vehicle – insurance covers the authorised use of a Council vehicle by a committee member, in accordance with Council’s motor vehicle policy.

Committee members are afforded the same insurance protection as Councillors and employees, and are therefore subject to the same obligations and must adhere to Council’s policies and procedures. Committee members must at all times act reasonably and within the scope of the Terms of Reference or committee’s constitution. Unauthorised, negligent or illegal acts may attract personal liability.

Committees should be aware that Council’s insurers reserve the right to refuse insurance cover if the committee’s activities depart from its usual activities or purpose in accordance with the Terms of Reference approved by Council. It is therefore critical that committees’ and committee members are aware of their insurance responsibilities.

Committee members **must**:

- **Never admit liability** in relation to an accident or incident, as this is a breach of insurance policy conditions and may result in loss of cover;
- Ensure that accurate details are recorded and reported to Council immediately, pertaining to any accident or incident;
- Ensure that volunteers or visitors, who are not formally appointed by Council to a committee, sign in and out on the Volunteer Register, to record times of attendance and duties undertaken, each time they undertake volunteer activities. This ensures insurance protection for those volunteers while carrying out duties on behalf of Council, in the event of accident or injury;
- Ensure that burglary and malicious damage to Council property is immediately reported to the Police. Details of the Police Report and Officer involved, must then be reported to Council;
- Be aware that items of a personal nature are not covered by Council’s insurance cover, whilst the committee member is undertaking their volunteer duties;
- Ensure that before the hire of a facility is approved, hirers provide with the User Agreement, the requisite insurance details and certificates of currency (public liability, workers’ compensation and/or volunteer insurance cover) for the intended use and that of any contractors that are to be engaged;
- Ensure that any contractors (such as cleaners, stage & lighting installers, caterers, operators of amusement devices etc.) being used by the

committee or a hirer, have in place a minimum of \$20,000,000 Public Liability insurance and Workers Compensation insurance;

- Ensure hirers are aware of their responsibility for insuring their own contents or equipment, which is excluded from Council's insurance cover;
- Ensure the committee provides to Council at least annually, an updated inventory of the contents of the facility belonging to Council.

Committees having care, control and management of facilities must ensure that groups/hirers (except casual hirers) are aware of their responsibility to insure against public liability and for loss or damage to any property brought to or left at the facility.

Regular hirers must:

- Have their own public liability policy with an approved insurer for a minimum sum of \$20,000,000 and should provide the Committee/Council with a certificate of currency, provided by their insurer, at least annually and at any time upon request;
- Ensure Council is noted as an 'interested party' on the policy and no hire of a facility can be approved until evidence is received that the required insurance cover is in place;
- Have Workers' Compensation Insurance if they have employees who will be involved in the activities during the hire of the Council facility; and/or
- Have Volunteer Insurance if they have volunteers who will be involved in the activities during the hire of the Council facility; and
- Have a suitable policy that covers the hirer's own contents and belongings.

Casual hirers, that is any person or group (not being a sporting body, club, association, corporation or incorporated body), that hires a facility for non-commercial or non-profit making purposes as a 'one-off' or on a casual basis, will be covered by Council's Public Liability insurance.

Committees proposing to undertake fundraising and community events **must ensure** that appropriate insurance cover is in place before proceeding with such activities. They should approach Council with full details so Council's insurers can confirm that Council's cover extends to include such activities. Council will require the Committee to meet any additional premiums imposed by the insurer.

Committee's should check with Council before proceeding with any hire arrangement or activity, if they have any doubts or concerns about insurance coverage.

CLAIMS: Committees or committee members who become aware of any matter or incident, whether by observation, verbally, or in writing, that may give rise to a claim, must report the matter to Council no later than the next business day. Council will take appropriate action to investigate and take any remedial action required to minimise further risk to Council and/or the public.

TEMPLATES

1. Ordinary Meeting Agenda Template
2. Ordinary Meeting Minutes Template
3. Volunteer Sign On/ Sign Off Register
4. Financial Reporting Template
5. Expression of Interest – Community Committee Membership Application
6. Use of Personal Information Consent Forms
7. Committee Terms of Reference

1. Ordinary Meeting Agenda Template

AGENDA

(Insert Name of) Committee meeting to be held on *(date and time)* at *(location)*.

- 1. Apologies**
- 2. Minutes of the previous meeting**
- 3. Business arising from those minutes**
- 4. Correspondence – inward and outward**
- 5. Treasurer’s Report**
- 6. List specific items of business to be discussed at the meeting**
- 7. General business**
- 8. Date of next meeting**

2. Ordinary Meeting Minutes Template

Minutes of a Meeting of the *(name)* Committee held on *(date and time)* at *(location)*.

Present:

(List name of the Chair) and all committee members, and any non-members in attendance.

Apologies:

Record the names of people who notified their inability to attend the meeting and have a motion to receive moved and seconded

Opening and Attendance:

The Chairperson declares a quorum is present and the meeting opened at *(note the time)*. Chairperson states an apology was noted from (list name/s). The minutes should record the Chairpersons comments. *Example: The Chairperson declared a quorum present and the meeting opened at 7pm, noting that an apology was accepted from Mr John Doe.*

Declaration of Interests:

The Chairperson asks committee members if anyone wishes to declare interest in any matter on the Agenda. The person is then precluded from any discussion about that matter, unless the committee decides the person's declaration of interest is so minor as to not constitute a conflict, and the committee's decision is recorded in the minutes. *Example: [Name of individual] declared that [Explanation] which might affect their relationship with [Name of Committee] regarding matters to be discussed during the meeting.*

Minutes of the previous meeting:

A motion should be moved and seconded by persons who attended the previous meeting, to adopt the previous minutes as circulated. If changes are required to accurately reflect the business of the previous meeting, those changes should be included in the motion for the committee to adopt.

Business arising from previous minutes:

Deal with matters that were to be completed or have arisen from items in those minutes, not elsewhere reported.

Correspondence:

Advise the committee of any inwards or outwards correspondence and deal with any matters arising as the correspondence is read. There should be a motion accepting the correspondence and any decisions the committee makes regarding the correspondence.

Reports:

Secretary's report:

Not all committees will need the secretary to give a separate report after having delivered details of the correspondence.

Treasurer's report:

This should include:

- The balance of the committee's bank account as at the last report;
- All transactions on that account since the last report;
- The balance of the account as at the date of preparation of the report, which should not be more than 7 days prior to the date of the meeting;
- A bank reconciliation.

A motion, usually moved by the Treasurer if present at the meeting, should be seconded and put to the meeting to confirm and adopt the Treasurer's Report.

Manager / caretaker's report:

Only if relevant

Specific business:

- **Safety issues:**

It is good practice to allow committee members or visitors to raise any matters of Work, Health and Safety arising from the activities of the committee. As part of the committee's risk management obligations, such matters should never be overlooked and appropriate action should be taken and recorded in the minutes.

- **Other Specific Business:**

Usually relates to items listed on the agenda for discussion. Any decisions the committee reaches should be framed as a motion, with a mover and seconder, and put to the meeting.

General business:

This is the opportunity to raise business relevant to the committee and not listed on the Agenda or dealt with elsewhere during the meeting. Any decisions reached must be framed as a motion, with a mover and seconder, and put to the meeting.

Confirmation of date and venue of next meeting:

Details of the next meeting should be recorded here.

Meeting closed at: (insert time)

[Note: Once the previous minutes have been adopted by the Committee at the current meeting, the Chairperson and Secretary (or other persons in attendance) must sign as a correct record and the minutes must never be thereafter changed.]

3. Sign on/sign off register template

VOLUNTEER SIGN ON/SIGN OFF REGISTER

Committee Name:..... Date:.....

Activity:..... Date Resolved by Committee:.....

Location:.....

Volunteers Name	Sign On Time	Signature	Protective Equipment Issued	Protective Equipment returned	Sign Off Time	Signature

.....
Name of Secretary (or other committee member)

.....
Signature

...../...../.....
Date

4. Financial Reporting Template

Section 355 Committee Bank Reconciliation as at 30 June 2018

Cashbook	
Opening Balance at 1 July 2017	-
Add: Receipts	
- Interest	-
- Fundraising Activities	-
- Donations	-
- Grants	-
- Memberships	-
	<u>-</u>
Less: Total Payments	<u>-</u>
Closing Cashbook Balance at 30 June 2018	<u>-</u>
Bank	
Balance per Bank Statement	-
Add: Deposits yet to be banked	<u>-</u>
	<u>-</u>
Less: Unpresented Cheques	<u>-</u>
Reconciled Cashbook Balance at 30 June 2018	<u>-</u> (should agree with above)

Section 355 Committee Balance Sheet As at 30 June 2018

Current Assets	
Cash at Bank	
- Working/Cheque Account	-
- Investment	-
Other Assets (provide details)	-
Total Current Assets	<u>-</u>
<hr/>	
Non-Current Assets	
Property Plant & Equipment	<u>-</u>
Total Non-Current Assets	<u>-</u>
Net Assets	<u>-</u>