



GLAMORGAN SPRING BAY  
COUNCIL

## SECTION 24 COMMITTEE

### TERMS OF REFERENCE *DRAFT*

#### **Orford Community Hall** 9<sup>th</sup> February 2016

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Pursuant to Section 24 of the *Local Government Act 1993*, Glamorgan Spring Bay Council hereby establishes a Special Committee as detailed in Schedule 1 and 2 below.

## **Schedule 1**

1. The name of the Special Committee shall be:

**Orford Community Hall Committee**

## **Schedule 2 – This document shall be read in conjunction with the Guidelines for Section 24 Special Committees of the Glamorgan Spring Bay Council**

### **1. Objectives of the Committee**

- 1.1 To advise, recommend and assist with the management of the **Orford Community Hall** on behalf of Council.
- 1.2 To ensure that community needs are met and the facilities are managed in the best interests of the community.

### **2. The Committee Structure and Term**

- 2.1 The Committee shall consist of a minimum of five and a maximum of eleven members who represent the principal activities conducted at the Orford Community Hall; the total number shall include an appointed Councillor to act on behalf of Council and in the best interests of the rate payers of Glamorgan Spring Bay.
- 2.2 The Committee shall elect or appoint a Chairperson, Secretary and a Treasurer or a Chairperson and a Secretary/Treasurer. An election of office bearers will take place after each Council election.
- 2.3 Sub Committees – the Committee may establish a sub-committee as it deems necessary, with or without additional members, to provide advice and recommendation on particular matters. The sub-committee should be convened and chaired by a member nominated and appointed at a Committee meeting. The sub-committee will be responsible to the Committee

### **3. Functions of the Committee**

- 3.1 To manage the use of all Orford Community Hall facilities and collect appropriate hiring fees. This function includes obtaining a signed Application for Hire form and a copy of appropriate insurance policies.

**UNDER NO CIRCUMSTANCES SHOULD A COUNCIL-OWNED FACILITY BE HIRED OUT WITHOUT A RISK ASSESSMENT, FORMAL ARRANGEMENTS, AND INSURANCE/INDEMNITY PROTECTION**

- 3.2 To ensure all facilities are kept in a properly maintained condition with specific attention to:
- the internal/external cleaning of the facility;
  - the repair of minor damage to the facility occasioned by fair wear and tear and other improvements as may be necessary from time to time.
- 3.3 To advise and seek permission from Council, any proposed major works the Committee considers necessary, prior to any action being taken.
- 3.4 To provide Council with its recommendations for fees and charges for the use of the facility. The recommendation should be made by no later than 1 April of each year so that Council may consider the recommendations during budget discussions for the following financial year. While there is no guarantee that Council will adopt the recommended fees, every effort will be made to accept the recommendations of the committee.

The following matters should be taken into consideration when setting fees and charges:

- that fees and charges should be set at a level which reflects the Annual Fees and Charges endorsed by Council;
  - that funds may be required for future upgrading, development and/or replacement of assets;
  - that fees and charges reflect the contribution of regular, non-profit community users, for instance, where such users contribute “in-kind” towards the maintenance and upkeep of the hall;
  - that special fee arrangements for non-profit users may be considered, where it can be demonstrated that the activity will offer widespread community benefits.. Such special arrangements, however, should be the exception rather than a regular occurrence and should not occur if it will jeopardize the financial security of the hall;
  - that bonds should be set at a level to ensure that the cost of minor damage can be covered;
  - that commercial ventures are to be charged appropriate commercial rates.
- 3.5 To maintain an inventory of all property within and associated with the hall, whether fixed or removable. The inventory is to be reviewed and updated annually by at least two members of the Committee, and must be tabled at the Annual General Meeting. All assets/property shall be recorded on the inventory at the time of purchase or disposal.

Property that is due for replacement or is no longer required may be disposed of only with the approval of the relevant Council manager.

#### **4. Restrictions on Committee Powers**

- 4.1 The committee does not have the power to:
- impose Council related fees, taxes, rates or charges;
  - rebate rates or charges;

- make grants;
- borrow money;
- make a rate;
- make a by-law;
- execute a Deed;
- sign a contract for services;
- institute a legal proceeding;
- call for tenders without prior approval of the Council;
- advertise for and/or appoint employees;
- sell land.

## **5. Committee Meeting Procedure**

### 5.1 Quorum

A Quorum of the Committee shall be one half of the Committee, plus one (rounded down).

Where a Quorum has not been present at three consecutive meetings, a Committee member shall notify the General Manager.

### 5.2 Voting

Where there is a split vote, all views should be submitted to Council.

### 5.3 Records to be kept by Committee Secretary

The Committee Secretary shall keep minutes at each meeting detailing:

- those present;
- an accurate record of any motion indicating the mover and seconder, including the word 'Carried' or 'Lost' after each motion and number of votes recorded;
- the time, date and place of each meeting.

### 5.4 The Minutes of each meeting shall be confirmed at the subsequent meeting of that Committee.

### 5.5 Records to be kept by Committee Treasurer

It is the responsibility of the Committee Treasurer to maintain up-to-date financial records of income and expenditure and ensure that financial reports are tabled for discussion at each committee meeting.

### 5.6 Appointment of Acting Chairperson

If the elected Chairperson is not available for a meeting an Acting Chairperson shall be chosen from those present at the meeting.

### 5.7 Frequency of Meetings

Meetings of the Committee must be held at least twice per year.

## 5.8 Committee Minutes

Following the conclusion of a Committee Meeting, the draft Minutes shall be provided to Committee Members within fourteen (14) days and to Council at the next Ordinary Council Meeting, for information only.

## 5.9 Meetings open to the Public

All meetings of the Committee or its Executive shall be open to the public.

## 5.10 Notice of Meetings

- Notice of each Committee meeting shall be given to each Committee member and the General Manager at least seven (7) days in advance unless impractical to do so by reason of an urgent matter requiring a meeting to be held more promptly. Details of the meeting will be advertised in a prominent location on Council's website. Where possible, the notice of meeting is to be advertised in the local newspaper/newsletter and/or Council noticeboards and be open to the public unless deemed closed by the Chair.
- Notice of the Annual General Meeting of the Committee shall be published/displayed in the local news press, on public notice boards and on the Council website at least fourteen (14) days prior to such Annual General Meeting.
- All members of the Committee must be notified (3) days before Executive meetings are held, and sent details on topics being discussed.
- If an urgent meeting is necessary, the Committee Chair is required to provide the notice of the meeting and the agenda at least five (5) days prior to the meeting date.

5.11 The Committee shall hold an Annual General Meeting by 14<sup>th</sup> July (or as near to that date as possible) in each year. Notice will be forwarded to the Council's nominated officer, who will ensure that an officer will be in attendance.

## 6. Financial Requirements

The Committee shall adhere to all Council audit and financial systems policies and procedures for all its financial transactions.

The Treasurer has a range of financial responsibilities including:

Preparing and presenting the annual budget;

- a. Managing financial transactions for the Committee;
- b. Ensuring all fees and charges are accounted for;
- c. Sending out accounts and paying bills;
- d. Maintaining an accurate record of all income and expenditure;
- e. Providing the Committee with a report each meeting about the current financial situation;
- f. Purchasing is to be carried out through Council and with the approval of the appropriate manager

## 7. Insurance

Council's insurer provides public liability cover for all Section 24 Committees. Individual user groups such as sports clubs are **NOT** covered by Council's policy and must ensure that they obtain separate public liability insurance to cover their operations. All user groups should also obtain their own contents insurance, as Council's policy does not cover contents owned by user groups.

### 7.1 Buildings

Council insures its buildings, fittings and fixtures against fire, flood and damage.

The Committee should advise users leaving their property in Council's buildings to take out separate insurance cover for those goods and chattels. In some rare instances, with the consent of Council, the insurance of user groups' property may be arranged within the Council's insurance policies.

### 7.2 Other Facilities

Council's other basic facilities are covered by public liability insurance. Council's insurance does not extend to cover participants in sporting events or other public events. A risk assessment should be undertaken. The Committee should advise user bodies that separate insurance should be taken out against injuries or damages caused by such activities.

User bodies shall not be allowed to use the facilities unless proof of current insurance is provided and an insurance form is completed.

The Committee shall report any potential public liability claims to Council's General Manager

### 7.3 Management Committee Members and Voluntary Workers

When requested, Council's personal accident and public liability insurance may be extended to cover Committee members and/or voluntary workers attending meetings and other activities such as working bees which have the prior approval of the Committee.

### 7.4 Public Liability

The committee must ensure that users of facilities complete a *Facility Use Application* (this can be found at [www.gsbc.tas.gov.au/Community/Council Facilities Hire Package](http://www.gsbc.tas.gov.au/Community/Council%20Facilities%20Hire%20Package)). A copy of this application should be forwarded to Council as soon as possible.

## 8. Alteration to Delegation and Terms of Reference

8.1 Council may amend this delegation and Terms of Reference at any time.

8.2 The Committee may review the Terms of Reference at any time and submit any amendments to Council for consideration and endorsement

## 9. Conflict of Interest

A Committee member who has a direct or indirect interest in any matter decided or under consideration by the committee must disclose the nature of interest to the Committee and this must be recorded in the Minutes.

Being a member of a Council committee is a position of trust that involves obligations to the community and to the Council. It must be clear to everyone that you are not using your position to serve your own interests or the interests of a close associate. For this reason, the Act requires members of Council committees to disclose conflicts of interest and not participate in a decision (discussion or vote) if they have a conflict of interest.

“At any meeting of a special committee ... a member must not participate in any discussion, or vote on any matter, in respect of which the member –

- (a) has an interest; or
- (b) is aware or ought to be aware that a close associate has an interest.”

Furthermore, the *Local Government Act 1993* states that:

“A member has an interest in a matter if the ... member or close associate would, if the matter were decided in a particular manner, receive, have an expectation of receiving or be likely to receive a pecuniary benefit or pecuniary detriment.”

The Act determines that a close associate of a committee member is:

- a) a body corporate of which the member is a director or a member of the governing body; or
- b) a proprietary company in which the member is a shareholder; or
- c) a public company in which the member is directly or indirectly a substantial shareholder; or
- d) a beneficiary under a trust or an object of discretionary trust of which the ... member is a trustee; or
- e) a business partner of the member; or
- f) the employer or an employee of the member; or
- g) a person from whom the member has received, or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services in relation to a matter being dealt with or to be dealt with by the Council committee; or
- h) the spouse or partner of the member, member's son or daughter; or
- i) the son, daughter, brother, sister, mother or father of the member or of their spouse or partner.

Failure to disclose a conflict of interest may be an offence that can be prosecuted in a court of law. It is your responsibility and duty to identify and disclose your conflicts of interest when required to. It is important to note that, while another person may assist you in deciding or determining whether you have a conflict of interest, they cannot make the decision for you. Irrespective of what assistance or advice you receive from someone else, legally you remain responsible for your own actions.

## **10. Confidentiality**

Volunteers are expected to maintain the same standards of confidentiality as Council's paid employees. This includes information held by the Council; information shared between volunteers and the designated managers; and information about particular circumstances.

Volunteers are required to read and sign the Glamorgan Spring Bay Council Confidentiality Agreement. Any breach of this confidentiality requirement will be taken seriously and lead to:

- The termination of the volunteer's services.
- Any other action deemed necessary by the General Manager.