



**Special Committees of Council
Handbook
Edition 1**

March 2012

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1 KEY CONTACTS

Note: These details are current at the time of printing but may be subject to change.

Purpose	Organisation	Contact phone
Emergency	Victoria Police	000
Fire	Metropolitan Fire Brigade	000
Accident/Injury	Ambulance Victoria	000
Water supply	Yarra Valley Water	132 762
After hours emergency assistance	Maroondah City Council	1300 88 22 33

For assistance, Council's Sports and Community Liaison Officer is the primary contact for Maroondah City Council during office hours:

- **8.30am-5pm Monday-Friday.**

If after hours emergency assistance is required please contact Council's After Hours Emergency Number listed above.

The Sports and Community Liaison Officer's full contact details are:

Phone: 9294 5719

Email: kirstie.dench@maroondah.vic.gov.au

2 SPECIAL COMMITTEES OF COUNCIL HANDBOOK

2.1 Introduction

2.1.1 Purpose

Welcome to the first edition of Maroondah City Council's (Council) *Special Committees of Council Handbook*. Council has written this Handbook to support each of Council's *Special Committees of Council* to perform their role effectively. It is intended this Handbook will be made available in both hard copy and online formats so that it can be regularly updated and kept relevant to the needs of Council's *Special Committees of Council*.

2.1.2 Background

The *Local Government Act 1989 (the Act)* empowers Council to create *Special Committees of Council*. Whilst the Act does not specifically say for what purposes Council can create such *Special Committees of Council*, Section 86 of the Act provides that Council may by *Instrument of Delegation* delegate any of its *functions*, duties or powers under the Local Government or any other Act to a Special Committee.

At Maroondah, *Special Committees of Council* have been created to assist Council to:

- manage and maintain bushland and sporting reserves;
- manage and maintain sporting facilities; and
- manage facility bookings for both *casual use* and/or hire for *functions*.

2.1.3 How *Special Committees of Council* are created

There are two key Council documents to create a Special Committee of Council. Firstly, the Council report that recommends Council creates a Special Committee of Council. This is prepared by Council officers, presented to a formal meeting of Council and voted upon by Council.

The result of that vote is known as the resolution of Council. When Council creates a Special Committee of Council, it also resolves to grant to (or to delegate to) the Special Committee of Council certain functions, duties and powers of Council. This is done through what is known as an *Instrument of Delegation*. An *Instrument of Delegation* is simply a written document sealed by Council that states what functions, duties and powers Council has granted or delegated to the Special Committee of Council and what restrictions, qualifications or conditions have been placed by Council on the exercise of those functions, duties and powers by the Special Committee of Council.

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It is important that all members of a Special Committee of Council have a copy of, have read and understood both the Council report that created the Special Committee of Council and the *Instrument of Delegation* that sets out the scope of the Council functions, duties and powers delegated to the Special Committee of Council.

2.1.4 The legal status of Special Committees

The Special Committee of Council exists only as a Special Committee of Council. It is not a legal entity in its own right and therefore can only exercise the functions and powers and perform the duties that Council delegates to it. A Special Committee of Council cannot hold property in its name, nor can it be sued or initiate legal proceedings. A Special Committee of Council can enter into binding contracts provided the value of the contract is within the delegated authority, because Council gives its *Special Committees of Council* the power to do so under Council's standard *Instrument of Delegation*.

Where a Special Committee of Council enters into a contract, provided it is within its delegated authority, it should do so using the following execution clause:

Signed on behalf of **MAROONDAH CITY COUNCIL** by its delegate the [*insert name*] Special Committee of Council in the exercise of the Special Committee's authority to act on Council's behalf conferred by the *Instrument of Delegation* from Council to the Special Committee of Council dated [*insert date*].

This formality is necessary because when a Special Committee of Council exercises its delegated functions, duties and powers it is exercising the functions, duties and powers of Council. This means that Council is legally bound by and responsible for those actions of the Special Committee of Council, as though Council did them itself. In effect, it is not the Special Committee of Council entering into the contract or doing the action, it is Council.

2.1.5 Public Oversight of Special Committees

Because the actions of a Special Committee of Council are legally the actions of Council this means the activities of Council's *Special Committees of Council* are subject to all the public oversight mechanisms that Council is subject to. This includes Municipal Inspectorate investigations, administrative law review, Ombudsman review, freedom of information disclosure, whistleblower disclosure and Auditor General reviews.

2.1.6 The Legislative Framework for Special Committees

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There are two other legal documents that all members of *Special Committees of Council* must be familiar with to perform their role effectively: the relevant sections of the *Local Government Act 1989* and Council's *Local Law no. 7 - Meetings Procedure and Use of Common Seal*. These documents are important because they impose legal and procedural obligations on *Special Committees of Council* and their members.

Some of the provisions, particularly in the Act, are complex. This *Handbook* has been written to assist *Special Committees of Council* to be aware of those obligations and to be able to comply with them. However, this *Handbook* is not intended as legal advice and if a Special Committee of Council or a Special Committee of Council member has any concerns or questions in the first instance they should contact Council for advice and assistance.

The Local Government Act is the legislative framework that provides for Councils to be accountable to their local communities in the performance of functions and the exercise of powers and the use of resources. *Special Committees of Council* are managing public resources, spending public money and exercising functions, duties and powers granted to Council for the good governance of the municipality. The Act therefore extends many of the specific obligations imposed on Council to its *Special Committees of Council*. These include but are not limited to obligations about open and regular meetings, proper voting procedures, minutes of meetings, avoiding conflicts of interest and misuse of information.

Council's Local Law no. 7 fills in many of the gaps in the Act about the detail of how Special Committee of Council meetings are to be conducted.

2.1.7 Failure to Comply with the Act or Instrument of Delegation

If a Special Committee of Council does not follow the requirements of the Act and act within the authority granted to it by Council's *Instrument of Delegation*, then its decisions and actions may be exposed to any of the public oversight reviews or processes referred to above. In some circumstances a decision may be set aside and/or Council may also be exposed to a claim for compensation.

Some of the obligations in the Act impose personal obligations on Special Committee of Council members, a breach of which is a criminal offence. For example, section 76D prohibits a member of a Special Committee of Council from using their position to gain or attempt to gain an advantage for themselves or for any other person or to cause, or attempt to cause, detriment to the Council or another person. A breach of this provision is a serious criminal offence which carries potential penalties of up to 5 years jail and fines of over \$60,000.

2.1.8 Statutory protection of members of Special Committees of Council

The Act also provides statutory protection for members of *Special Committees of Council*. In summary, Section 76 provides that members are indemnified by Council against all actions and claims provided they acted in good faith in the exercise of any function or power conferred on the Special Committee of Council.

The two key requirements are good faith and exercise of a Special Committee of Council power or function. Good faith means acting honestly. If an action or claim is brought against a Special Committee of Council or one or more of its members then provided it arose from the exercise of the Special Committee's functions or powers and was done in good faith, then generally the indemnity will apply. If the indemnity applies then Council will respond to that action or claim for the Special Committee of Council or the member. This means Council will bear the cost of resolving the action or claim.

This indemnity for members of *Special Committees of Council* is offered whether or not Council is insured for the action or claim. The availability of insurance is a different consideration.

The indemnity does not apply in the following circumstances:

- Where there is evidence of bad faith (i.e. the Special Committee of Council or its member acted within their powers but they were motivated by ulterior motives or ill will);
- Criminal offences (an 'action or claim' is usually a civil matter);
- Initiating legal proceedings, say for defamation where a Special Committee of Council member has been defamed in the course of their duties. The indemnity applies to the defence of actions and claims only; and
- Where a Special Committee of Council member acts outside of the powers of the Special Committee of Council (i.e. 'goes on a frolic of their own') so that it cannot be said that they are exercising a function or power of the Special Committee of Council.

A Special Committee of Council or one of its members may act in good faith but it turns out that for some reason – usually a failure to adhere to proper procedure – the act is outside the powers of the Special Committee of Council. If the member genuinely thought they were acting within the powers of the Special Committee of Council then, even though it turns out they were not, they may still be indemnified.

The *Special Committees of Council Handbook*, Edition 1 will replace the existing Committees of Management Handbook 1997, and is to be used in conjunction with the following Council resources that have been produced to assist *Special Committees of Council* in undertaking the functions, duties and powers delegated to them by Council. This includes:

- The Special Committee of Council's *Instrument of delegation*;
- The Community Facilities Occupancy Policy;
- The Community Facilities Pricing Policy;
- The Sporting Facilities User Guide.

The Community Facilities Occupancy Policy, Community Facilities Pricing Policy and Sporting Facilities User Guide are all available on Council's website at www.maroondah.vic.gov.au or contact Council's Sports and Community Liaison Officer for copies.

Special Committees of Council must also be familiar with various Sections of the Act which relate to the Special Committees functions, duties and powers delegated to them by Council. Throughout the Handbook there are multiple references to the Act and other relevant resources, such as Local Laws 7 and 8.

It is important that Committees fully read and understand all Chapters of this Handbook.

To view a full copy of the Local Government Act 1989 visit: www.dpced.vic.gov.au

To view a copy of Section 86 of the Act-Special Committees of the Council, refer to Appendix 1.

2.1.9 Currency of the Handbook

To ensure this *Handbook* continues to be relevant for all users a comprehensive review of the *Handbook* will be undertaken every two years. Amendments will be made as required and posted on Council's website to ensure adherence is maintained to relevant legal, legislative and regulatory compliance standards, and in accordance with advice from Council's insurer. Any updated information will be provided to the *Special Committees of Council*.

2.1.10 Definitions

There are a number of terms used throughout this Handbook. They are in italics and are defined in Chapter 16 at the end of this Handbook.

3 SPECIAL COMMITTEES OF COUNCIL-APPOINTMENT AND OFFICE BEARERS

3.1 Why have Special Committees of Council?

Council recognises the significant role that the *Special Committees of Council* play in the provision and management of a range of services and facilities for the local community.

Special Committees of Council provide many benefits for both Council and the community including;

- local needs being met by local residents;
- strengthening a sense of community within the municipality;
- delegation of functions, duties and powers to the community, providing direct community involvement, accountability and ownership of projects and facilities;
- networking and resource sharing between people working towards a common goal.

3.2 Functions, Duties and Powers

Council delegate's functions, duties and powers to the *Special Committees of Council* within the boundaries set out in the schedule to the *Instrument of Delegation*. Within these boundaries the *Special Committees of Council* are able to make decisions on behalf of (or acting in place of) the Council itself. This is why the Act subjects *Special Committees of Council* to the same statutory procedures and conduct as Council.

It is the responsibility of all *Special Committees of Council* members to ensure that they are familiar with the *Special Committees of Council Instrument of Delegation*, and the relevant sections of the Act that relate directly to the Special Committee, which are referenced within this Handbook.

Special Committees of Council should conduct their duties in a professional and responsible manner at all times.

A Council cannot delegate to a Special Committee of Council the following functions, duties or powers, in accordance with Section 86(4) of the Act:

- this power of delegation;
- to declare a rate or charge;
- to borrow money;
- to enter into contracts for an amount exceeding an amount previously determined by the Council; (in accordance with the Schedule of the Instrument);

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- any prescribed power.

In addition, Clause 9, of the Schedule to the *Instrument of delegation* outlines what *Special Committees of Council* are not authorised to do which includes:

- employing staff;
- approving any addition or alteration to any building, structure or other component of a facility without prior written approval of Council;
- allowing alcohol to be stored on the premises, or allow the sale or offering for sale of alcohol without prior written approval of Council;
- allowing the display of any advertisement, notice, placard, and bill or hoarding any description without prior written approval of Council.

3.3 How Are Special Committees Appointed?

Pursuant to Section 86 of the Act, Council delegates to *Special Committees of Council*, by resolution of Council the functions, duties and powers set out in the Schedule to the *Instrument of Delegation*.

The *Instrument of Delegation* comes into force immediately after the common seal of Council is affixed.

Both Council and *Special Committees of Council* are required to retain a sealed copy of the *Instrument of Delegation*.

The *Instrument of Delegation* remains in force until Council resolves to vary or revoke it and is subject to any conditions, exceptions and limitations contained within the Schedule to the *Instrument of Delegation*.

In accordance with Section 86(6) of the Act:

“A Council must review any delegations to a Special Committee in force under this section within the period of 12 months after a general election”.

For further information on how *Special Committees of Council* are appointed refer to Section 86 of the Act-*Special Committees of Council*, [Appendix 1](#) of this Handbook.

3.4 How Are Members Appointed to Special Committees?

Special Committees of Council members are appointed every two years in accordance with Clause 10 of the Schedule to the *Instrument of Delegation*.

All appointments to Special Committees of Council are subject to Council approval and are not effective until that approval has been received. Council's approval may be given by resolution of Council or in writing by a member of Council staff with delegated authority to give that approval.

Nominations for *Special Committees of Council* are received via a nomination form at a public meeting, usually a Special Committee of Council's Biennial General Meeting (BGM) convened by Council or are submitted directly to Council by *user groups* of the facility concerned.

Prior to receiving *Special Committees of Council* nominations Council will assist Special Committee's in advertising the opportunity for local residents and *user groups* to become members of the *Special Committees of Council*. This is done via:

- placement of a Public Notice in two local papers (Maroondah Leader and Maroondah Weekly);
- a letter, which is distributed by the Committee to local residents.

Except for the appointment of Chairperson, Council may appoint or remove members of the Special Committees of Council at any time pursuant to section 86(2) of the Act and in accordance with Clause 4 of the *Special Committees of Council Instrument of Delegation*.

For a copy of a Special Committee of Council Nomination Form refer to Appendix 2 of this *Handbook*.

For assistance with undertaking *Special Committees of Council* appointments contact Council's Sports and Community Liaison Officer.

3.5 Dissolution

A *Special Committees of Council* may at any meeting agree to disband and hand back its responsibilities to Council. In the case of this event Council requires immediate notification in writing of the Committee's intention before dissolution.

Alternatively, if the *Special Committees of Council* does not fulfil its obligations, Council may disband the *Special Committees of Council*.

In either case, the Chairperson is obliged to make the following arrangements within one month of disbanding:

- a financial statement must be prepared and presented to Council;
- the Special Committee of Council's bank account must be closed and the balance immediately forwarded to Council;

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- all keys to buildings must be returned to Council's Sports and Community Liaison Officer; and
- books of accounts and minutes of the *Special Committees of Council* must be forwarded to the Council's Sports and Community Liaison Officer.

3.6 Office bearers and their tasks

The following information should be read in conjunction with the Special Committee of Councils Schedule to the *Instrument of Delegation*.

3.6.1 Office Bearers

- The *Special Committees of Council* shall elect from amongst its members a Chairperson, Secretary and a Treasurer ("the office bearers") who shall hold office for two years in accordance with Clause 8 of the Special Committee of Councils Schedule to the *Instrument of delegation*. Any one person, being a member of the *Special Committees of Council* shall be able to be appointed as both Secretary and Treasurer. A person appointed as Chairperson cannot hold any other office on the Special Committee of Council.
- If during the term of office of an office bearer, a casual vacancy in an office bearer position occurs, the Committee shall elect from amongst its members another office bearer for that position, who shall hold office for the unexpired portion of the term of the office bearer who is being replaced.

3.6.2 Chairperson

If the Chairperson is not present at a *meeting* of the Special Committee of Council the members must appoint a Chairperson for that meeting.

The Chairperson shall:

- arrange dates for all the *Special Committees of Council* meetings and Biennial General Meetings(BGM);
- chair all meetings of the Special Committee of Council which are attended by the Chairperson;
- sign minutes of meetings upon them being confirmed by the Special Committee of Council;
- act as a signatory for the Special Committee of Councils bank account;
- vote on all matters before the Chair. Where there is a tied vote, the Chairperson has a casting vote.

3.6.3 Secretary

The Secretary, or in his/her absence a duly appointed Deputy, shall:

- provide not less than 48 hours notice of each meeting to all *Special Committees of Council* members, either by post, email or hand delivered to each member's address as it was provided to the Secretary. The meeting notice is to include the venue, time, date and the meeting agenda;
- be responsible for the taking of minutes at each meeting of the Special Committee of Council and forward a copy of same to Council within 14 days of holding the meeting via email;
- manage the administration of the Special Committee of Council, including clearance of all correspondence;
- The Secretary shall prepare and submit to Council annually a report on:
 - the performance of its *functions* and duties and the exercise of its powers;
 - the financial performance of the Special Committee of Council;
 - any issues which the Special Committee of Council considers should be reported to Council, or which Council directs should be dealt with in the report;
 - full details of all members of the Special Committee of Council at the time of the report, together with details of any resignations and new appointments during the report period;
 - any other matter Council directs the Special Committee of Council to report upon.

For further information on the reporting requirements of *Special Committees of Council* refer to Chapter 10 of this Handbook or Clause 13 of the *Special Committees of Council* Schedule to the *Instrument of delegation*.

3.6.4 Treasurer

- The Treasurer shall keep proper books of accounts showing all monies received and paid by, or on account of the Special Committee of Council in the exercise of its functions, duties and powers on or before 17 July in each year. By this date, the Treasurer shall provide to the Special Committee of Council and Council an operating statement and balance sheet of the assets and liabilities of the Committee as at 30 June and a full statement of all monies received and paid during the period of twelve months ending on 30 June.

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- The Treasurer shall, within seventy-two hours after the receipt thereof, pay all monies received by the Special Committee of Council into a bank account approved by the Special Committee of Council.
- Surplus funds of *Special Committees of Council* may be invested in a manner approved by the Committee, provided that the investment concerned is bank or government guaranteed.
- The Treasurer shall present all accounts received by the Special Committee of Council to the Special Committee which may authorise payment thereof from approved account/s.
- No monies shall be drawn out of approved account/s other than by cheques signed by the Treasurer and one other member of the Special Committee of Council authorised for that purpose by the Special Committee.
- All books of account and documents relating to the activities of the Special Committee of Council shall at all times be open for inspection by the Chief Executive Officer or any other person authorised by the Council.
- The Special Committee of Council shall authorise the Manager of the bank at which the approved account/s is/are held to supply to the Council a copy of details of all transactions in respect of the accounts on the written request of the Chief Executive Officer or other persons authorised by the Council.

3.6.5 Sub-committees

The Special Committee of Council may decide to appoint Advisory Sub-Committees or working *parties* for the purpose of advising and/or assisting the Committee in respect of issues under consideration. Such Advisory Committees must have at least one Special Committee representative.

Minutes of Sub-Committee meetings must be ratified by the full Special Committee of Council who shall retain right of veto over the Sub-Committee. The sub-committee's expenditure must be approved by the Special Committee of Council and all Sub-Committee funds are deemed part of the accounts of the Special Committee of Council.

4 SPECIAL COMMITTEES OF COUNCIL- MEETINGS PROCEDURES

4.1 Meetings

This Chapter of the Handbook provides guidance to *Special Committees of Council* in undertaking practices that are compliant with the statutory requirements under the Act, Meetings Procedure and Use of Common Seal Local Law No. 7, as well as providing effective practices that assist in the smooth operation of the Special Committee of Council.

4.1.1 Notice and Frequency of Meetings

The Special Committee of Council Secretary is required to provide not less than 48 hours notice of each meeting to all Special Committee of Council members, either by post, email or hand delivered to each member's address as it was provided to the Secretary.

The meeting notice is to include the venue, time, date and the meeting agenda. Non-receipt of such notice by a Special Committee of Council member shall not invalidate any meeting of the Special Committee of Council.

Under the provisions of the Act, Section 87 (6):

"If the Special Committee has not appointed a time and place for a meeting under subsection (5), the Chairperson, or if the Chairperson is incapable of doing so, the Council, must fix the time and place of the next meeting".

Special Committee of Council meetings are to occur at least quarterly, in accordance with Clause 8 of the Special Committee of Councils Schedule to the *Instrument of Delegation*.

For further information refer to Section 87 of the Act-Special Committee Meetings, Appendix 3 of this Handbook.

4.1.2 Agenda

An agenda must be prepared and distributed prior to each meeting of the Special Committee of Council. The agenda serves to list the matters to be discussed at the meeting in order to keep the discussion focussed and to assist with time management of the meeting. The agenda should address meeting formalities such as: attendances, apologies, acceptance of minutes from the previous meeting, matters arising not on the agenda, inward and outward correspondence, the Chairperson's report, Treasurers report, special projects, general business, closure of the meeting and date of next meeting.

4.1.3 Minutes

The Secretary must prepare and circulate the minutes of all meetings and forward to the Special Committee of Council members and Council within 14 days of holding the meeting.

Section 93(6) of the Act requires that the minutes of the meetings of the Special Committee of Council must:

- (a) contain details of the proceedings and resolutions made;
- (b) be clearly expressed;
- (c) be self-explanatory;
- (d) in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

The minutes are to be submitted to Council via email to Councils Sports and Community Liaison Officer, kirstie.dench@maroondah.vic.gov.au

The minutes of each meeting shall be presented at the next meeting of the Special Committee of Council for confirmation and adoption. On adoption, the minutes shall be initialled by the Chairperson on each page.

All motions carried or otherwise should be minuted. If passed, the motion becomes a resolution. The name of the Special Committee of Council member who moved and seconded each motion shall be recorded in the minutes.

Items that arise which are outside of the Special Committee of Councils delegation are to be referred to Council for consideration. The minutes shall record these items as a recommendation to Council in a form similar to the following:

"Moved: A Smith Seconded: R Brown

IT IS RECOMMENDED TO COUNCIL THAT:

(Set out here the issue in respect of which the recommendation is made)"

Items requiring consideration by Council are to be collated and listed separately to the meeting minutes. These items are to also be forwarded via email to the Sports and Community Liaison Officer, kirstie.dench@maroondah.vic.gov.au

For further information refer to Section 93 of the Act- Minutes of Meetings, Appendix 4 of this Handbook.

4.1.4 Special Committee member's attendance at meetings

All *Special Committees of Council* members are expected to attend all meetings, however if a member is unable to attend on a particular occasion they are required to send an apology to the Special Committee of Council Secretary.

The Special Committee of Council may recommend to Council removal of any member if he or she fails to attend three consecutive meetings of the Special Committee of Council without first having obtained leave of absence from the Special Committee of Council.

4.1.5 Members of public attendance at meetings

In accordance with Section 89 of the Act, any meeting of a Special Committee of Council must be open to members of the public unless the Committee resolves that the meeting be closed to the public for the following reasons:

- personnel matters;
- the personal hardship of any resident or ratepayer;
- industrial matters;
- contractual matters;
- proposed developments;
- legal advice;
- matters affecting the security of Council property;
- any other matter which Council or the Committee considers would prejudice the Council or any person;
- a resolution to close the meeting to members of the public.

If the Special Committee of Council closes *a meeting* to the public the reason must be recorded in the minutes.

The Chairperson must provide reasonable notice to the public of meetings of the Special Committee of Council.

For further information refer to Section 89 of the Act-Meetings to be open to the public, Appendix 5 of this Handbook.

4.1.6 Conduct of meetings

In accordance with Section 91 of the Act:

- a quorum must be at least the majority of Special Committee of Council members, all of whom shall be members entitled to vote;
- resolutions made at the meeting must clearly state the intention and effect of the resolution.

For further information refer to Section 91 of the Act-Conduct of Meetings, Appendix 6 of this Handbook.

For further information on Local Law No 7 Meetings Procedure and use of Common Seal refer to Councils website www.maroondah.vic.gov.au

4.1.7 Validity of Proceedings

In accordance with Section 92 of the Act, Validity of Proceedings, the proceedings of a Special Committee of Council are not invalidated because of:

- (a) any vacancy in the number of members; or
- (b) any defect in the election or appointment of a member; or
- (c) any incapacity to be a member or;
- (d) any failure to comply with section 89 of the Act.

For further information regarding point (d) refer to Section 89 of the Act, Meetings to be open to the public, Appendix 5 of this Handbook.

4.1.8 Voting

In accordance with the Special Committee of Councils *Instrument of delegation*, all members of the *Special Committees of Council* have a single and equal vote on the Committee, with the Chairperson having a casting vote, if votes for and against are equal.

In accordance with Section 90 of the Act, Voting, a question before a *meeting* of the Special Committee of Council is to be determined as follows:

- each member of the Special Committee of Council present at a *meeting*, who is entitled to vote is entitled to one vote;
- unless otherwise prohibited by this Act, each member of the Special Committee of Council present must vote;
- voting must be a show of hands;

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- voting at a *meeting* that is open to members of the public must not be in secret;
- the question is determined by a majority of votes;
- subject to subsection (2), if there is an equality of votes the Chairperson has a second vote.

(2) If there is an equality of votes on a question arising under section 87(3) the Committee appointing a Chairperson or 87(4) the Committee appointing a Chairperson when the elected Chairperson is not present, then the matter is to be determined by lot.

For further information refer to Section 90 of the Act, Voting, [Appendix 7](#) of this *Handbook* and Section 87 of the Act, Special Committee Meetings, [Appendix 3](#) of this Handbook.

4.1.9 Deputations

From time to time the Special Committee of Council may wish to make a formal presentation to Council on a particular matter e.g. a capital works submission, future plans for the facility/reserve. This usually takes the form of a deputation. Deputations can be made in accordance with Local Law No 7-Meetings Procedure and Use of Common Seal, Division 7-Public Participation (81) Deputations.

For information regarding deputations refer to [Appendix 8](#) of this Handbook and/or contact Council's Sports and Community Liaison Officer.

5 SPECIAL COMMITTEES OF COUNCIL- CODE OF CONDUCT

5.1 Confidential Information

Under the provisions of the Act, Section 77 (1):

"A person who is, or has been, a Councillor or a member of a Special Committee, must not release information that the person knows, or should reasonably know, is confidential information".

To view what information is considered confidential under Section 77 (2) and (3) of the Act, refer to Appendix 9, of this Handbook.

5.2 Conflict of Interest

Special Committee of Council members are in a position of trust and have obligations to the community and to Council. It must be clear that Special Committee of Council members are not using their position to serve their own interests or the interests of someone close to them. Therefore, the Local government Act 1989 requires *Special Committees of Council* to disclose conflicts of interest and not participate in a decision when they have a conflict of interest.

Failure to disclose a conflict of interest may be an offence that can be prosecuted in court. It is the responsibility of *Special Committees of Council* members to identify and disclose conflicts of interest.

5.2.1 Disclosing a Conflict of Interest

Section 79 (6) of the Act, Disclosure of conflict of interest outlines the process that is to be undertaken by a Special Committee of Council member in disclosing a conflict of interest, in a matter that is to be considered or discussed at a *meeting* of the Special Committee of Council.

If a Committee member has a conflict of interest and is attending the meeting they must make a full disclosure of the interest by either:

- advising the Special Committee of Council of the details of the conflict i.e. a direct or indirect interest and the nature of the interest immediately before the matter is considered at the meeting; or
- advising the Chief Executive Officer in writing of the details of the conflict i.e. a direct or indirect interest and the nature of the interest before the meeting.

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The member who has the conflict of interest must then leave the room and remain outside the room until the Chairperson has advised them that they can return.

The meeting minutes must record the declaration of the conflict of interest, the classification of the interest that has given rise to the conflict and the nature of the conflict, if it has been disclosed.

If a member of the Special Committee of Council fails to comply with Section 79 of the Act they are guilty of an offence and liable to a fine not exceeding 120 penalty units.

Sections 77, 78, 79, 80 and 81 of the Act refer to the procedures and conduct required of *Special Committees of Council* regarding conflict of interest matters.

5.2.2 Direct and Indirect Interests

The Act describes seven classes of interests. The following is a brief overview of the key aspects of the Act regarding the circumstances in which direct or indirect interest applies:

Direct Interest

- Reasonable likelihood that a person or their circumstances will be directly affected if a matter is decided in a particular way.
- Likely to incur a loss or gain that is measurable in financial terms or if their residential amenity is likely to be affected.

Indirect Interest

Close association indirect interest

- Member of family has a direct or indirect interest;
- A relative has an indirect interest;
- Member of household has direct interest.

Indirect Financial Interest

- If likely to incur a gain or loss that is measurable in monetary terms;
- Not a conflict of interest if the total value of shares in an interested body and members of family do not exceed \$10,000 and total value of shares issued by the body exceeds \$10 million.

Conflicting Duty

- Manager or member of body that has a direct interest in a matter;
- Partner, consultant, contractor, agent or employee of person, company or body that has a direct interest in a matter;
- Trustee for a person that has a direct interest in a matter.

Gifts

- Received gifts valued at \$500 or more in preceding 5 years from person with a direct interest in the matter;
- Includes gifts that are campaign donations.

Interested Party

- Party to legal proceedings on the matter.

Residential Amenity

- Reasonable likelihood residential amenity will be affected.

For further information refer to Sections 77A, 77B, 78, 78A, 78B, 78C, 78D & 78E of the Act, Appendix 10 of this Handbook.

5.2.3 General Exemptions

The Act provides three types of general exemptions to a conflict of interest, remoteness, in common and no knowledge.

For further information on general exemptions refer to the Act or “Conflict of Interest, A guide for members of Council Committees” at www.dpcd.vic.gov.au

5.2.4 Register of Interests

Section 81 of the Act refers to the need to maintain a register of interests, however under Section 81(2A) “A Council may exempt a member of a Special Committee who is not a Councillor from being required to submit a primary return or any ordinary return”.

It is the policy of Council to uphold this exemption in the case of members of *Special Committees of Council* who are not also Councillors. Such exemption is contained in Clause 5 to the *Instrument of Delegation*, under which the Committee operates.

6 SPECIAL COMMITTEES OF COUNCIL-FINANCIAL MATTERS

6.1 Financial records

Special Committees of Council established under Section 86 of the Act are required to comply with the same principles of sound financial management as Council. The financial transactions of the *Special Committees of Council* with a turnover in excess of \$10,000 will form part of the audited annual financial statement of the Council. Financial transactions of all *Special Committees of Council* are reported to the Australian Taxation Office as part of the Council's compliance with the Goods and Services Tax legislation.

All monies that the *Special Committees of Council* deal with are public funds and therefore must be dealt with in an open and honest manner.

Council must meet the financial requirements of:

1. The Local Government Act 1989 (Act)
2. The Australian Accounting Standards
3. Relevant Local Government Regulations and other legislation

Significant detail is provided in each of the above publications and the audit of Council's Financial Statements will monitor compliance with these regulations and legislation. The *Special Committees of Council* appointed by Council must satisfy those requirements and shall be responsible to maintain the accounts of the *Special Committees of Council* to ensure that all monies received and paid by the *Special Committees of Council* are appropriately recorded.

The *Special Committees of Council* must present to Council the Financial Statements of the Special Committee of Council as at 30 June in each year by the 17 July each year.

As with any organisation, a sound budgeting system should be in place to ensure the financial resources of the organisation are effectively channelled into those areas determined by the *Special Committees of Council*. Council staff would be happy to assist in the development of budgeting systems.

The Act does not specifically list books of accounts that must be maintained. However, the following does provide a good guideline:-

6.2 Record of Payments and Receipts

The Special Committee of Council must keep an accurate record of all receipts and payments received and paid by the Special Committee of Council.

6.3 Petty Cash

A petty cash float may need to be maintained by the Treasurer to facilitate small prompt payments. A limit of \$50.00 is to apply for any one disbursement. Amounts over \$50.00 must be recorded through cash payments. The petty cash float should be as small as practicable, say \$100.00 as a maximum.

Petty cash vouchers along with invoices and receipts should be used to support all petty cash payments. At any point in time the float should be the addition of cash remaining and current vouchers made out.

Upon reimbursement of the petty cash float, the invoices and petty cash docket documents should be filed to support the reimbursement of the petty cash.

6.4 Voucher File

All payments should have some form of supporting documentation e.g. tax invoices, invoices, delivery dockets, orders etc. As far as possible, vouchers should be approved for payment by someone other than the Treasurer.

6.5 Bank Account

A bank account should be opened at a conveniently situated bank. The Council currently uses the National Australia Bank. A cheque book, pay in book and periodic bank statements (preferably monthly) will also need to be organised. There should be at least two cheque signatories required for the signing of cheques and transfer of funds by electronic transfer.

6.6 Bank Reconciliations

Bank Reconciliations will need to be done at least monthly.

6.7 Assets Register

The Committee must maintain a register of assets purchased. Generally this must include detail and date of purchase, together with serial or some other identifying number. The value of that asset must be stated.

6.8 Periodic Income Statement

The Treasurer should prepare a profit and loss statement that shows the year to date actual income and actual expenditure compared with the budget and the cash position for the Special Committee of Council meeting to enable the Committee to monitor the performance of the Special Committee of Council.

6.9 Goods and Services Tax (GST)

A Special Committee of Council is required to use Council's ABN which is 98 606 522 719. *Special Committees of Council* are part of Council's reporting requirements to the Australian Taxation Office and Council is required to report on expenditure and income and GST paid and payable by the Special Committee of Council. For Council to be able to fulfil their obligations *Special Committees of Council* are required to lodge a GST return at least quarterly on the form shown in Appendix 11 of this Handbook.

If the GST on receipts is greater than the GST claimable on payments, the Committee will be required to pay Council the net difference. If the GST on receipts is less than the GST claimable on payments, the Council will reimburse the Committee the net difference.

6.10 Statutory Comprehensive Income Statement

To be prepared for the year ending 30 June each year, refer Appendix 12 of this Handbook.

6.11 Statutory Balance Sheet

To be prepared as at 30 June, each year, refer Appendix 13 of this Handbook.

Guidance with regard to any accounting matters can be obtained from Council's Financial Accountant on 9298 4268.

6.12 Winding Up

If the Council at any time revokes its delegation of functions, duties and powers to the Special Committee of Council or the Special Committee of Council decides to disband and hand back its responsibilities to Council, the Special Committee of Council shall immediately pay or transfer to the Council all monies and other assets held by or on behalf of the Special Committee of Council or in any approved account/s.

6.13 Payment of an Honorarium

The Special Committee of Council may choose to pay an honorarium to one or more of the Office Bearers whose duties are outside of normal Special Committee involvement. Such arrangements can also be made with non Special Committee members.

An honorarium is a payment for services for which the recipient, if not paid, could **not** sue in a court of law. An honorarium is gratuitous and does not create any legal relationship or contract, such that non payment of the honorarium does not create any right of recovery.

Payment of an honorarium is not necessarily tax free money for the recipient and the tax implications of the payment depends upon the recipients individual circumstances. Recipients of an honorarium should obtain their own specific advice in regard to such matters.

Special Committees of Council should ensure that honorarium recipients are aware of their obligations in regard to conflict of interest matters referred to in [Chapter 5](#) of this Handbook.

Special Committees of Council have the same duty of care in relation to those receiving an honorarium as it does to all volunteers and contractors.

If the Special Committee of Council does decide to pay an honorarium, please contact Council's Sports and Community Liaison Officer for assistance.

6.14 Engaging and paying contractors

Clause 9 to the Schedule of the *Instrument of Delegation* outlines that *Special Committees of Council* are not authorised to employ staff, however this does not prohibit the use of outside agencies for the provision of cleaning, or other services subject to such service being provided on a fee for service basis by a firm, company or self-employed persons.

Also in accordance with the Special Committee of Council's *Instrument of Delegation*, Committees are unable to enter into contracts exceeding an amount previously determined by Council.

All contractors engaged must demonstrate that they have current insurance policies for Workcover and Public Liability of \$10 million for any single claim, use properly maintained equipment and safety gear (boots, goggles, ear muffs etc) and have completed relevant Occupational Health and Safety (OH&S) paperwork i.e. providing a written job safety analysis.

For further information regarding Occupational Health and Safety requirement refer to Chapter 7 of this Handbook.

If a Special Committee of Council does decide to engage a contractor, please contact Council's Sports and Community Liaison Officer for assistance.

7 SPECIAL COMMITTEES OF COUNCIL-RISK MANAGEMENT

7.1 RISK MANAGEMENT

7.1.1 *What is Risk*

Risk is inherent in everything we do, whether it is riding a bike, project managing, determining work priorities, purchasing new systems and equipment, making decisions about the future or deciding not to take any action at all.

Risk means different things to different people at different times. However, one element that is common to all concepts of risk is the notion of uncertainty. If we knew what would happen next, there would be no risk.

A risk is often described in terms of an event and the consequences that may flow from it. Events usually have sources and immediate causes.

Risk arises out of uncertainty. It is the exposure to the possibility of such things as economic loss or gain, physical damage, injury or delay. The concept of risk has two elements, the likelihood of something happening and the consequences if it happens.

While it is not possible to have a totally risk free environment, it is usually possible to avoid, reduce, eliminate or transfer some of the risk.

7.1.2 *What is Risk Management*

Risk management is a specialised area within general management. The traditional approach to risk management has focussed on using insurance to manage risk. In more recent years other approaches have been developed:

- Risk Management is the systematic application of management practices, policies and processes to effectively deal with risk.
- Risk Management is the culture and processes that are directed towards the effective management of potential opportunities and adverse effects.
- Risk Management allows organisations to effectively maximise available resources.

7.1.3 The Framework for Risk Management

Maroondah City Council is committed to risk management as an integral part of its corporate governance and operations, developing strategies & systems to minimise risks. This ensures sustainable delivery of services and amenities enjoyed by ratepayers, residents and visitors. The identification and management of risk is undertaken in a systematic process, using the principles as set out in the Australian/New Zealand Standard for Risk Management (standard).

7.1.4 Council's Risk Management Policy and Strategic Risk Management Plan 2011-2014

Special Committees of Council should be familiar with Council's Strategic Risk Management Plan 2011-2014, which aims to align effective risk management practices for all classes of risk across Council within a common framework. It is intended to support Council's Risk Management Policy and improve existing risk management practices. It is not designed solely to eliminate risk, but rather to manage the risks involved in all Council activities, to maximise opportunities and minimise risk. The Strategy defines the responsibilities of management, employees and others (including contractors, councillors and *Special Committees of Council*) in the risk management process. It also specifies reporting requirements.

For further information on Council's Risk Management Policy and Strategic Risk Management Plan 2011-2014 refer to Council's website: www.maroondah.vic.gov.au

7.1.5 Risk Management Process

The risk management process is based on the current Standard. The objective is to identify all risk, assess the likelihood and consequences for the risk and put in place processes to manage the risk. It is important to note that the risk management process is not a linear process – it is cyclical and ongoing. There needs to be constant monitoring and review of all systems and processes to ensure that risk is being effectively managed.

The following is a summary of the risk management process taken from the Standard:

- Establishing the context (situation)
- Risk identification
- Risk analysis
- Risk evaluation
- Risk treatment

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In its simplest form the identification of risks comprises making a list of everything which could impact negatively or positively on the *Special Committees of Council* and Council's objectives.

The aim of risk analysis is to assess the likelihood of the risk happening and the consequence should it happen.

The aim of risk evaluation is to understand which risk exposures Council can tolerate and which it cannot. Risk exposures which cannot be tolerated need to be treated.

Risk monitoring and review, and communication and consultation must also occur simultaneously throughout the risk management process.

It is the responsibility of all *Special Committees of Council* to assist Council in the risk management process and if a risk has been identified, notify Council immediately.

To assist *Special Committees of Council* in identifying risks Council provides *Special Committees of Council* with an Annual Risk Management Checklist which is to be completed by January 31 each year. This checklist is checked by Council and if there are any risks identified Council will work with the *Special Committees of Council* to minimise or reduce the risk, as appropriate.

In addition, Council conducts risk management training specifically for *Special Committees of Council* every 2 years, and is also available as required, to assist *Special Committees of Council* with the risk management process.

To obtain a copy of the Annual Risk Management Checklist for *Special Committees of Council* that manage facilities refer Appendix 14.

To obtain a copy of the Annual Risk Management Checklist for *Special Committees of Council* that manage reserves/bushland/community gardens refer Appendix 15.

7.1.6 Standard Incident Report Forms

Special Committees of Council are to maintain a supply of Standard Incident Report Forms, should they be required to note details of either a major, minor, near miss or medical incident, refer to Appendix 16 or download copies from Council's website www.maroondah.vic.gov.au. A copy of this form should be forwarded to Council's Sports and Community Liaison Officer should any major, minor, near miss or medical incident occur for Council's records and to action any follow up maintenance that maybe required.

7.2 OCCUPATIONAL HEALTH AND SAFETY

7.2.1 1.01 OHS Policy

Maroondah City Councils 1.01 OHS Policy states: “ *Maroondah City Council aims to provide a work environment that is free, so far as is reasonably practicable, from risk to health and safety for all Council employees, contractors, volunteers, visitors and the public affected by our activities*”.

The scope of the 1.01 OHS Policy applies to all activities undertaken by Council employees, contractors and volunteers at Council workplaces and when carrying out their duties on behalf of Council.

7.2.2 1.02 OHS Management System Policy

The purpose of this policy is to define the Maroondah City Council’s Occupational Health and Safety Management System, which has been developed to ensure that all work is carried out in a safe and responsible manner and to achieve a healthy and safe working environment for all employees, contractors, visitors and volunteers.

The Occupational Health and Safety Manual contains policies and procedures that are contained in three sections:

- Policy Documents
- Organisation and Management Procedures
- Risk Control Procedures

The purpose of the Occupational Health and Safety Manual is to ensure that the guidelines for the management of workplace health and safety are available for all employees, contractors and volunteers working at premises under the control of Council.

7.2.3 OHS Management Process

Council’s health and safety objective is to reduce the risk associated with each hazard to the lowest level practicable. Council’s risk assessment process is based upon Australian Standard AS4360-2004 Risk Management.

Procedures have been developed which outline the requirements for the completion of risk assessments. The purpose of the hazard identification and risk assessment process is to prevent damage or loss to personnel, the environment, equipment and facilities. The hierarchy of control should be applied, with the elimination of identified hazards to be implemented wherever reasonably practicable.

The following is a summary of the hierarchy of control:

- Elimination
- Substitution (Replacing the material substance or process with a less hazardous one)
- Isolation (Enclosing the source of the hazard)
- Engineering Controls (Redesigning the work process to reduce the risks)
- Administrative (Providing appropriate training, instruction and supervision)
- Personal Protective Equipment

7.2.4 Contractors

Special Committees of Council who engage contractors to undertake work on their behalf are required to ensure that the contractors demonstrate effective control of health and safety risks, including the performance of risk assessments and the development of safe work method statements for all hazardous tasks.

Contractors and their employees are responsible for all of the following:

- Co-operating and complying with the requirements of all Council Occupational Health and Safety policies and procedures and any other actions taken by Council to comply with the Occupational Health and Safety Act, 2004 and other regulations;
- Participating in the consultative processes with Council employees, volunteers and other affected *parties*, to develop standard operating procedures and safe work method statements;
- While working for Council, take reasonable care for their own safety and the safety of others who may be affected by their actions or omissions including employees, contractors, volunteers, Council customers and the community in general;
- Report any unsafe, unsatisfactory or inappropriate work practices and instructions to the Contract Manager or nominated representative;
- Reporting any illness, injury, hazard, or incident, damage or loss arising from their work with the Council, as soon as they are detected.

7.2.5 Manual Handling

Special Committees of Council should be aware that Manual Handling injury comprises approximately 50% of all work related injuries and worker's compensation claims in most industrial sectors.

Special Committees of Council must ensure that all manual handling tasks are carried out in a manner that prevents injury or adverse health effects. Where a hazardous manual

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handling task is identified, risks associated with the task need to be reduced so far as is practicable.

It is the responsibility of all *Special Committees of Council* to assist Council in the OHS management process and if a risk has been identified, notify Council immediately.

Council can also assist *Special Committees of Council* in undertaking Manual Handling Risk Assessments to identify risks and appropriate controls.

7.2.6 Electrical Safety

Special Committees of Council are responsible for ensuring the following;

- all potable electrical equipment purchased meets Australian Standards;
- all electrical appliances in the facility are maintained as per Manufacturers recommendations and Australian Standards;
- all contractors engaged and users of electrical equipment on Council property only use equipment that meets Australian Standard and that has been tested and maintained according to standard;
- all electrical appliances are tested and tagged by a qualified tester;
- electrical appliances are set up correctly and used safely;
- electrical equipment/ appliances are visually inspected prior to use.

Council can also assist Committees in undertaking Electrical Safety Risk Assessments to identify risks and appropriate controls.

Upon request Council's Sports and Community Liaison Officer can also provide Electrical Safety Risk Assessment Checklists to *Special Committees of Council*.

7.2.7 Hazardous Substances and Dangerous Goods

The Special Committees of Council are responsible for:

- ensuring statutory compliance in relation to the storage and handling of Hazardous Substances and Dangerous Goods;
- maintaining current register of Chemicals, including Material Safety Data Sheets (MSDS) which are readily available to all persons upon request and copies to be kept in the area where the substances are utilised;
- undertaking a hazard identification, risk assessment and risk control of hazardous substances and dangerous goods under their control;

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- ensuring those who purchase, use, handle, or store hazardous substances and/or dangerous goods are provided with appropriate training, instruction and supervision as specified under the respective regulations;
- establishing an inspection program for storage areas and implementing appropriate emergency response plans as required by the respective regulations;
- advising the appropriate fire fighting authority of any potentially hazardous substances in the event of a fire;

Ensuring that all Contractors engaged by the organisation provide the organisation with a MSDS for any hazardous substance and/or dangerous good they are required to bring on to Maroondah City Council sites, properly label any dangerous goods and/or hazardous substances they bring on site and adhere to safety instructions contained in MSDS regarding the use, storage and handling of hazardous substances and dangerous goods; remove all dangerous goods and/or hazardous substances from the site once their work is complete.

Upon request Council's Sports and Community Liaison Officer Council can assist *Special Committees of Council* in undertaking Hazardous Substances and Dangerous Goods Risk Assessments to identify risks and appropriate controls.

7.2.8 Working Outdoors

Special Committees of Council and *user groups* that work outdoors must manage the risks associated with working outdoors including ultraviolet radiation, cold and wet conditions, heat stress, snake, animal and insect bites and stings.

Measures to protect outdoor workers should address risk factors identified in a risk assessment. A range of control measures should be used and may include:

- Engineering Controls, e.g. shade, use of artificial wind break, use of facilities.
- Administration Controls e.g. hours of work, planning of activities, duration of activities, inspection of work area prior to starting, fluid intake, possible cessation of work during high temperatures.
- Protective clothing e.g. gloves, hat, sunscreen, sunglasses, insect repellent, cold or warm weather clothing.

7.2.8.1 First Aid

At a minimum, *Special Committees of Council* are to ensure there is access to an appropriately stocked First Aid Kit that includes:

- Information on heat stress and dehydration;
- information on bites and stings;

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- Necessary bandages, stingoes etc for treatment of bites and stings;
- Information on treating anaphylaxis (i.e. if person is having difficulty breathing or becomes unconscious, lie person in the recovery position and keep airway clear until Ambulance arrives.
- First Aid contact telephone numbers:
Ambulance 000
Poisons Information Centre 13 11 26 (24 hrs)
Australian Venom Research Unit 03 8344 7753 (24 hrs)
Bee Helpline 1902 241 059
Collection of Snakes 9725 2502 (East. Wildlife Cont.)
Spiders/insects identification 9294 5603 (Public Health)

Upon request Council's Sports and Community Liaison Officer Council can assist *Special Committees of Council* in undertaking a Working Outdoors Risk Assessment to identify risks and appropriate controls.

Special Committees of Council are to maintain a supply of Standard Incident Report Forms, should they be required to note details of either a major, minor, near miss or medical incident, refer to [Appendix 16](#) or download copies from Council's website www.maroondah.vic.gov.au.

7.3 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Council is committed to providing a workplace free of all forms of unlawful discrimination and harassment, including bullying and vilification. Council aims for equality of opportunity for all employees, both permanent and temporary, free from discrimination, harassment, bullying and vilification.

Discrimination, harassment, bullying and vilification are not only unacceptable at Council, they are unlawful and Council will ensure that all employees, Councillors, consultants, contractors and volunteers are educated in the prevention of unlawful discrimination, harassment, bullying and vilification and recognise the behaviours that may constitute those unlawful acts.

Assistance with regard to the *Special Committees of Council*, Equal Employment Opportunity obligations can be obtained from Council's Sports and Community Liaison Officer.

7.4 INSURANCE

Council has a Public Liability insurance policy that covers *Special Committees of Council* formed under the Act, whilst acting within the scope of their delegated functions, duties and powers within the boundaries set out in *Special Committees of Council*, Schedule to the *Instrument of Delegation*.

The activities of other independent bodies, *user groups* and *hirers* etc who occupy Council owned buildings are not protected by Council's Public Liability Insurance. For further information regarding insurance matters for *user groups* and *hirers* of Council facilities which are managed by *Special Committees of Council* refer to Chapters 11, 12 and 13 of this Handbook.

8 SPECIAL COMMITTEES OF COUNCIL-EMERGENCY MANAGEMENT

8.1 Emergency evacuation

All Special Committee of Council members, *user groups* and *hirers* must be aware of the emergency evacuation plan in place including designated wardens, where applicable to guide evacuation in an emergency, and a nominated safe evacuation point.

It is the responsibility of the Special Committee of Council to ensure that an emergency evacuation plan is in place and that all members, *user groups* and *hirers* are aware of the plan.

This includes:

- being aware of all exits and exit paths within the facility or reserve and ensuring that these are kept clear and fully accessible at all times;
- determining the exact nature and location of the emergency (e.g. fire, gas leak, bomb threat);
- guiding evacuation of users and their guests in a calm and orderly manner;
- searching all areas of the building, (if safe to do so, where applicable to ensure all persons are evacuated; and
- reporting the incident to emergency authorities as soon as is practicable.

Special Committees of Council members, *user groups* and *hirer* should only re-enter a facility or reserve once they are authorised by emergency authorities that it is safe to do so.

The list of 'Key Contacts' at the front of this *Handbook* provides the main emergency contacts. An up-to-date list of emergency contacts should be prominently displayed, next to the emergency evacuation plan.

For further information or assistance in developing an emergency evacuation plan, contact Council's Sports and Community Liaison Officer.

Special Committees of Council responsible for facility management must refer to [Chapter 13](#) of this Handbook for specific facility emergency management information.

9 SPECIAL COMMITTEES OF COUNCIL-ENVIRONMENTAL CONSIDERATIONS

Special Committees of Council should attempt to minimise the impact of their operations, on the environment at all opportunities. There are many areas in which the Special Committee of Council, *user groups* and *hirer*, where applicable can reduce their impact on the environment. These include (but are not limited to) recycling, correct disposal of waste, and use of non-harmful line marking substances.

9.1 Water restrictions

Metropolitan Melbourne may be subject to water restrictions of varying limitations at times. For more information on the current status of water restrictions refer to Yarra Valley Water website at www.yvw.com.au or South East Water on www.southeastwater.com.au. Council, the Committees, *user groups* and *hirers* must comply with all relevant restrictions and are encouraged to adopt the water conservation practices as outlined following;

9.2 Water conservation

There are various ways in which water can be conserved, from simple measures such as turning taps off properly. Maroondah Council encourages the community to conserve water within Council facilities and reserves and encourages the *Special Committees of Council* to discuss their water saving initiatives with Council Officers.

Council should be advised as soon as possible with regards to: leaking taps, toilet cisterns and urinals so as they can be fixed by a licensed plumber to avoid wastage. Installing efficient showerheads and other water appliances with 'AAA' water ratings will dramatically reduce water usage amounts and should be considered, along with fitting flow restricting devices on showers. 'AAA dual-flush' toilet systems are also recommended. *Special Committees of Council* undertaking facility upgrade projects (i.e. construction of new change rooms, kitchen upgrades) are required to install water saving devices and tap-ware as part of their project.

9.3 Eco-friendly products

The use of detergents, other cleaning agents, paints and chemicals should be appropriate to the task involved and must be disposed of correctly (i.e. harmful substances should not be poured into drains or allowed to run-off into garden areas). Ideally non-toxic substitutes should be used.

9.4 Energy efficient appliances

Many appliances can be installed to reduce greenhouse gas emissions. When replacing old appliances, consider using more efficient models; for example, fit fluorescent or lower-wattage light globes as these not only reduce emissions but also energy costs.

Additionally, use appliances that have a high-energy rating and install them into efficient positions (e.g. keep fridges and freezers out of direct sunlight and away from sources of heat such as ovens). Only use appliances as required, fit timers and dimmers on lights and make a habit to switch off appliances after use.

Consider efficient ways of heating and cooling (i.e. open / close windows before turning on appliances) and seek to avoid using the appliances where possible. Try to position such appliances to achieve the maximum effect possible and avoid obstructing appliances.

10 SPECIAL COMMITTEES OF COUNCIL-SUPPORT, DEVELOPMENT AND REPORTING

Council is committed to working in partnership with *Special Committees of Council* to develop and sustain a wide range of quality sporting, recreational, cultural, social and community programs and facilities that service the needs of the Maroondah community. To support this, a number of resources and opportunities exist to help *Special Committees of Council* with their operations.

10.1 Funding assistance for community groups

10.1.1 *Special Committees of Council Support Scheme*

The *Special Committees of Council Support Scheme* provides a resource program to assist and support Council's Special Committees established under Section 86, of the Act.

Funding is provided for capital improvements or facility planning for the specific reserves or facilities. Council's contribution to projects will not exceed \$6,600 inclusive of GST, and must meet the eligibility criteria as well as having a clearly identifiable target and need.

Projects must:

- meet a demonstrated need within the facility;
- complement or improve existing facilities;
- provide long term benefit for the facility or its environment;
- meet the cost of reserve master plans;

Grant opportunities for this funding scheme are advertised late January with applications closing in mid April. *Special Committees of Council* are notified in July.

For further information please contact Council's Sports and Community Liaison Officer.

10.1.2 *Third, Third, Third Funding*

Commonly known as the Third, Third, Third funding, it provides funding to Maroondah organisations to improve existing Council facilities or to develop new facilities on Council owned and/ or managed land. One third of the cost of the project is provided by way of a Council grant, one third as an upfront cash contribution from the user group, and one third provided by way of a deferred contribution to be repaid to Council over a maximum 5 year period.

The eligibility criteria for the program are:

- the land on which the facility development is proposed must be either Council owned and/or managed;

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- the development must broaden community access and increase opportunities for participation by Maroondah residents;
- the application must provide evidence of community support and identified needs.

Grant opportunities for this funding scheme are advertised in late January each year with applications closing mid April. Successful applicants are announced in July and Council enter into a funding agreement with the successful organisation to undertake the project.

For further information please contact Council's Sports and Community Liaison Officer or visit www.maroondah.vic.gov.au

10.1.3 Other funding sources

A range of other funding opportunities are available through grant programs and philanthropic trusts. Details of the main providers are the following:

- Sport and Recreation Victoria – www.sport.vic.gov.au (Grants and Funding tab)
- VicHealth – www.vichealth.vic.gov.au (Funding opportunities tab)
- The website our.community.com.au is an extensive resource of information for the purpose of benefiting community run organisations. This site provides information of government and non-government agency grants as well as philanthropic funding opportunities.

In all cases prior to applying for funding the Special Committee of Council must contact the Sports and Community Liaison Officer to discuss the proposed application.

10.2 Communication of information to Special Committees

Council Leisure Services will aim to provide ongoing and up-to-date information to the *Special Committees of Council* that will assist in the day to day running of the Special Committee of Council. This will be done via email, newsletters and post. Additionally information sessions and workshops will be offered on a range of topics to meet *Special Committees of Council* needs.

Special Committees of Council are encouraged to discuss your specific training needs with Councils Sports and Community Liaison Officer, as required.

10.2.1 Correspondence

All correspondence from Council will be directed to the Secretary of the Special Committee of Council. All correspondence from the Special Committee of Council is to be addressed to Councils Sports and Community Liaison Officer.

10.2.2 Annual Calendar

- January -** Applications open for Council's *Special Committees of Council* Support Program and the Third, Third, Third funding schemes.
- March -** Council will notify *Special Committees of Council* of the *user groups* allocated for seasonal use of sports facilities.
- April (mid) -** Applications close for Council's *Special Committees of Council* Support Program and the Third, Third, Third funding schemes.
- 30 June -** Prepare a comprehensive income statement for the year ending 30 June and prepare a comprehensive balance sheet for the year ending 30 June.
- July -** Successful grant applications announced for Council's *Special Committees of Council* Support Program and the Third, Third, Third funding schemes
- 17 July-** Latest date for Treasurer to provide the Special Committee of Council and the Council an operating statement and balance sheet of assets and liabilities of the Special Committee of Council as at 30 June then last past, and a full statement of all monies received and paid during the period of twelve months ending on 30 June then last past.
- September -** Council will notify *Special Committees of Council* of the *user groups* allocated for seasonal use of sports facilities
- 31 January -** Completion of annual risk management checklist by *Special Committees of Council*.

10.3 Records and Reporting

Special Committees of Council must keep the following records and where indicated forward to Council, as per table below:

Record	Description	How to use the record	Reference
Instrument of delegation	- Sealed copy	- Retain for records - Circulate to members	Chapter 3
Meeting Agenda and, Minutes Reports	- Committee - Sub Committee/s	- Retain for records - Circulate to members - Forward minutes to Council within 14 days of holding meeting by email - Annually	Chapter 4 Appendix 4
Financial Statements (Statutory Operating Statement) (Statutory Balance Sheet)	- All Income - All expenditure	- As of June 30 and forward to Council by July 17, annually	Chapter 6 Appendix 11,12 & 13
Asset Register	- Description - Date of purchase - Serial / ID # - value	- Update as required Forward to Council annually	Chapter 13, 13.1.1
Risk Management Checklist	- Risk assessment and site inspection checklist	Complete and submit to Council Jan 31 annually	Chapter 7 Appendix 14 & 15
Incident Reports	- Injury to the public & members of the Committee		Chapter 7 Appendix 16
Property Damage	- Damage to Council property - Damage to Public property	- Submit in writing to Council	Chapter 15, 15.2
Bookings Register	- Date - Type of booking - Approx. # of attendees	- Retain for records - Forward to Council annually	
Casual Application Forms	- All casual bookings - All permanent bookings not allocated through Council	Retain signed agreements for all bookings. Review permanent bookings annually	Appendix 17
Public Liability Insurance Documentation	- Certificate of currency required for all bookings including <i>casual users</i> - Permanent users to provide certificate annually	Quarterly submission of pink copies and register to Council's Risk Management Dept	
Volunteer Register		- retain information	
Archive records	- Previous correspondence - Receipts - Agendas and minutes	- Forward to Council every 3 – 5 years	

11 SPECIAL COMMITTEES OF COUNCIL THAT MANAGE THE CASUAL USE OF SPORTING RESERVES

Council has delegated the management for *casual use* of **three sporting reserves**, to *Special Committees of Council*

- **A.C. Robertson Field–Athletics Track**
- **Eastfield Park–(including Trotting Track)**
- **Richard Silcock Reserve–Sports grounds**

In these instances the *Special Committees of Council* are responsible for allocating and managing casual bookings in accordance with the Special Committee of Councils *Instrument of Delegation*, Council's Community Facilities Occupancy Policy, Community Facilities Pricing Policy and Sporting Facilities User Guide.

Key requirements in undertaking casual booking include:

- applications must be made in writing via the standard "Casual Application Form" refer [Appendix 17](#);
- dates and times of all casual bookings must be forwarded to Council's Sports and Community Liaison Officer;
- establishing and maintaining a bookings register;
- charging fees in accordance with the scale of fees outlined in Council's Community Facilities Pricing Policy;
- ensuring all *casual users* have their own public liability insurance to a value of 10 million (minimum) which must be current for the duration of the nominated term of use. Committees must site and retain a copy of the users Public Liability Insurance Certificate.

All requests for seasonal use of these sporting reserves or requests for any additional requirements (i.e. waste management, additional permits required, temporary food permits etc) Council's Sports and Community Liaison Officer must be contacted.

Special Committees of Council should also refer to Council's Sporting Facilities User Guide which can be viewed on Council's website at www.maroondah.vic.gov.au.

If a Special Committee of Council, *casual user* or *hirer* wishes to use a sporting reserve or *Council facility* for a large event, refer to [Chapter 12 of this Handbook](#).

For specific information regarding [Facility Management](#) refer to [Chapter 13 of this Handbook](#).

12 SPECIAL COMMITTEES OF COUNCIL RESPONSIBLE FOR HIRING OF COUNCIL FACILITIES

Council has delegated the management for the hiring of facilities, to *Special Committees of Council*

- **Cheong Park – John Frost Stadium**
- **Town Park– Keystone Hall**

In these instances the *Special Committees of Council* are responsible for allocating and managing the *hiring of facilities* in accordance with the *Special Committees of Council Instrument of Delegation*, Council's Community Facilities Occupancy Policy and Community Facilities Hiring Policy.

Key requirements of *Special Committees of Council* in hiring these facilities include:

- responding to enquiries and providing potential *hirers* with an Application Form, Hall *Hirer* Public Liability Application Form (if applicable), the Conditions of Hire, Local Laws information and Party Safe Forms;
- assessing the application, citing and recording evidence of Hall *Hirer* Public Liability Insurance;
- notifying the *hirer* of the outcome of the application and if successful provide; Acceptance of Hire Form, Invoice, Deposit Form and Risk Management Pack;
- obtaining completed Acceptance of Offer Form and deposit from the *hirer*;
- ensuring the bond and balance of hiring fee, less booking deposit is paid, within 10 days prior to hiring date;
- citing proof of relevant licences/permits and/or registration of Party Safe forms (if applicable);
- conducting a facility walk through to ensure the facility and equipment to be provided to the *hirer* is adequately clean, in safe condition and secure;
- conducting a pre-hire inspection and induction with *hirer*, covering; state of facility and equipment, emergency exits, evacuation plans and any hazards and instruction for use of equipment;
- ensuring the Key Allocation Form is signed and handover keys;
- conducting a post-hire inspection, collection of keys, key return form and any relevant Incident/Accident Report forms or damage report forms;

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- return of the bond, less any required amounts.

In addition there are several general conditions of hire that *hirers* must comply with that include:

- the right to use any community facility is subject to the Special Committee of Council receiving a completed Hire Application Form, signed by the proposed *Hirer* undertaking to comply with all conditions of hire. Where the *Hirer* is a community organisation the application must be signed by a duly authorised member.
- where a person signs the Hire Application Form on behalf of the *Hirer*, the person signing the Application Form:
 - warrants that he or she is authorised to sign the Hire Application Form on behalf of the *Hirer*;
 - guarantees that the *Hirer* will strictly observe and perform its obligations in these conditions; and agrees to pay any money for any loss suffered by Council and/or the Special Committee of Council due to a breach of these conditions by the *Hirer*.
- *hirers* under the age of 18 years of age must have the Hire Application Form signed by an adult who will be supervising the meeting/*function*/*party*;
- applications to hire a facility for the purpose of teenage and 21st birthday *parties* must:
 - be completed by a parent/guardian who will be supervising the *function*. The person supervising the *function* is subject to the terms and conditions of hire as outlined with the Maroondah Community Facilities Hiring Policy.
 - have completed a Party Safe Registration Form. The completed Party Safe Registration Form must be sited by the Special Committee of Council a minimum of 10 working days prior to hiring date;
 - be able to demonstrate supervision and security arrangements. Arrangements must be to the Committees satisfaction and comply with the security provisions outlined in Council's Community Facilities Hiring Policy.
- applications to hire a facility for the purpose of bucks or hen's nights must supported by demonstration of security arrangements. Arrangements must be to the Special Committee of Councils satisfaction and comply with the security provisions outlined in Council's Community Facilities Hiring Policy.
- gambling must not take place in any part of the facility. Gambling is extended to include any game of chance at which either directly or indirectly money is passed as a prize.
- potential *Hirer's* will be notified, in writing, of the outcome of their application within approximately 5 working days of receipt of application, with the exception of contentious applications;

- tentative bookings will be cancelled by the Special Committee of Council two weeks prior to proposed hire date, unless a signed application form is received within this time;
- the *Hirer* is entitled to use only those areas in the facility requested by the *Hirer* and approved by the Special Committee of Council;
- the *Hirer* must only use the facility between the hours specified in the Hire Application Form or otherwise with permission from the Special Committee of Council. Any use beyond those times will be subject to an additional fee.
- no period of hire shall be transferred or assigned by the *Hirer* to any other individual or organisation;
- the *Hirer* hires and uses the Hall at the *Hirer's* own risk and releases Council and/or the Special Committee of Council to the extent permitted by law, against all liability and loss in connection with the facility including where Council/the Special Committee of Council terminates the hiring of the facility for any reason whatsoever. The *Hirer* expressly indemnifies Council/ Special Committee of Council against all loss and liability in connection with the *Hirer's* hiring of the facility including, any damage caused to the facility or any loss, injury or death to any person in or about the facility, except to the extent to which the Council/the Committee is negligent;
- the *Hirer* must not permit the number of the people attending the facility to exceed the maximum number specified in the Hire Application Form and detailed within the facility's capacity listing in Council's Community Facilities Hiring Policy;
- applications for regular hire can be made on the one Hire Application Form to a maximum of 12 months;
- Council and the Special Committee of Council may enter and remain in any part of the facility at any time.

For specific information regarding Facility Management refer to the Chapter 13, of this Handbook.

Special Committees of Council should also refer to Council's Community Facilities Hiring Policy which can be viewed on Council's website at www.maroondah.vic.gov.au

12.1 Use of Sporting Reserves and Council Facilities for Major Events

If a Special Committee of Council, *casual user* or *hirer* wishes to use a sporting reserve or *Council facility* for a large event an application form must be submitted and approval must be sort from Council.

Council's Sports and Community Liaison Officer must be contacted to discuss the proposed event prior to any arrangements being made and to obtain the relevant applications forms.

Council approval will only be issued if an application is made to Council within the required timeframes. In most cases this is 28 days prior to the proposed event date, however for events such as fun runs, festivals / community celebrations, events requiring road closures, etc a minimum of three months notice is required.

13 SPECIAL COMMITTEES OF COUNCIL RESPONSIBLE FOR FACILITY MANAGEMENT

13.1 Insurance

13.1.1 Property Insurance

Buildings owned by Council are fully insured by Council unless otherwise stated. Contents owned by Council are insured by Council.

If the Special Committee of Council purchases equipment for the facility the Committee must record all purchases on an asset register and forward to Council on an annual basis.

If an insurance claim is submitted regarding a Council asset and the Special Committee of Council, a *casual user* or *hirer* has been found to be negligent, the excess in respect of each and every claim is to be paid by the relevant Special Committee of Council. However, the Special Committee of Council should seek reimbursement of the excess from a *casual user* or *hirer* if they have been found to be negligent.

The current excess payable by Council in respect of its Industrial Special Risks (Building) Policy is \$10,000.00.

Contents purchased or supplied by *casual users* or *hirers* and not considered fixtures of the facility remain the property of the *casual users* or *hirers* and are NOT insured by Council. Council DOES NOT insure property which is owned by others. Cash, consumable goods and sporting equipment kept on premises by *casual users* or *hirers* are also NOT insured by Council.

Casual users and *hirers* are advised to obtain contents insurance to ensure protection of their investment in the event of loss, damage, theft etc.

13.1.2 Public Liability Insurance

Council holds its own Public Liability Insurance to cover its liability and has a Public Liability Insurance policy that covers *Special Committees of Council* formed under the Act, whilst acting within the scope of their delegated functions, duties and powers within the boundaries set out in the schedule to the *Instrument of delegation*.

The activities of independent bodies, *user groups* and *hirers* etc. that occupy Council owned buildings are NOT protected by Council's Public Liability Insurance.

Casual users and *hirers* must hold its OWN Public Liability Insurance and must ensure that it remains current for the duration of the nominated term of use.

The insurance policy must be listed in the name of the user group and with an insurer approved by Council to a value of \$10 million (minimum) in respect of any one single event (or such greater sum as the Council may reasonably require).

A certificate of currency of insurance which evidences payment of the premium must be provided to Council not later than 14 days after the premium becomes due.

All *hirers* are required to hold a Hall Hirers Public Liability Certificate for each and every hire.

Hall *Hirers* Public Liability Insurance can be purchased through Maroondah City Council for the period of the hire. The *hirer* will be responsible for the first \$1000.00 of each and every claim or series of claims arising out of any one occurrence.

Special Committee of Council should also refer to Council's Community Facilities Hiring Policy which can be viewed on Council's website at www.maroondah.vic.gov.au

13.2 Indemnity and Hold Harmless (Release)

All *casual users* and *hirers* of Council facilities, whether on a seasonal or casual basis, expressly agree to indemnify and to keep indemnified and to also release and hold harmless Maroondah City Council, its Councillors, staff, servants and agents and each of them from and against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the seasonal or *casual use* of a *Council facility*.

13.3 Risk Management

Special Committees of Council and all other users and *hirers* of Council facilities need to ensure that the safety of users and their guests is maintained at all times. This includes ensuring that activities undertaken are not dangerous or likely to cause harm.

All *Special Committees of Council* that are responsible for managing facilities must familiarise themselves with Chapter 7, Risk Management of this Handbook.

13.3.1 First Aid

Special Committees of Council that are responsible for managing facilities and/or undertaking bookings for *casual use* or hiring of the facility are not required to provide a first aid kit within the facility for use by *user groups* or *hirers*. It is the responsibility of each user group/hirer to ensure the provision of adequate first aid coverage during their period of use/ hire.

13.4 Emergency Management

13.4.1 Emergency Evacuation

It is the responsibility of the Special Committee of Council to ensure that an emergency evacuation plan is in place and that all *casual users* and *hirers* are aware of the plan.

For further information on emergency evacuation plans refer to Chapter 8 of this Handbook.

13.4.2 Emergency fire fighting equipment

Council provides and maintains emergency equipment such as fire hoses and fire extinguishers at its facilities. This equipment is checked and serviced twice yearly by Council contractors to ensure it is fit for use. *Special Committees of Council* should perform a regular visual check of the tamper seals on the equipment and must ensure that fire extinguishers remain in their designated locations or on their stand at all times.

The cost for repair or replacement of such equipment caused by inappropriate use by *casual users* and *hirers* shall be borne by the user or *hirer*.

If a fire occurs within a *Council facility*, the Fire Brigade must be notified immediately, before anyone attempts to fight the fire. *User groups* and *hirers* should only attempt to fight a fire with the equipment

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provided, and if it is safe to do so. As a general guide, if a fire cannot be extinguished with a single extinguisher within 30 seconds, then evacuation is necessary.

Council must be notified, as soon as possible if an emergency occurs.

Council should also be notified if fire-fighting equipment is used, particularly if an extinguisher requires refilling.

Contact Council's Sports and Community Liaison Officer during office hours or in the case of an after hours emergency, Council's after hours emergency number. Both numbers are listed on the Key Contacts List, Chapter 1 of this Handbook.

Special Committees of Council are to maintain a supply of Standard Incident Report Forms, should they be required to note details of either a major, minor, near miss or medical incident, refer to Appendix 16 or download copies from Council's website www.maroondah.vic.gov.au.

13.5 Responsible use of facilities

Special Committees of Council should take a proactive approach concerning the use of and *hiring of facilities* e.g. noise implications, amplification and the like, to avoid any ill feeling or complaints from local residents.

13.5.1 Noise and offensive behaviour

Casual users and *hirers* must ensure that the level of sound coming from a municipal reserve does not reach a level where it would interfere with the residents of surrounding properties. Where a *function* is being held, amplified music is not permitted within the following times:

- Mondays – Thursdays before 7am or after 10pm
- Fridays - before 7am or after 11pm
- Saturdays and Public Holidays - before 9am or after 11pm
- Sundays - before 9am or after 10pm

Special Committees of Council are required to inform all users groups that monitoring the volume level of sirens, public address systems and starting guns etc is required for impact on surrounding users and residents. It is requested that *user groups* do not make prolonged use of such equipment so as to cause a nuisance to others. Noise levels must not exceed EPA guidelines.

Special Committees of Council are required to inform all users groups that they must ensure that all individuals associated with them and their use of the facilities (players, spectators etc) behave in a way that would not be considered as causing offence to nearby residents or other members of the community (i.e. slamming car doors, revving engines etc.). *User groups* are responsible for ensuring that their members, and members from visiting sides, do not create or are involved in any activity causing a disturbance (such as public urination, nudity, foul language etc.).

13.5.2 Resident privacy

User groups and *hirers* must respect local residents' right to privacy. This means that residents' property must not be damaged, altered or trespassed upon. This includes buildings, vehicles, gardens and fences. If damage should occur during the course of usage, *user groups* and *hirers* must immediately try to contact the resident concerned and arrange for the items replacement or repair. Should a resident not be contactable, please contact Council's Sports and Community Liaison Officer for further assistance.

Special Committees of Council must also be informed of the incident and maybe required to liaise with Council.

13.5.3 Damage

Special Committees of Council are responsible for the full cost of repairing any damage to facilities, beyond normal wear and tear and in accordance with the Committees maintenance schedule, refer to Appendices 18.

If damage (vandalism) is caused by a user group or *hirer* the Committee is required to charge the user group for the full cost of the repairs.

Should a user group or *hirer* not leave a facility in the same condition as they found it, this may jeopardise return of any bond monies, if applicable and any future use of the facility.

13.5.4 Sport ground floodlighting

Floodlighting must only be operated within the *user groups* nominated hours of use of the facility Floodlights must be turned off when training has finished which is to be no later than 9pm, unless prior written approval has been granted by Council (e.g. for competition use). Approval for extended use will only be granted under special circumstances and where Council is confident there will be minimal impact to nearby residences.

The use of floodlights for night competition matches will be considered on a case-by-case basis and shall only occur where the level of lighting (lux) has been assessed by the sports association of the sport to be played and is deemed at an appropriate standard suitable for competition. The conduct of night competitions shall comply with the set times of use of the facility as allocated to the user group/s.

The use of sports ground floodlighting for social functions is not permitted.

The installation and maintenance of sporting facility lights are the responsibility of the Special Committees of Council, however user groups are responsible for maintaining floodlighting towers and fittings, including globe replacement during their period of use of the facility.

Floodlights installed on Council land remain the property of Council and cannot be removed.

13.5.5 Vehicles

Special Committees of Council must ensure that user groups and hirers that they are aware that that no vehicles (including those of visiting sporting groups) are driven onto the playing fields, reserves or grassed surrounds of Council's sporting grounds (unless formally demarcated). Vehicles are only permitted to park in the designated car parking areas of a venue according to parking restrictions. Cars must not block residents' driveways or be parked on private property without the consent of the owner.

13.5.6 Smoking in Council Facilities

In accordance with the Victorian Tobacco Act (1987) no person may smoke any tobacco products in a Council owned or managed building.

SMOKING PROHIBITED IN MUNICIPAL BUILDINGS

PENALTY: MAXIMUM \$2,000

Council's Local Law No. 8-General Local Law, Part B Clause 11 states:

"11.1 A person must not smoke any tobacco product in a *Municipal Building*"

"11.2 For the purpose of Clause 11.1, *Municipal Building* **does not include** any courtyard, car park or garden or the grounds of a *Municipal Building*".

Special Committees of Council must ensure that cigarette litter is kept under control outside the facility under its management.

13.5.7 Selling Food

User groups or *hirers* wanting to sell food from a *Council facility* must comply with the Victorian Food Act (1984). For further information regarding permits contact Council's Sports and Community Liaison Officer.

13.5.8 Catered events

Special Committees of Council must inform *user groups* or *hirers* that any catering groups brought in to provide food for a special event or *function* (e.g. coffee vans) must have a Certificate of Registration for the catering company, issued by the local council the company is based in.

User groups should view proof of registration of this certification prior to the event to ensure the currency of the firm's registration. A copy of the catering companies Public Liability Insurance Certificate of Currency should also be viewed.

13.5.9 Commercial food operators

Special Committees of Council must inform *user groups* or *hirers* that any commercial food vendors invited by a user group or *hirer* to sell food and drink must provide evidence of Registration to both the user group and Council's Public Health Unit.

Contact Council's Sports and community Liaison Officer for further information.

13.5.10 Liquor Licence and/or Permits

Special Committees of Council must inform *user groups* and *hirers* using Council facilities that they are not permitted to sell or consume liquor without first obtaining the appropriate licences required by statutory law (Liquor Control Reform Act 1998). This includes 'bring your own' (BYO) liquor.

13.5.10.1 Application / amendments process

The type of liquor Licence or Permit a user group or *hirer* requires will depend on the circumstances under which they operate, and the commercial objective they are pursuing. To determine the type of Licence or Permit and the relevant application process required under the Liquor Control Reform Act 1998, the user group should contact:

Consumer Affairs Victoria
Liquor Licensing
121 Exhibition Street
Melbourne 3000
Phone: 1300 55 81 81

After the user group or *hirer* determines the Licence or Permit required, all *user groups* or *hirers* using Council facilities that decide to apply, vary or amend a Licence or Permit must seek written consent of the Special Committee of Council prior to applying through Liquor Licensing.

Special Committees of Council must also inform Councils contact Sports and community Liaison Officer prior to the user group or *hirer* applying.

User groups or *hirers* are required to request consent from Council in writing through Council's;

Enforcement Officer
Maroondah City Council
PO Box 156
Ringwood 3134
Phone: 9298 4328

All requests from *user groups* or *hirers* must detail the proposed:

- location;
- licence or permit type;
- consumption hours;
- licensee; and
- a copy of a letter of support from the Committee.

13.5.10.2 Consumption hours

Even if a Liquor Licence / Permit is held, alcohol can only be consumed on Council facilities during the following days and times:

Monday to Thursday	5.00pm to 10.00pm
Friday	5.00pm to 12 Midnight
Saturday	12 noon to 12 Midnight
Sunday	11.00am to 8.00pm

The following special consumption hours apply to Metropolitan Melbourne Public Holidays, which include New Years Day, Australia Day, ANZAC Day, Good Friday, Easter Sunday, Easter Monday, Labour Day, Queen's Birthday, Melbourne Cup Day, Christmas Day and Boxing Day:

Day Prior to Public Holiday	Normal Day Commencement Time until 12.00 Midnight
Day of Public Holiday	11.00am – 8.00pm

If Council's hours of consumption over a public holiday exceed those of Liquor Licensing then the requirements of Liquor Licensing provisions apply.

13.5.10.3 Council requirements of liquor licence / permit holders

Council requires the following of those holding a liquor licence:

- compliance with all conditions of Liquor Licensing in obtaining, applying for, varying, transferring, renewing or surrendering a Liquor Licence or Permit;
- acceptance of responsibility for, and maintenance of good order and behaviour of persons attending the premises during the permit use;
- ensure the premises and surrounding areas are left in a clean and tidy condition; and,
- ensure that no alcohol is served while junior sport / activities are conducted on or within the facility.

13.5.11 Gambling

No gambling or the installation of gaming equipment on Council owned or managed land is permitted unless prior permission has been obtained from Council.

13.5.11.1 Bingo

In considering applications for Bingo sessions, *Special Committees of Council* should take the following into account:

- Subject to any person obtaining a permit to conduct Bingo under the Act, the conduct of such games on Council properties may need to be approved;
- Under no circumstances shall more than one session per week be conducted in any one Council building; and,
- A permit to hold Bingo should be obtained from the Raffles and Bingo Permits Board on 9666 4200.

13.5.11.2 Raffles

Raffles can only be conducted for the benefit of organisations that have been declared (registered) by the Victorian Commission for Gambling Regulation to be community or charitable organisations. If an organisation has been declared it would have been advised by the Commission in writing and issued a declaration number.

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A minor gaming permit is required to conduct a raffle if the total retail value of prizes exceeds \$5,000. The permit can be obtained from the Victorian Commission for Gambling Regulation (VCGR) on 9651 3630 or minor.gambling@vcgr.vic.gov.au

This does not preclude the conduct of Prize Draws at *functions* where the sale of tickets is confined to attendees at the specific *function* and the draw takes place during the course of the *function*.

13.5.12 Advertising / Signage

13.5.12.1 Signage at Council reserves

To make an application to erect a sign on a Council Reserve (including any signage fastened to oval fencing) contact Council's Sports and Community Liaison Officer.

13.5.12.2 Temporary advertising signage

An opportunity exists for *user groups* to advertise a one off *function* at available sites located around the municipality. Signs are to be supplied by the user group with a maximum of two sites permitted per organisation/event in any calendar year. *User groups* are required to complete a Temporary Advertising Sign Application Permit, refer [Appendix 19](#).

For more information please contact Council's Sports and Community Liaison Officer.

13.5.13 Storage

All equipment must be kept in designated storage areas. Storage of equipment in toilets and showers or across doorways and access passages is not permitted and can present a health and safety risk.

Any hazardous items (i.e. cleaning products, gas bottles etc) must be stored correctly and in a safe and secure place, away from general public access and out of reach of children. All cleaning chemicals should be locked in a secure cupboard.

Food items and alcohol must also be stored appropriately.

Where there is more than one user group using a facility, storage space is to be shared, and negotiated and agreed upon by the users.

The installation, or arrangement of additional storage space at facilities (whether it be temporary or permanent) **must not** be undertaken without prior approval from Council in writing. For more information please contact Council's Sports and Community Liaison Officer.

13.5.14 Security and locks

User groups and *hirers* are responsible for the security of facilities during their use/hire period and will be liable for the cost of missing padlocks and keys.

Special Committee of Council are responsible for ensuring that all *user groups* and *hirers* comply with security measures and have secured the facility in an appropriate manner after their use.

Special Committees of Council, User groups and Hirers must not change any lock or security device.

13.5.15 Key allocation

Special Committees of Council are responsible for the allocation of keys to *user groups* and *hirers* who are using the facility and for maintaining a register of keys distributed to users and *hirers* to track the allocation of keys.

Special Committees of Council are responsible for ensuring that user group or hirers complete and sign Council's Key Register Form, refer Appendix 20 for each Council key they are holding. The completed form is to be forwarded to Council's Sports and Community Liaison Officer for recording.

Should *hirers* request additional or replacement keys, the request will be forwarded to Council's Sport & Community Liaison Officer for consideration. The cost of additional and replacement key cuts will be charged to the user group or hirer requesting them.

Under no circumstances are keys to be loaned to any club, organisation, school or person without Council's prior permission.

Any loss of keys should be reported to Council's Sports and Community Liaison Officer immediately. The responsible user group or *hirer* will be charged the full costs associated with re-keying the whole facility in the event of any keys being stolen or other events that will compromise the security of the facility.

Council advises that no keys be left on public display within facilities (other than 'L' padlock keys that are required for emergency access to grounds), and keys given to users or *hirers* are not to be tagged identifying them with the facility.

Council reserves the right to undertake key audits on all buildings owned by Council. *Special Committees of Council* are responsible for coordinating all *user groups* and *hirers* holding a Council key to attend and present keys, where advised by Council for the purpose of a facility key audit.

Any keys unaccounted for and/or without a completed Council Key Register Form, *Special Committees of Council* will have a week to produce the key and complete a Key Register Form, otherwise re keying of the facility will be undertaken.

13.5.16 Cleaning

Council facilities and surrounds must be cleaned after each use and maintenance issues must be kept up-to-date.

It is the responsibility of all *user groups* and *hirers* using Council facilities to leave facilities, toilets and grounds in a clean and tidy condition immediately after EACH use, and to ensure that the facilities are securely locked before leaving to prevent damage or abuse to the facilities.

Special Committees of Council are responsible for ensuring that all *user groups* and *hirers* comply with cleaning requirements and have secured the facility in an appropriate manner after their use.

Facility cleanliness is monitored by Council Officers, who conduct inspections of facilities throughout each season.

If *user groups* or *hirers* have not cleaned the facility to the Special Committee of Councils expectations they will employ a private contractor to rectify any noted matters, with full costs charged to the responsible user group or *hirer*.

13.5.17 Rubbish

Each reserve within Maroondah is allocated a set number of waste bins to cater for the removal of general public waste. If additional waste is generated by the user group or *hirer*, it is the responsibility of the user group or *hirer* to ensure its removal.

It should be noted that all bins (waste and recycling) remain the property of Council, and may not be relocated, altered or tampered with in any way without the prior permission of Council.

Special Committees of Council requiring additional bins for special events should contact Waste Management at least 10 days prior to their event (ph: 9294 5600). Note that fees for additional bin collection do apply.

13.5.18 Recycling

Special Committees of Council are to encourage *user groups* and *hirers* to recycle materials that are generated by their activities, e.g. glass, plastic bottles and aluminium cans.

Recycling bins for cans and bottles will be made available by Council at no cost. *User groups* and *hirers* are expected to recycle responsibly by not contaminating recycling with general rubbish and *Special Committees of Council* are required to check contamination is kept to a minimum.

Contaminated bins will be emptied at Council's discretion. If they are not emptied by Council, disposal of the material will become the responsibility of the Committee. Council reserves the right to remove recycling bins at any time if it is suspected that gross contamination of the recycling matter is occurring on a regular basis.

It is recommended that external freestanding bins (i.e. additional recycling bins that are not bolted onto stands) be locked away when not in use to prevent vandalism and misuse. *Special Committees of Council* will be responsible for replacement of bins vandalised as a result of incorrect storage (i.e. picking up scattered waste).

Full recycling bins must be placed at the entrance to the reserve in designated areas and will be emptied by Council's contractors. Cardboard collection should be arranged directly with Visy Recycling on 1300 368 479.

For more information on scheduled rubbish collection days or rubbish bin requirements contact Council's Waste Management Unit on 9294 5600 during office hours.

13.6 Facility Operating Costs

Operating costs for which *Special Committees of Council* are responsible include:

- costs of all maintenance items not covered by Council's works program-refer [Appendix 18](#);
- utility charges including electricity, gas, oil, water, sewerage, garbage and telephone;
- all costs relating to the heating and cooling of the facility;
- costs associated with cleaning, caretaking and supervision required for the use of the facility;
- all other charges required for the effective use of the facility;
- Insurance of *Special Committees of Council* owned contents;
- costs for facility improvements, where no other funding sources are available.

14 FACILITY AND/OR RESERVES MAINTENANCE AND DAMAGE CONTROL

A great part of any Special Committee of Councils time is spent maintaining facilities and reserves, whether by actively participating in working bees or liaising with Council to ensure maintenance is carried out. Unfortunately damage to facilities and reserves through vandalism is an ever present issue. *Special Committees of Council* play a vital role in minimising the effects of vandalism.

14.1 Maintenance

Special Committees of Council who manage facilities are responsible for various maintenance requirements of the facility, for further information refer to [Appendix 18](#).

Special Committees of Council are not expected to manage:

- mowing of grass, playing surfaces and large areas of grass (with the exception of the AC Robertson Field Special Committee of Council);
- work on sports grounds;
- major structural damage or repairs to Council buildings;
- large scale maintenance jobs;
- vandal damage or;
- emergency lighting and fire extinguisher systems, which are required to be kept in working order by law.

14.1.1 Process of reporting maintenance items

Special Committees of Council should notify Council's Sport & Community Liaison Officer immediately of any maintenance issues that are Council's responsibility.

For less urgent items (i.e. graffiti on external walls), a maintenance request via email should be reported to Council's Sport & Community Liaison Officer.

Matters relating to security and safety (i.e. break-ins) need to be reported immediately to Council's Sports and Community Liaison Officer, during business hours or outside of business hours, Council's after hour's number, refer to [Chapter 1](#) of this Handbook.

The police must also be notified of any break-in for insurance purposes.

14.1.2 Grounds

14.1.2.1 Playground and park equipment

Playgrounds and park equipment are maintained by Council. *Special Committees of Council* should notify Council's Sports and Community Liaison Officer of any damage or maintenance required via email.

14.1.3 Barbeques

Permanent barbecues are electrically operated, have no user charge and are maintained by Council. *Special Committees of Council* should notify Council's Sports and Community Liaison Officer of any damage or maintenance required via email.

14.1.4 Trees and shrubs

No tree planting is to be undertaken without first consulting Council, to ensure that the appropriate trees and/or shrubs are used. No trees or plants shall be removed without Council approval.

14.1.5 Public toilets

Toilets located on Council reserves that are open to the public will be maintained by Council. This includes public toilets attached to pavilions and free standing public toilet blocks.

Where toilets are located at a sports reserve and are only open on days of use for *user groups*, *hirers* and spectators, user group and *hirers* are responsible for opening, closing and cleaning the toilets.

14.1.6 Fencing

Council is responsible for the maintenance of playing field fencing at all reserves. Perimeter fencing is inspected regularly by Council's Parks Officers.

Council will provide internal post and rail or bollard fencing to a minimum standard suitable to restrict vehicle movement to designated areas of a reserve.

Bollards and gates must not be removed for any purposes (i.e. access).

14.1.7 Car parks, access roads and drainage

The maintenance of car parks and access roads and associated drainage is the responsibility of Council. Where access roads require grading Council will complete the works on a regular maintenance cycle.

14.2 Damage

14.2.1 Graffiti and vandalism

Council is responsible for the removal of graffiti or repair of vandalised items on the exterior of pavilions and associated structures. Please contact Council's Sports and Community Liaison Officer to report any matters.

It is the responsibility of the *Special Committees of Council* to remove all graffiti which appears on infrastructure and fittings including:

- Lighting towers
- Ticket boxes
- Cricket nets

Any graffiti is to be removed within 24 hours, to coincide with Council's time period for graffiti removal.

Matters relating to security and safety (i.e. break-ins) need to be reported immediately to Council's Sports and Community Liaison Officer, during business hours or outside of business hours, Council's after hour's number, refer to Chapter 1 of this Handbook.

The police must also be notified of any break-in for insurance purposes.

Note: *Casual users* and *hirers* of Council facilities are required to comply with the requirements of Maroondah City Council's relevant Local Laws, refer to www.maroondah.vic.gov.au

15 FACILITY IMPROVEMENTS

15.1 Minor and major facility improvements

All *Special Committees of Council* wishing to undertake works or alterations to facilities must firstly seek Council's written approval through submitting a proposal of the planned works; this includes maintenance and new works.

All proposed works or alterations to facilities by tenants must firstly discuss their proposal with the Committee prior to submitting their proposal to Council. If the Special Committee of Council endorses the project the Special Committee of Council should provide a supporting letter with the application. If a Special Committee of Council does not endorse a project the Special Committee of Council should forward its comments to Council advising of its position.

No works, however small are to occur at facilities without prior approval.

This applies to both internal pavilion works or external works (including works to develop external structures and for the installation of new infrastructure such as heating / cooling devices etc). Should Council learn of any alterations or additions to facilities, the responsible Special Committee of Council or user group may be asked to reinstate the works at their cost.

15.1.1 The application process to undertake works

In reviewing proposals to undertake minor or major facility improvements, Council will ensure compliance with relevant legislative and regulatory requirements such as the Building Code, disability compliance, as well as fit with current purpose of use, justification of need, size and scale – these items should all be addressed in the proposal of the planned works, as appropriate.

The following process has been developed as a guide to assist in applying to undertake works at Council facilities.

1. Initial Contact with Council – Contact Council's Sports and Community Liaison Officer for advice and provide initial information on the proposed project, including drawings, site location, initial quotes and proposed timeframes for the project. Council can assist by providing aerial photos of the site, existing building plans and service locations.

2. Contact with relevant Council Departments – The proponent may be referred to other key Council Departments (i.e. Building, Planning, Public Health, Engineering etc) to ensure compliance with relevant statutory codes and regulations. It also needs to be ensured that when building a structure there is no interference with any services (i.e. sewer lines etc) or that access to a reserve by Council will be compromised.

3. Submission of relevant plans – The proponent is required to submit a copy of all concept plans (including relevant structural plans, site maps and technical drawings where required) and the proposed scope of works for their project for Council consideration.

4. Site meeting – For more complex projects a site meeting with relevant Council Officers may be required to provide further detail and input into the project and to ensure it will not adversely impact on a building, reserve or surrounds, and residences or other reserve infrastructure.

5. Approval Process - Council, as the owner / manager of the land, will consider and formally approve or reject each project submission. This process may also include gaining statutory approvals, as some projects may require Building or Planning permits to be issued before they can commence. Written approval must be gained from Council prior to any project commencing.

6. Project Management Process and Timeframes - A process for managing works and a timeframe in which they will occur must be submitted to Council, as the proponent's project proposal.

Council also requires copies of all contractors Public Liability Insurance Certificates and JSA's (Job Safety Analysis) before a project can commence. If electrical, plumbing or glazing works are to be included in a project, they must be performed by a licensed contractor and Certificates of Compliance must be forwarded to Council guaranteeing the quality and safety of works performed at the completion of the project.

7. Final Site Inspection – Council Officers may need to perform a final site inspection once works are completed. This is also to ensure that works have been carried out to a sufficient standard and the site has been properly reinstated (i.e. no materials or waste left behind).

Note: As the land owner / manager, Council is responsible for ensuring the integrity and appropriateness of all infrastructure works. Council's buildings are regularly audited and inspected and it is important that Council has current records on all improvements that are undertaken, so these can be noted on relevant site and building plans.

15.1.2 Council's Capital Renewal Program

Council has an annual building renewal program, which forms part of the building asset enhancement component of Council's capital works program. The building renewal program is developed based on cyclical visual assessments undertaken by experienced external contractors, and aims to provide enhanced longevity, *functionality*, safety, and amenity for Council's building assets.

16 DEFINITIONS

Casual use means allocation of 'once-off' usage (casual bookings) of a *Council facility* to a user group.

Council facility means a sports field, reserve, pavilion or other building owned or managed by Council directly or indirectly.

Function is defined as the gathering of people for a social and/or informative/education event however does not extend to being a celebration i.e. not a party.

Hirer means the person specified on the Hire Application Form and where it is consistent within the context includes the *Hirers* employees, agents, invitees and persons the *Hirer* allows in the facility.

Hiring of facilities refers to use of a Council owned or managed facility on a single, irregular or regular basis for the purpose of a sporting activity, meeting, *function*, party.

Instrument of delegation means formal documentation that sets out the *functions*, duties and powers delegated by Maroondah City Council to a Special Committee of Council.

A meeting is defined as the gathering of people, usually in a seated formation for the purpose of discussing business.

Parties are defined as the large scale gathering of people for the purpose of celebrating.

Special Committees of Council are a Committee that exercises a power, or performs a duty or *function*, of the Council that has delegated to that committee under any Act is a special committee for the purposes of Section 86 of the Local Government Act 1989.

User groups are a club, organisation, association or school using a *Council facility* on a casual basis.

Any reference to a Council Officer by title e.g. Leisure Services Sports and Community Liaison Officer in this *Handbook* means and includes both anyone acting in that position or other Council Officers nominated by Council to act for Council in the place of the officer so named.

17 REFERENCE GUIDE

Local Government Act 1989 visit: www.dpcd.vic.gov.au

Conflict of Interest:

A guide for members of Council Committees-Department of Planning and Community Development:
www.dpcd.vic.gov.au

Community Facilities Occupancy Policy, Community Facilities Pricing Policy and Sporting Facilities User Guide:

Maroondah City Council: www.maroondah.vic.gov.au

Local Law No.7 and Local Law No. 8: Maroondah City Council: www.maroondah.vic.gov.au

18 APPENDICES

18.1 Appendix 1- Section 86 of the Local Government Act 1989

Appendix 1- Section 86 of the Local Government Act 1989

86 Special committees of the Council

- (1) In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following—
 - (a) Councillors;
 - (b) Council staff;
 - (c) other persons;
 - (d) any combination of persons referred to in paragraphs (a), (b) and (c).
- (2) A Council may appoint members to a special committee and may at any time remove a member from a special committee.
- (3) Except as provided in subsection (4), a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee.
- (4) A Council cannot delegate to a committee the following powers—
 - (a) this power of delegation;
 - (b) to declare a rate or charge;
 - (c) to borrow money;
 - (d) to enter into contracts for an amount exceeding an amount previously determined by the Council;
 - (e) to incur any expenditure exceeding an amount previously determined by the Council;
 - (f) any prescribed power.
- (5) A Council may require a special Committee to report to the Council at intervals determined by the Council.
- (6) The Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election.
- (7) A committee that exercises a power, or performs a duty or function, of the Council that has been delegated to that committee under any Act is a special committee for the purposes of this Act.

18.2 Appendix 2- Special Committee of Council Nomination Form

**NOMINATION FOR A POSITION ON THE
(Name of Committee) SPECIAL COMMITTEE OF COUNCIL**

I, _____

Nominate _____

As a member of the

(Name of Committee) Special Committee of Council (From year-year)

Signed: _____ Seconded: _____

Dated this _____ day of _____ 20 _____

I, _____

Agree to accept the above nomination

Signed: _____

**NOMINATION FOR A POSITION ON THE
(Name of Committee) SPECIAL COMMITTEE OF COUNCIL**

I, _____

Nominate _____

As a member of the

(Name of Committee) Special Committee of Council (From year-year).

Signed: _____ Seconded: _____

Dated this _____ day of _____ 20 _____

I, _____

Agree to accept the above nomination

Signed: _____

18.3 Appendix 3- Section 87 of the Local Government Act 1989

Appendix 3- Section 87 of the Local Government Act 1989

87 Special committee meetings

- (1) The Council must keep a register of delegations to special committees.
- (2) The Council may appoint a Chairperson for a special committee.
- (3) If the Council has not appointed a Chairperson under subsection (2), the members of a special committee must appoint a Chairperson.
- (4) If the Chairperson is not present at a meeting of a special committee the members must appoint a Chairperson for that meeting.
- (5) A meeting of a special committee must be held at a time and place determined by the special committee.
- (6) If the special committee has not appointed a time and place for a meeting under subsection (5), the Chairperson, or if the Chairperson is incapable of doing so, the Council, must fix the time and place of the next meeting.
- (7) Until approved by the Council a decision of a special committee which does not relate to a matter delegated to the special committee cannot be given effect to.
- (8) A Council may specify in the instrument of delegation that a member of a special committee who is a member of the public or of Council staff does not have voting rights on the special committee.

18.4 Appendix 4- Section 93 of the of the Local Government Act 1989

Appendix 4- Section 93 of the Local Government Act 1989

93 Minutes of meetings

- (1) The Council must keep minutes of each meeting of the Council.
- (2) The minutes of a Council meeting must be submitted to the next appropriate meeting of the Council for confirmation.
- (3) The Chairperson of a special committee must arrange for minutes of each meeting of the committee to be kept.
- (4) If subsection (3) applies, the Chairperson must submit the minutes of a committee meeting to the next meeting of the committee for confirmation.
- (5) If the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.
- (6) The minutes of a meeting of the Council or a special committee must—
 - (a) contain details of the proceedings and resolutions made;
 - (b) be clearly expressed;
 - (c) be self-explanatory;
 - (d) in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

18.5 Appendix 5- Section 89 of the Act of the of the Local Government Act 1989

Appendix 5- Section 89 of the Act of the of the Local Government Act 1989

89 Meetings to be open to the public

- (1) Unless subsection (2) applies, any meeting of a Council or a special committee must be open to members of the public.
- (2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following—
 - (a) personnel matters;
 - (b) the personal hardship of any resident or ratepayer;
 - (c) industrial matters;
 - (d) contractual matters;
 - (e) proposed developments;
 - (f) legal advice;
 - (g) matters affecting the security of Council property;
 - (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
 - (i) a resolution to close the meeting to members of the public.
- (3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.
- (4) Unless subsection (4A) applies, a Council must at least 7 days before the holding of—
 - (a) an ordinary council meeting; or
 - (b) a special council meeting; or
 - (c) a meeting of a special committee comprised solely of Councillors—
give public notice of the meeting.
- (4A) If urgent or extraordinary circumstances prevent a Council from complying with subsection (4), the Council must—
 - (a) give such public notice as is practicable; and
 - (b) specify the urgent or extraordinary circumstances which prevented the Council from complying with subsection (4) in the minutes.
- (5) The Chairperson of a special committee that is not comprised solely of Councillors must provide reasonable notice to the public of meetings of the special committee.

18.6 Appendix 6- Section 91 of the Act of the of the Local Government Act 1989

Appendix 6- Section 91 of the Act of the of the Local Government Act 1989

91 Conduct of meetings

- (1) A Council must make local laws governing the conduct of meetings of the Council and special committees.
- (2) Except as provided in this Act and subject to any local laws, the conduct of meetings of a Council is in the Council's discretion.
- (3) Except as provided in this Act and subject to any local laws and any resolutions of a Council, the conduct of meetings of a special committee is in the special committee's discretion.
- (3A) A quorum at a meeting of the Council or a special committee must be at least a majority of the members of the Council or the special committee.
- (4) Resolutions made at a meeting of a Council or special committee must clearly state the intention and effect of the resolution.

18.7 Appendix 7- Section 90 of the Act of the of the Local Government Act 1989

Appendix 7- Section 90 of the Act of the of the Local Government Act 1989

90 Voting

- (1) A question before a meeting of a Council or special committee is to be determined as follows—
 - (a) each Councillor present at a meeting of the Council and each member of a special committee present at a meeting of the special committee who is entitled to vote is entitled to one vote;
 - (b) unless otherwise prohibited by this Act, each Councillor or member of the special committee present must vote;
 - (c) unless the procedures of a Council or special Committee otherwise provide, voting must be by a show of hands;
- (ca) voting at a meeting that is open to members of the public must not be in secret;
- (d) the question is determined by a majority of the votes;
- (e) subject to subsection (2), if there is an equality of votes the Chairperson has a second vote.
- (2) If there is an equality of votes on a question arising under section 71(1), 87(2), 87(3) or 87(4), the matter is to be determined by lot.

18.8 Appendix 8-Local Law No 7, Meetings Procedure and Use of Common Seal-Deputations.

Appendix 8- Local Law No 7, Meeting Procedure and Use of Common Seal

Deputations

- (1) A Deputation wishing to be heard by Council must make a written request to the Chief Executive Officer not less than 72 hours prior to the latest time for delivery of a notice of a Council Meeting under clause 11.
- (2) A request for a Deputation shall specify the name and address of a person authorised to receive notice on behalf of the Deputation.
- (3) The Chief Executive Officer will arrange for the Deputation to meet with Council, or a group of Councillors, depending on the subject of the matter and the relative importance of the issue.
- (4) If the Deputation is listed for hearing, the Chief Executive Officer shall give to the person specified in the request written notice of the time, date and place of the meeting at which the Deputation will be heard.
- (5) Nothing shall prevent Council from hearing a Deputation at shorter notice, as a matter of urgency.

18.9 Appendix 9- Section 77 of the Act of the of the Local Government Act 1989

Appendix 9- Section 77 of the Act of the of the Local Government Act 1989

77 Confidential information

- (1) A person who is, or has been, a Councillor or a member of a special committee, must not release information that the person knows, or should reasonably know, is confidential information.
- (2) For the purposes of this section, information is **confidential information** if—
 - (a) the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
 - (b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
 - (c) subject to subsection (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.
- (3) Confidential information referred to in subsection (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless subsection (2)(a) or (2)(b) applies to the information.

**18.10 Appendix 10- Section 77A, 77B, 78, 78A, 78b, 78C, 78D, 78E of the Act of the
of the Local Government Act 1989**

Appendix 10- Section 77A, 77B, 78, 78A, 78b, 78C, 78D, 78E of the Act of the of the Local Government Act 1989

77A Direct and indirect interests

- (1) A relevant person has a conflict of interest in respect of a matter if the relevant person has a direct interest or indirect interest in the matter.
- (2) A relevant person has a direct interest in a matter if the relevant person has an interest of a kind described in section 77B.
- (3) A relevant person has an indirect interest in a matter if the relevant person has—
 - (a) a close association as specified in section 78; or
 - (b) an indirect financial interest as specified in section 78A; or
 - (c) a conflicting duty as specified in section 78B; or
 - (d) received an applicable gift as specified in section 78C; or
 - (e) become an interested party as specified in section 78D; or
 - (f) a residential amenity that may be altered as specified in section 78E.
- (4) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest of the relevant person is so remote or insignificant that the direct interest or indirect interest could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to the matter.
- (5) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest the relevant person holds—
 - (a) is held as a resident, ratepayer or voter and does not exceed the interests generally held by other residents, ratepayers or voters; or
 - (b) is held in common with a large class of persons and does not exceed the interests generally held by the class of persons.
- (6) A relevant person does not have a conflict of interest in a matter if the relevant person—
 - (a) does not know the circumstances that give rise to the conflict of interest; and
 - (b) would not reasonably be expected to know the circumstances that give rise to the conflict of interest.

77B Direct interest

- (1) A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.
- (2) Without limiting subsection (1), a person has a direct interest in a matter if—
 - (a) there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way;
 - (b) the person has, or the person together with a member or members of the person's family have, a controlling interest in a company or other body that has a direct interest in the matter.
- (3) A person who has a membership in a club or organisation that has a direct interest in a matter—

- (a) does not, by reason of that membership, have a direct interest in the matter under subsection (1); and
 - (b) does not have an indirect interest in the matter, by reason of that membership, unless the person has an indirect interest in the matter under section 78A, 78B or 78C.
- (4) In subsection (2), **controlling interest** has the same meaning as it has in section 72(2) of the **Payroll Tax Act 2007**.

78 Indirect interest by close association

- (1) In this section—

daughter means a biological daughter, step-daughter, adopted daughter, or female child for whom the person has custodial responsibilities;

direct relative means the spouse, domestic partner, son, daughter, mother, father, brother or sister of the person;

domestic partner of a person means—

- (a) a person who is in a registered relationship with the person; or
- (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—
 - (i) for fee or reward; or
 - (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

family member means—

- (a) a spouse or domestic partner of the person; or
- (b) a son, daughter, mother, father, brother or sister that regularly resides with the person;

relative means—

- (a) a direct relative of the person;
- (b) a direct relative of a person who is the direct relative of the person;

son means

a biological son, step son, adopted son or male child for which the person has custodial responsibilities.

- (2) A person has an indirect interest by close association in a matter if—
- (a) a family member of the person has a direct interest or an indirect interest in a matter; or
 - (b) a relative of the person has a direct interest in a matter; or
 - (c) a member of the person's household has a direct interest in a matter.
- (3) For the purposes of the definition of **domestic partner** in subsection (1)—
- (a) **registered relationship** has the same meaning as in the **Relationships Act 2008**; and
 - (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in

section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and

- (c) a person is not a domestic partner of another person only because they are co-tenants.

78A Indirect interest that is an indirect financial interest

- (1) A person has an indirect financial interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.
- (2) Without limiting subsection (1), a person has an indirect financial interest that is a conflict of interest if—
 - (a) the person has a beneficial interest in shares of a company or other body that has a direct interest in the matter, except in the circumstances specified in subsection (3);
 - (b) the person is owed money from another person and that other person has a direct interest in the matter.
- (3) If a person, and family members of the person, hold shares in a company or body that has a direct or indirect interest in a matter with a combined total value that does not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million, the person's indirect financial interest is not a conflict of interest.
- (4) Subsection (2)(b) does not apply if the other person is an authorised deposit-taking institution.
- (5) For the purposes of determining the value of shares under this section, the share value is to be taken from—
 - (a) the close of business on the most recent of 30 June or 31 December; or
 - (b) if the person has lodged an ordinary return since the most recent of 30 June or 31 December, the close of business on the date the return was submitted.

78B Indirect interest because of conflicting duties

- (1) A person has an indirect interest in a matter because of a conflicting duty if the person—
 - (a) is a manager or a member of a governing body of a company or body that has a direct interest in a matter;
 - (b) is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter;
 - (c) is a trustee for a person who has a direct interest in a matter.
- (2) A person has an indirect interest in a matter because of a conflicting duty if the person held a position or role specified in subsection (1) and, in that position or role, dealt with the matter.
- (3) A person does not have an indirect interest because of a conflicting duty if—
 - (a) the person is, or has been, only an employee in the service of the Crown or of a body established by or under any Act for a public purpose and the person has no current or expected responsibilities as that employee in relation to a matter;
 - (b) the person only holds a position in a not-for-profit organisation for which the person receives no remuneration and the person was appointed to the relevant special committee of the Council to be a representative of the non-for-profit organisation;

- (ba) the person only holds a position, with the Council's approval as a representative of the Council, in an organisation for which the person receives no remuneration;
- (c) the person is only a Councillor who holds a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils;
- (ca) the person is only a member of a development assessment committee established under Part 4AA of the **Planning and Environment Act 1987**;
- (d) the person only holds a position that has been prescribed for the purposes of this section.

78C Indirect interest because of receipt of an applicable gift

- (1) In this section, **applicable gift** means one or more gifts with a total value of, or more than, the gift disclosure threshold, received from a person or persons specified in subsection (2) in the 5 years preceding the decision or the exercise of the power, duty or function but does not include—
 - (a) reasonable hospitality received by the person at an event or function the person attended in an official capacity as the Mayor, a Councillor, a member of Council staff or a member of a special committee; or
 - (b) a gift, other than an election campaign donation, that was received by the person more than 12 months before the person became a Councillor, a member of Council staff or a member of a special committee.
- (2) A person has an indirect interest in a matter if the person has received an applicable gift, directly or indirectly, from—
 - (a) a person who has a direct interest in the matter; or
 - (b) a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or**
 - (c) a person who gives the applicable gift to the person on behalf of a person, company or body that has a direct interest in the matter.
- (3) For the purposes of determining when a person became a Councillor or member of a special committee under subsection (1)(b), if the person is re-elected or reappointed as a Councillor or a member of a special committee, on completion of his or her term of office, the previous term of office served by that person as a Councillor or member of a special committee must be counted as continuous service with any service completed by the person after the person's re-election or reappointment.

78D Indirect interest as a consequence of becoming an interested party

A person has an indirect interest in a matter if the person has become an interested party in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter.

78E Indirect interest because of impact on residential amenity

A person has an indirect interest in a matter if there is a reasonable likelihood that the residential amenity of the person will be altered if the matter is decided in a particular way.

18.11 Appendix 11- GST Return

GST RETURN

Special Committee of Council:.....

Period: From:..... To:.....

RECEIPTS

	\$	GST (\$)
Income on which you charged GST (incl. GST)		
Income on which no GST was charged (excl. interest and income received from Council)		
Interest Income		
Income received from Council		
Bonds		
TOTAL INCOME FOR THE PERIOD		

PAYMENTS

	\$	GST (\$)
Expenditure on which you were charged GST (incl. GST)		
Expenditure on which no GST was charged (excl. Council)		
Payments made to Council		
Bonds		
TOTAL EXPENDITURE FOR THE PERIOD		

Signed on behalf of the Special Committee:.....

Name:.....

Telephone Number:.....

Date:.....

18.12 Appendix 12-Comprehensive Income Statement For Year Ended 30 June 2011

XYZ SPECIAL COMMITTEE OF COUNCIL

COMPREHENSIVE INCOME STATEMENT FOR YEAR ENDED 30 JUNE 2011

	2010/2011	2009/2010
	\$	\$
INCOME		
Hall Rent	10,638	11,171
Insurance	795	495
Bank & Term Deposit Interest	903	1,193
Miscellaneous	65	85
TOTAL INCOME	12,401	12,944
EXPENDITURE		
Hall Maintenance	4,698	7,242
Hall and Change Room Cleaning	2,580	3,795
Insurance	429	841
Electricity	2,959	2,748
Gas	1,056	969
Water	177	130
Booking Secretary	1,200	1,200
Bank charges	8	5
Other (cleaning supplies, globes, postage, etc.)	281	412
TOTAL EXPENDITURE	13,388	17,342
COMPREHENSIVE RESULT FOR THE YEAR	(987)	(4,398)

18.13 Appendix 13-Balance Sheet at 30 June 2011

BALANCE SHEET AS AT 30 JUNE 2011

CURRENT ASSETS

Cash and Cash Equivalents	26,200	27,809
Trade Debtors	428	50
TOTAL ASSETS	<u>26,628</u>	<u>27,859</u>

CURRENT LIABILITIES

Trade Creditors and Accruals	56	320
Receipts in Advance	200	180
TOTAL LIABILITIES	<u>256</u>	<u>500</u>

NET ASSETS

<u>26,372</u>	<u>27,359</u>
---------------	---------------

EQUITY

Accumulated Surplus	26,372	27,359
TOTAL EQUITY	<u>26,372</u>	<u>27,359</u>

18.14 Appendix 14-Annual Risk Management Checklist –Facility Management

**Annual Risk management Checklist for
Special Committees of Management-Facility Managers**

1. General Organisational Arrangements

N#	Issue	Yes	No	N/A
1a	Who is the contact person for arranging hire or use of the facility? Name: Contact Telephone number:			
1b	Does this person know the process to report risk and hazard issues to Council?			
1c	Do you have an emergency evacuation plan?			
1d	If YES have you undertaken a practice emergency evacuation?			
1e	If YES please list what you do have in place			

2. Facilities & Equipment

N#	Issue	Yes	No	N/A
2a	Are there any inherent dangers to users within the location of the facility?(eg. proximity of water bodies, snakes, building features, unprotected drops or falls, etc.)			
	List the inherent dangers			
	List the procedures in place to warn users of inherent dangers			
2b	Are the facilities provided for users adequately clean, in safe condition & secure?			
2c	Are your food preparation areas including equipment clean & in good working condition?			
2d	Is your storage area kept in good order? eg. fire risk of combustible materials, chemicals, unsafe stacking of heavy items etc. (especially if multi-users involved)			
2e	Are your paths, stairs, steps and public areas free of obstacles, non-slippery and well signposted for people with vision impairment?			
2f	Are your emergency exit doorways kept clear of obstacles at all times?			
2g	Is equipment issued to hirers/users in good & safe working order and appropriate for their needs?			
2h	Is equipment issued to hirers/users provided with necessary instruction in how to safely operate?			
2i	Do you ensure issue of keys is monitored and documented?			
2j	Is all lighting checked regularly to ensure it is fully functional, particularly emergency exit signs, foyer/entry lighting and external security lighting?			

**Annual Risk management Checklist for
Special Committees of Management-Facility Managers**

2k	Is shrubbery/vegetation suitably planted and kept maintained to maximise visibility of facility.			
2l	Does the facility experience a pattern of minor vandalism?			
2m	If yes have you reported ongoing occurrences to Council?			
2n	Do you display no smoking signs or pictograms within facility?			

3. Facility Hire

N#	Issue	Yes	No	N/A
3a	Do you have a list of preferred and suitable hiring activities?			
3b	Do you evaluate the suitability of a hiring request in terms of the facility limitations and other risk factors? I.e. capacity, noise level, supervision,			
3c	Do you seek guidance from Council in regard to unusual hire requests?			
3d	Do you ensure conditions of hire are provided & understood by the hirer?			
3e	Are the conditions of hire included in Council's the Hire Agreement authorised by Council?			
3f	Do you ensure the hirer either has adequate public liability insurance or affects a Hall Hirer's public liability policy?			
3g	If the hirer has their own insurance do you obtain a Certificate of Currency to confirm the policy?			
3h	Is your emergency evacuation plan adequately communicated to hirers?			
3i	Have all necessary permits & licences been obtained & sighted? i.e. consumption of liquor, sale of food, raffle tickets, marquee			
3j	Is there sufficient bond money? Recommend minimum \$500 regular events or approved large events \$1,000			
3k	Are there any external contractors? I.e. entertainers, spit roast etc. Require public liability insurance			
3l	Has there been a Party Safe Registration?			

If you answered "No" to any of these questions, you have risk issues that require management. Determine if the risk is a high, medium or low priority and discuss with the committee suitable actions to address the need. Council Officers are available to guide and assist you in this process. If you do not manage these issues appropriately, you may expose the committee and Council to potential losses and liabilities.

**Annual Risk management Checklist for
Special Committees of Management-Facility Managers**

Is there any other information that Council officers can assist you with?
Please list below for follow up discussion

.....
.....
.....

Please return by **January 31**, annually to Leisure Services, Maroondah City Council, PO Box 156 Ringwood 3134 or Email: maroondah@maroondah.vic.gov.au

Inspection Details

Date of Inspection _____

Location (address) _____

Facility being inspected i.e. Pavilion, Reserve _____

Inspected by (name) _____

Position held on Committee _____

Contact details i.e. tele number/email address _____

18.15 Appendix 15 - Annual Risk Management Checklist-Outdoors

**Annual Risk Management Checklist-Special Committees of
Council that manage Reserves/Bushland/Community
Gardens**

1. General Organisational arrangements

N#	Issue	Yes	No	N/A
1.1	Who is the contact person for co-ordinating working bees & activities? Name: Contact Telephone number:			
1.2	Does this person know the process to report risk and hazard issues to Council?			
1.3	Do you have an emergency management plan?			
	Does this plan ensure no volunteer activity on Code Red Fire Danger days?			
1.4	Have you undertaken a practice emergency evacuation?			

2. Facilities & Equipment

N#	Issue	Yes	No	N/A
2.1	Are there any inherent dangers to committee members, volunteers or users within the location of the reserve/bushland/garden? (eg. proximity of water bodies, snakes, building features, unprotected drops or falls, uneven ground, trees etc.)			
2.2	List the inherent dangers			
2.3	List the procedures in place to warn users of inherent dangers			
2.4	Are the facilities provided for users adequately clean, in safe condition & secure?			
2.5	Is any play equipment and soft fall inspected, monitored and maintained in accordance with Council standards?			
2.6	Is all lighting checked regularly to ensure it is fully functional?			
2.7	Has the reserve/buildings/equipment experienced a pattern of minor vandalism? List the type, degree and frequency of damage? What actions are you taking to address this risk?			
2.8	Is your storage area kept in good order? Eg. fire risk of combustible materials, sharp tools, unsafe stacking of heavy items etc. (especially if multi-users involved)			
2.9	Where practical are your constructed paths, stairs, steps and public areas free of obstacles, non-slippery and well signposted for people with vision impairment?			

**Annual Risk Management Checklist-Special Committees of
Council that manage Reserves/Bushland/Community
Gardens**

2.10	Are tools & equipment issued to hirers/users in good & safe working order and appropriate for their needs?			
2.11	Are tools & equipment issued to hirers/users provided with necessary instruction in how to safely operate?			

3. Working bees/Working activities

N#	Issue	Yes	No	N/A
3.1	Are members & volunteers inducted in safe manual handling practices?			
3.2	Are members & volunteers inducted in the safe use of tools and equipment?			
3.3	Are members & volunteers reminded to exercise sun smart practices?			
3.4	Are members & volunteers informed of their scope of duties?			
3.5	Is a committee member appointed to supervise volunteers?			
3.6	Is a first aid kit available during working bees and other on site working activities?			
3.7	Do you compile a list of participating volunteers on the day of the audit (name & contact telephone numbers)?			

If you answered "No" to any of these questions, you have risk issues that require management. Determine if the risk is a high, medium or low priority and discuss with the committee suitable actions to address the need. Council Officers are available to guide and assist you in this process. If you do not manage these issues appropriately, you may expose the committee and Council to potential losses and liabilities.

Is there any other information or issues you wish to discuss with Council? Please list here

.....

.....

.....

Please return by **31 January**, annually to Leisure Services, Maroondah City Council, PO Box 156, Ringwood Vic 3134 or Email: maroondah@maroondah.vic.gov.au

Inspection Details

Date of Inspection _____

Location (address) _____

Reserve being inspected _____

Inspected by (name) _____

Position held on committee _____

Contact details i.e. tele number/email, address _____



CLIENT INCIDENT/ACCIDENT REPORT FORM

(Form does not apply to OHS/Staff Incidents)

Council Event/Service _____

Location of Incident _____ **Date** _____ **Time** _____

PART 1: INJURED PERSON DETAILS

NAME _____

(Surname) (First name)

ADDRESS _____ POSTCODE _____

TELEPHONE (Day) _____ (Mobile) _____

DATE OF BIRTH _____ (approx age if unknown) MALE FEMALE

SIGNATURE (optional) _____ Date _____

PART 2: WITNESS DETAILS

Participant

Staff

Public

NAME _____

(Surname) (First name)

ADDRESS _____ POSTCODE _____

TELEPHONE (Home) _____ (Business) _____ (Mobile) _____

SIGNATURE _____

PART 3: INCIDENT/ACCIDENT DETAILS

Description of occurrence, including sequence of events leading up to incident

First Aid provided YES NO

Name of First Aider _____

Nature of Injury & Treatment (if provided)

PART 4: PROPERTY DAMAGE (complete if there is property damage)

Item Damaged _____

Details _____

If viewed by whom _____

Photos taken and by whom _____

PART 5: ACTION TAKEN

Describe any immediate action taken by staff:

ADDITIONAL COMMENTS

Incident Report Completed by _____

Signature _____ Date _____

PART 6: FORWARD To TEAM LEADER, LEISURE SERVICES by next office business day

Incident Report to Team Leader YES Date _____

Copy of Incident Report to Risk Management YES Date _____

Received by Risk Management Date _____

18.16 Appendix 17-Casual Booking Form

CASUAL APPLICATION 2012

Please Select Type Of Application

January 2012

CASUAL APPLICATION

Please Select one

ORGANISATION DETAILS

Organisation Name	
-------------------	--

Phone Number:	
Fax Number:	
Organisation Website:	
Organisation email:	

Is the Organisation incorporated?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Inc. Number:
Is the Organisation a company?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	ACN. Number:
Does the Organisation have an ABN Number?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	ABN Number:
Is the Organisation registered for GST?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Does the organisation hold Public Liability Insurance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Expiry Date:
Does the organization hold a Liquor Licence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Expiry Date:
Does the organization hold a Food Handling Licence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Expiry Date:

Copies of all Organisations Certificate of Currency for Public Liability Insurance are required to be forward to Council with this application.

OFFICE BEARERS DETAILS

Organisation Contact No. 1					
Contact Name:					
Position / Title:					
Postal Address				P/C:	
Telephone:	BH:		Mobile:		
Email:					

Organisation Contact No. 2					
Contact Name:					
Position / Title:					
Postal Address				P/C:	
Telephone:	BH:		Mobile:		
Email:					

GROUND / RESERVE USAGE

Please ensure that you complete this form for each ground/reserve you are applying for.

Ground/Reserve Requested:	
---------------------------	--

Proposed activity for requested ground:

Athletics
 Baseball
 Football
 Gridiron
 Rugby
 Soccer
 Round Robin
 Concert
 Cricket
 Walk
 Cross Country
 Inter School/Assoc Activities
 Other (please specify)

Number of Teams Using This Ground:

	Team Description	Number of Teams
No. of Junior Teams (e.g. 2 teams of grade 4)		
No. of Senior Teams (e.g. 2 teams of year 8 or adults)		
Total Teams:		

Dates/Days and times Ground/Reserve is required:

Day	Dates:	Time: (e.g 4pm – 7pm)
<input type="checkbox"/> Monday		
<input type="checkbox"/> Tuesday		
<input type="checkbox"/> Wednesday		
<input type="checkbox"/> Thursday		
<input type="checkbox"/> Friday		
<input type="checkbox"/> Saturday		
<input type="checkbox"/> Sunday		

PAVILION USAGE

Pavilion Requested:	
---------------------	--

Dates/Days and times Pavilion (Inc Sound Shell) is required:

Day	Dates:	Time: (e.g 4pm – 7pm)
<input type="checkbox"/> Monday		
<input type="checkbox"/> Tuesday		
<input type="checkbox"/> Wednesday		
<input type="checkbox"/> Thursday		
<input type="checkbox"/> Friday		
<input type="checkbox"/> Saturday		
<input type="checkbox"/> Sunday		

Application Checklist

Your application for use of a Council Facilities should be accompanied by the following documentation:

- Copy of the Organisation's Certificate of Currency for Public Liability Insurance
- Copy of the Organisation's Liquor License *(if applicable)*
- Copy of the Organisation's Food Handling Licence *(if applicable)*
- Copy of any vendor's/contractor's Certificate of Currency for Public Liability Insurance *(if applicable)*
- Copy of any vendor's/contractor's Food Handling Certificate *(if applicable)*

In making this Application the organisation expressly acknowledges and agrees that:

1. Its office bearers have fully read and understand Council's Seasonal and Casual Pricing Schedule and Sporting Facilities User Guide.
2. The organisation, its office bearers, members and anyone associated with it including anyone it invites or allows to be on or use the Council facility will fully comply with all of the requirements of the Seasonal and Casual Pricing Schedule and Sporting Facilities User Guide.
3. The organisation's office bearers will properly communicate the requirements of the Seasonal and Casual Pricing Schedule and Sporting Facilities User Guide to all persons mentioned in point 2 above and will generally ensure Council's requirements are fully observed and complied with.
4. If Council accepts this Application it does so in good faith relying upon the information contained in this Application and any additional information provided by the organisation.
5. If Council accepts this Application the Agreement for Use is formed, in order of precedence, by any special conditions of use Council may impose in writing, the Seasonal and Casual Pricing Schedule (and any documents referred to therein) and this Application.
6. The organisation has been provided with adequate opportunity to seek its own legal or other advice in relation to the Seasonal and Casual Pricing Schedule and Sporting Facilities User Guide and this Application.
7. If Council accepts this Application the organisation will, in accordance with the Sporting Facilities User Guide without derogating from any other obligations of the organisation under the Seasonal and Casual Pricing Schedule and Sporting Facilities User Guide -
 - a. indemnify Council against and hold Council harmless from any and all claims in relation to the seasonal or casual use in accordance with section 2.2.3 of the Sporting Facilities User Guide.
 - b. put in place and maintain the insurance arrangements required by Council for the whole period of use in accordance with section 2.2 of the Sporting Facilities User Guide and Council's letter of acceptance; and
 - c. promptly pay all Fees and Charges and bond monies in accordance with section 3 of the Sporting Facilities User Guide and to otherwise pay on demand and any additional money properly claimed by Council under the Seasonal and Casual Pricing Schedule.
8. **Privacy Collection Statement:** Council is collecting the information on this form for the purpose of registering and administering your application. The information may also be used to send you Council newsletters, details of Council activities, to ascertain your satisfaction with Council services and to release information to the public for enquiries about your club e.g. new membership etc. Your information will automatically be used in the manner described above unless you specifically indicated NO (by checking the box).
 - a. Council activities - receipt of information No
 - b. Release of information to public No

The information will not otherwise be disclosed except as required by law. In particular, the information will not be disclosed to others for marketing purposes. If you fail to provide this information (*i.e. information on the application form*) your application may not be processed.

In making this Application I certify that I hold the office of

--

within the organisation and am properly authorised by the organisation and in accordance with its constitution to make this application for and on behalf of the organisation:

Signed:	
Print Name:	

Date:	
-------	--

Witness Signed:	
Print Name:	

Date:	
-------	--

Form to be returned to:
 Sport & Community Liaison Officer
 Maroondah City Council
 PO BOX 156
 RINGWOOD 3134
 Fax: 03 9298 4345

18.17 Appendix 18-Maintenance Schedule

Maintenance and renewal schedule

The various maintenance responsibilities of Council and user groups are outlined in the following table:

Note the term 'all damages' means any damages caused by the user group/s or any invitees using a Council facility.

ITEM	OCCUPIER	COUNCIL
STRUCTURE		
Main building frame, foundations, stumps, bearers, joists, brickwork etc.	All damages by users	Replacement/repair due to structural failure, storm damage, decay, insect attack or fair wear & tear
SERVICES – External		
Water (to meter)	Service authorities	
Water (meter to building)	All damages by users	Replacement/repairs due to fair wear and tear and tree root damage
Sewerage (including septic tanks)	Service authorities / contractor. Blockages caused by user group activities	Replacement/repairs due to fair wear and tear and blockages caused by tree roots
Gas (to meter)	Service authorities	
Gas (meter to building)	All damages by users	Replacement/repairs due to fair wear and tear and tree root damage
Gas cylinders & bottles (& all associated fittings)	Full responsibility – must be maintained to relevant standards	
Electricity (to meter)	Service authorities	Council responsible for ensuring lines are clear of trees & hazards
Security to building	Cost of call outs	Monitoring & replacement/repairs due to fair wear and tear & equipment service (including battery replacement for alarm system)
Telephone	Service authorities / full responsibility – ensure lines are maintained if a security system is installed as Council will not take responsibility for damage caused if the building is not alarmed due to the non-payment of bills.	

ITEM	OCCUPIER	COUNCIL
DRAINAGE & PLUMBING		
Storm water & general drainage	All damages and blockages in waste pipes caused by user activities	Blockages due to tree roots and subsidence. Replacement/repair due to fair wear & tear
Guttering including down pipes	All damages caused by users	Programmed cleaning and replacement/repair due to fair wear & tear
Internal blockages - sinks, toilets etc	Full responsibility- must be kept clear of foreign objects, mud and debris by users	
Roof plumbing (including skylights)	All damages by users	Replacement/repair due to structural failure, storm damage or fair wear & tear
Plumbing fixtures	All damages by users and blockages in waste pipes caused by user activities	Replacement & Repairs due to malfunction or fair wear & tear eg washers and leaking cisterns
Gas heating incl. screen, flue, gas plumbing & hot water service	All damages by user & cyclical maintenance (incl. ensuring pilot lights remain lit) ¹	Replacement/repair due to malfunction or fair wear & tear
ELECTRICAL		
Fixtures (i.e. stove, exhaust / fan, quick boil urns etc)	All damages by users	Replacement/repair due to malfunction or fair wear & tear
Wiring & fittings (ie. power points, switches, ceiling fans)	All damages by users	All building wiring from main supply to and including the switchboard, light fittings and emergency lighting
Portable appliances (i.e. kettle, toaster, fridge etc.)	Full responsibility Cyclic testing & tagging as per regulations/legislation	
Lights (i.e. globes, bulbs, starters, tubes, diffusers & coverings)	All damages by users. Replacement of globes, starters and diffusers	Replacement/repair of fittings due to malfunction or fair wear & tear
INTERNAL – Maintenance		
Painting throughout (ceilings, walls, doors and internal frames)	Full responsibility Minimum 7 year cycle from date of occupancy or more frequently as required	
Insulation i.e. walls, ceiling		Full responsibility
Ceiling	All damages by users	Replacement/repair due to malfunction, structural faults or fair wear & tear.
Walls	All damages by users (including holes in plasterwork)	Replacement/repair due to malfunction or fair wear & tear
Floor coverings (i.e. tiles, carpet, etc.)	All damages by users	Replacement/repair due to fair wear & tear including & if coverings become a trip hazard
Exposed wooden and parquetry floor coverings	All damages by users Recoating/polishing as	Replacement of floor at the end of its useful life

	required	
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ITEM	OCCUPIER	COUNCIL
Windows, frames, internal doors & door furniture	All damages by users (including glazing, repairing holes etc.)	Minor adjustments due to normal movement & replacement/repair due to fair wear & tear
Wall tiles	All damages by users	Replacement/repair due to fair wear & tear
Cleaning	Full responsibility – refer to section 4.12	
Fire extinguisher & support bracket	All damages by users (including the full cost of extinguisher refills due to misuse)	Replacement due to age or malfunction & cyclical inspection by Council
Smoke Detectors	Replacement of batteries (6 monthly)	Replacement of hard wired smoke alarms due to malfunction or fair wear & tear
Emergency Lighting		Where applicable – Full responsibility
Glass	Keep clean & replacement of damages by users	Replacement of external breakages due to vandalism only
Air conditioning and evaporative cooling	All damages by users & cyclical maintenance (6 monthly)	Replacement/ repair due to malfunction or fair wear & tear (only applicable to units installed by Council)
FITTINGS		
Furniture, equipment and shelving	Full responsibility	
Curtains and blinds	Full responsibility	
Built in cupboards, benches, drawers & doors	All damages by users	Replacement/repair due to fair wear & tear (through Council's cyclical renewal program)
Coat pegs, towel rails, soap & paper towel dispensers, toilet roll holders, partition walls, mirrors & toilet seats	Full responsibility	
EXTERNAL – Maintenance		
Exterior lights on buildings (security lights, floodlights (excluding sports ground training lights)	General domestic globe replacement	Replacement/ repair due to fair wear & tear & malfunction (including replacement of external security globes)
Windows, frames & door framework (including glass, fly screens, blinds & security screens)	All damages by users	Minor adjustment due to normal building movement, shrinkage etc. Painting/staining of external wooden framework-minimum 7 year cycle from date of occupancy (external only) Replacement/repair due to fair wear & tear

ITEM	OCCUPIER	COUNCIL
Doors & frames (including locks & glass)	All damages by users (including full cost of re-keying a facility if keys are lost by user)	Replacement/ repair due to fair wear & tear & vandalism
Automatic Doors	All damages by users & cyclical maintenance (6 monthly) ²	Replacement/ repair due to malfunction or fair wear & tear
Painting	All damages by users	Cyclic maintenance minimum 7 years (if Council owned) on main sports pavilion
Handrail, steps, ramps & decking if attached to a Council Building	All damages by users	Replacement/repair due to fair wear & tear
Fencing, gates and sheds	Full responsibility	
Building damage due to vandalism & graffiti		Full responsibility
Infestation by birds, animals, insects & spiders (including termites)	Pest control services	Replacement of damage caused
Fixed sprinkler systems & water services attached to the building e.g. taps (excluding meter to building)	Full responsibility	
PLAYGROUNDS – (within demised premise)		
Soft fall, play equipment, garden beds, paving, localised drainage & surrounds	Full responsibility	
SURROUNDS – (within demised premise)		
Trees		Full responsibility – report dangerous trees (i.e. fallen/ overhanging branches to Council)
Grass cutting	Full responsibility	
Cleaning/upkeep of surrounding area (including litter removal)	Full responsibility	
Drainage pits (car park & surrounds)	Localised drainage pits	Main drainage pits and car park
Dump master bins	Full responsibility	
SURROUNDS – (outside the demised premises)		
Trees		Full responsibility – report dangerous trees (i.e. fallen/ overhanging branches to Council)
Grass cutting		Full responsibility as per regular maintenance cycles
Car parks – sealed & unsealed		Full responsibility (including car park lighting)
Sports ground training lights, coaches boxes, interchange boxes, batting cages, dugouts, sight screens, synthetic	Sports ground training lights, batting cages, dugouts, sight screens, synthetic wickets	Coaches boxes, interchange boxes and scoreboards

wickets		
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ITEM	OCCUPIER	COUNCIL
Cleaning/upkeep of surrounding area (including litter removal)	Full responsibility from activities	Normal maintenance program
Drainage pits (car park & surrounds)		Full responsibility
Dump master bins	Full responsibility – including the removal of illegally dumped waste within or around the bin	

1. Cyclic maintenance – this includes 6 monthly services on all units. Council may request a copy of the certificate of compliance, and therefore recommend clubs keep a copy on file.
2. Cyclic maintenance – this includes 6 monthly services on all units. Council may request a copy of the certificate of compliance, and therefore recommend clubs keep a copy on file.

18.18 Appendix 19 – Temporary Advertising Sign Application Permit

APPLICATION FOR PERMIT

Temporary Advertising Sign

Name of organisation: _____

Address of organisation: _____

Contact person name: _____

Contact address: _____

Phone no.: _____

Please tick to indicate preferred site/s (select 4 sites) - **maximum of two sites permitted** per **Maroondah organisation/event** in any calendar year will be allocated (subject to availability).

THE ORGANISATION APPLYING MUST BE A NOT FOR PROFIT, PROMOTING A COMMUNITY ORGANISATION, OR CHARITY ONE OFF FUNCTION

Possible available sites for temporary advertising signs: Maximum size of sign - 2.4m x 1.8m (8ft x 6ft)

- Cheong Park - Bayswater Rd/Eastfield Rd, Sth Croydon
- Croydon Rd/Lincoln Rd, Croydon - S.E. Corner
- Croydon Park - Mt Dandenong Rd, Croydon - opposite Civic Square
- Dorset Rd/Canterbury Rd, Nth Bayswater - S.W. Corner
- Dorset Rd/Lincoln Rd, Croydon - Council Reserve
- Heathmont Park - Canterbury Rd - opp. Great Ryrie St, Heathmont
- Maroondah Hwy/Croydon Rd, Croydon - S.E. Corner
- Maroondah Hwy/Dublin Rd, Ringwood - Council Reserve
- Maroondah Hwy, Croydon - opp. Kent Ave
- Maroondah Hwy/Mt Dandenong Rd, Ringwood - Fire Station side
- Tortice Drive/Warrandyte Road, Ringwood Nth - S.E. Corner

Type of event: _____ Date of event: _____
(eg. Fete/Open Day/Trivia Night etc.)

Venue – name & location: _____
(if applicable)

Preferred date/s for permit: _____
(max. of three weeks)

Real Estate Agents Name _____
& Phone Number (if sign being supplied by an agent)

Signed: _____ Dated: _____

Please forward completed form to Local Laws Department -
Enquiries: phone the Local Laws Department on Ph: 9294 5653 Fax: 9294 5634

18.19 Appendix 20- Key Register Form



KEY REGISTER FORM

EXTERNAL USERS

Please return this form to Ian Fossey or Nicole Borger at Lincoln Rd Depot

Address: 24-28 Lincoln Road Croydon 3136

Postal Address: P.O Box 156 Ringwood 3134

Ph: 9294 5684 Fax: 9723 7039

Key System: (Please circle)

YV2500Q YV2260Q YV300Q M77 P911 RM1 Other:

Key: (eg: MMK3.16 or 7.2R)

Issue Number: (Small number printed above key number)

First name:

Surname:

Phone Number:

Office:

Mobile:

E-mail:

Company/Club name:

Building associated with key:

Date Key Taken:

Date Key Returned:

Declaration/Acknowledgement:

I, accept full responsibility of the above mentioned key and am aware that I am responsible for the security of the key and any costs associated with the required replacement of any keys or lock barrels in the event of the key being misplaced. I also acknowledge that this key remains the property of Maroondah City Council who may request the return of the key at any time if so required.

Signature:
