



# **TERMS OF REFERENCE SPECIAL COMMITTEES OF COUNCIL**

**Adopted by Council 20 September 2016**

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Pursuant to Section 24 of the *Local Government Act 1993*, Sorell Council has established Special Committees as detailed in Schedule 1 and 2 below.

## **Schedule 1**

1. The name of the Special Committees are as follows:

Copping Hall & Reserves Committee  
Dunalley Hall & Reserves Committee  
Midway Point Hall Committee  
Primrose Sands Hall Committee

## **Schedule 2**

### **1. Objectives of the Committees**

- 1.1 To ensure that the respective facilities are managed in the best interests of the community and Sorell Council.
- 1.2 To promote and encourage the use of the facilities.
- 1.3 To co-ordinate the hiring process for use of the facilities.
- 1.4 To advise Sorell Council of all general maintenance requirements, and to assist in meeting compliance and regulatory requirements.

### **2. The Committee Structure**

- 2.1 The Committee shall consist of a minimum of five and a maximum of eleven members who represent the principal activities conducted at the facility. Where a Committee is responsible for multiple facilities, Council may approve additional committee members.
- 2.2 The Committee shall elect or appoint a Chairperson, Secretary, Treasurer and Bookings Officer or a Chairperson, Secretary/Treasurer and a Bookings Officer.
- 2.3 A Councillor Representative will be appointed to the committee by Council on a bi-annual basis. The Councillor Representative is not permitted to vote.

### **3. Term of the Committee**

- 3.1 Membership on the Committee will become vacant every two years, or when Council appoints a new Committee.

### **4. Functions of the Committee**

- 4.1 To manage the use of the facilities and collect appropriate hiring fees. This function includes obtaining a signed Application for Hire Form and a copy of appropriate insurance policies.

UNDER NO CIRCUMSTANCES SHOULD A COUNCIL-OWNED FACILITY BE HIRED OUT WITHOUT FORMAL HIRE ARRANGEMENTS INSURANCE/INDEMNITY PROTECTION AND WHEN REQUIRED A RISK ASSESSMENT IN PLACE.

4.2 To ensure all facilities are maintained to an acceptable standard, by means of monitoring and reporting to Council in relation to:

- the internal/external cleaning of the facility.
- any damage to the facility.
- general maintenance and condition of the facility.

*The cost of cleaning and repair for any minor damage to the facility occasioned by fair wear and tear and other improvements as may be necessary from time to time, will be on-charged to the committee.*

4.3 To provide Council with its recommendations for fees and charges for the use of the facility.

4.4 To provide Council annually, with a list of recommended capital works and maintenance for consideration in budget discussions. All requests for capital works must be received by Council prior to March of the current year.

4.5 To maintain an inventory of all property within and associated with the hall, whether fixed or removable. The inventory is to be reviewed and updated annually by at least two members of the Committee, and must be tabled at the Annual General Meeting. All assets/property shall be recorded on the inventory at the time of purchase or disposal. Property that is due for replacement or is no longer required may be disposed of only with the approval of a nominated Council Officer.

4.6 To organise activities at the facility to raise revenue to assist with the purchase of equipment. Details with respect to all such activities are to be forwarded to the Council office prior to the activity commencing so that Council's public liability insurer can ensure that it does not fall outside the limitations of the insurance policy. All monies raised as a result of the activities are to be deposited into the hall committee bank account.

## **5. Restrictions on Committee Powers**

5.1 The committee does not have the power to:

- impose fees, taxes, rates or charges;
- rebate rates or charges;
- make grants;
- borrow money;
- make a rate;
- make a by-law;
- execute a Deed;
- sign a contract:

- institute a legal proceeding;
- call for tenders I;
- advertise for and/or appoint an employee
- sell land.

## **6. Committee Meeting Procedure**

### **6.1 Speaking and Voting Rights**

Each committee member shall have full rights to discuss and vote upon any matter before the Committee provided that all members of the Committee are subject always to the provisions of the interests section of the Local Government Act 1993, and should not vote or take part in any discussion on any issue in which he or she has a pecuniary interest.

### **6.2 Quorum**

- i. A Quorum of the Committee shall be one half of the Committee, plus one (rounded down).
- ii. Where a Quorum has not been present at three consecutive meetings, a committee member shall notify the nominated Council Officer.

### **6.3 Records to be kept by Committee Secretary**

The Committee Secretary shall keep minutes at each meeting detailing:

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

6.4 The minutes of each Committee Meeting shall be provided to Council within fourteen days following the conclusion of the meeting.

6.5 The minutes of each meeting shall be confirmed at the subsequent meeting of that Committee.

### **6.6 Records to be kept by Committee Treasurer**

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

### **6.7 Bookings Officer**

It is the responsibility of the Committee Bookings Officer to maintain up-to-date booking records and ensure that usage reports are tabled for discussion at each committee meeting and forwarded to Council with the meeting minutes.

#### 6.8 Appointment of Acting Chairperson

If the elected Chairperson is not available for a meeting an Acting Chairperson shall be chosen from those present at the meeting. The Council Representative shall not assume the role of Chairperson at any time.

#### 6.9 Frequency of Meetings

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

#### 6.8 Meetings open to the Public

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

#### 6.9 Notice of Meetings

- i. Notice of each Committee meeting shall be given to each Committee member and the nominated Council Officer at least fourteen days in advance unless impractical to do so by reason of an urgent matter requiring a meeting to be held more promptly.
- ii. Notice of the Annual General Meeting of the Committee shall be published in a newspaper generally circulated in the South East area at least fourteen (14) days prior to such Annual General Meeting.

- 6.10 The Committee shall hold an Annual General Meeting by 30<sup>th</sup> August in each year. Notice will be forwarded to Council's nominated officer, who will ensure that an officer will be in attendance.

### **7. Financial Requirements**

As a committee constituted by Sorell Council, it is a requirement to provide Council with detailed and accurate financial records of the committee's activity during the financial year. Council is required to reflect the financial activity of committees in its consolidated accounts records. Committees should aim to apply sound bookkeeping practices to ensure they comply with these requirements.

#### 7.1 Documents

The following documents are to be provided to Council each financial year, no later than 5 working days after the 30<sup>th</sup> June annually.

- Bank statements for the financial year, for all bank accounts
- Cheque butts, receipt and deposit books
- Invoices paid (crossed when paid with reference to the cheque number)

- Cash book
- Copies of all meeting minutes including evidence of approval of payments and financial reports
- Register of Committee members, together with meeting attendances.

## 7.2 Bank account

- Upon prior approval of the General Manager or an authorised officer of Sorell Council, Special Committees are required to open and maintain a cheque book account.
- All transactions are to be conducted through the cheque account and all cheques must be signed by two office bearers of the committee.
- Council must have two signatories on the bank account
- Cash transactions must be kept to a minimum.

## 7.3 Records to be maintained

- Special Committees shall establish and maintain a cash book detailing all income and payments.
- All supporting documentation such as receipts and invoices for each and every transaction must be maintained.

## 7.4 Outgoings

The committee is responsible for the payment of all costs associated with the supply of electricity and water, together with cleaning costs.

## 7.5 GST requirements

For all payments made that include GST, a tax invoice must be obtained (and provided to Council)

This includes circumstances where a Committee member has purchased goods and the Committee is reimbursing the member. The original invoices MUST be attached to the invoice raised by the Committee member.

At the end of each year, Council will include the GST it has collected on behalf of the Committees in Council's Business Activity Statement and will invoice the Committee in relation to the payment owing to Council in regard to same. This amount will generally be the net amount of GST payable on services provided (e.g. hall hire, functions, cemetery plot sales etc.), less GST claimable on expenses

incurred (e.g. repairs and maintenance, equipment purchases, supply purchases etc.). The GST is 1/11 of the purchase or sale price.

A tax invoice should include the following information:

- name of the supplier;
- Australian Business Number (ABN) of the supplier,
- the words “tax invoice”;
- the words “GST inclusive”, or “includes GST”, or similar;
- the Special Committee’s full name (not an individual’s name).

If the supplier’s ABN is not provided on an invoice, regardless of whether the goods or services purchased have included GST, Special Committees are required by law to withhold 49% of the payment unless the supplier completed a ‘Statement by Supplier’ stating the reason for not quoting an ABN.

For any income received, the payee is entitled to request a tax invoice from the Special Committee. Should this occur, the Special Committee may contact the Financial Accountant of the Council to provide a Receipt/Tax Invoice book which can be used to prepare the requested tax invoice. Generally, a business or enterprise will request tax invoices.

## **8. Insurance**

### Casual Hire’s Insurance

- i. Council’s Casual Hirer Insurer provides public liability cover for all Special Committee members whilst undertaking approved activities as a member of the special committee.
- ii. Casual, ad-hoc and regular hirers are covered by this cover provided hire occurs no more than 52 times per annum (per hirer) AND provided the activity undertaken is not excluded activity under Council’s cover. Major exclusions under this Cover include Fireworks/Pyrotechnics, Rock/Pop Concerts, Sporting Activities and Special Events.
- iii. Under the Casual Hirer’s Policy there is no formal definition around special events– if an event requesting cover Council can approach the underwriter for consideration and they will advise whether or not it can be covered – an extra premium would apply.
- iv. Weddings and parties arranged by an individual are covered by Council’s insurer. In relation to the serving of alcohol, so long as the alcohol is being served and not sold by the event organiser there is no restriction under the policy coverage.

**There is exclusion for alcohol being sold for profits as these events should have their own insurance cover.**

- v. Hirers undertaking excluded activity must ensure that they obtain separate public liability insurance to cover their operations and a copy of their hire application and insurances must be provided to the nominated Council Officer at least 7 days prior to the hire date.
- vi. The Committee must obtain, each year, a Certificate of Currency for public liability insurance held by all organisations and/or individuals that use the grounds or facilities, and ensure that it remains current for the duration of the hire period. Copies shall be provided to Council's nominated officer if requested.
- vii. The Committee should advise users leaving their property in Council's buildings to take out separate insurance cover for those goods and chattels.

#### 8.1 Buildings

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

The Committee shall report to Council immediately any major damage to the facility whether accidental or by vandalism or where major maintenance is required.

#### 8.2 Other Facilities

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

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

The Committee shall report any potential public liability claims to Council's Manager HR & Community Services.

#### 8.3 Stock in Trade

Council's insurance does not extend to cover stock sold by user groups from Council's premises. Separate insurance cover is required to be taken out by user groups.

#### 8.4 Management Committee Members and Voluntary Workers

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



#### 8.5 Restriction on Employment & Engagement of Contractors

Committees cannot employ anyone or engage a contractor to undertake services.

### 9. Alteration to Delegation and Terms of Reference

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

### 10. Purchasing by the Committee

- i. The Committee is to purchase goods and services using a Sorell Council purchase order issued by the Council. Tax exemption for items may be obtained but will not apply for items which will be sold for a profit.
- ii. The Committee may purchase items that are required for the day-to-day running of the hall up to a sum of \$200.00. It is recommended that the Committee delegate authority to the Treasurer to purchase any minor items required up to a sum of \$200. Approval to purchase items exceeding \$200 must be approved and minuted at a Committee meeting.
- iii. Asset purchases exceeding the sum of \$250.00 require the approval of the General Manager or the nominated Council Officer, and require at least two quotes.
- iv. Purchases in excess of \$500.00 must be submitted in writing to Council for approval.
- v. Purchases can only be made within the limits of the cash funds the Committee has at its disposal.