

Cessnock City Council Section 355 Committees Guideline

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PART A – COMMITTEE CONSTITUTION AND OPERATION

1. INTRODUCTION

1.1. Council is committed to promoting community participation in decision-making as it forms an important part of our local democracy. With such participation comes responsibility, in particular where the provision of community services and facilities is concerned. This Guideline aims to assist Section 355 Committees in understanding their roles and responsibilities and to ensure the effective and valuable partnership between Council and these committees remains well into the future.

What are Section 355 Committees?

1.2. Section 355 Committees are groups of people volunteering their valuable time and service to manage Council facilities, improve natural areas (such as parks, reserves and waterways) and perform functions on behalf of Council. As such, these committees are a volunteer extension of Council. Consequently, Section 355 Committees can access Council's professional staff and advisors and take advantage of Council's purchasing and accounting services for support and advice where possible (for more information on how to do this please see clause 3 of this *Guideline*). Section 355 Committees may also be covered by Council's insurance arrangements in certain circumstances.

1.3. Section 355 Committees and its members are required to be representative of the local community or interest groups of the facility, area or function which the Committees manage or undertake, for the benefit of the community. Whilst no particular qualifications are necessary, a positive commitment to the activities of the committee and a willingness to be actively involved in committee issues is essential, as is compliance with Council's [Code of Conduct](#) and other relevant documents.

How are Section 355 Committees constituted?

1.4. Section 355(b) of the *Local Government Act 1993* (NSW) (**the Act**) permits the elected Council to delegate certain functions by the Council to committees it creates. Council uses this authority and appoints Section 355 Committees to manage, partly or jointly, facilities, areas or undertake functions on behalf of Council. Council is able to give such delegation pursuant to section 377 of the Act.

1.5. Council has the power to establish a Section 355 Committee via a resolution of Council. To provide Council and the committees with the opportunity to reassess their needs and requirements, and allow them to adjust to emerging local issues, Council shall review the functions of the committee at the beginning of each Council term usually between September and October, or more frequently as required.

2. COUNCIL'S COMMITMENT

Council is committed to:

2.1. Guide its Section 355 Committees and its members on how to best comply with legislative and regulatory requirements, inform them of any relevant Council controlled documents and support the effective management of Council facilities or undertaking of Council functions;

2.2. Openly and transparently communicating with Section 355 Committee members to ensure that members are aware of their roles and responsibilities as well as introducing them to the Council's processes and practices;

- 2.3. Providing regular information to support the Section 355 Committees in their roles and responsibilities;
- 2.4. Ensuring that Section 355 Committee members understand and have a commitment to Council's [Code of Conduct](#);
- 2.5. Ensuring training is provided as appropriate to all Section 355 Committee members; and
- 2.6. Providing assistance with grant planning and applications.

3. CONTACTING COUNCIL

- 3.1. All enquiries/notifications regarding maintenance of Council facilities (e.g. a leaking toilet, broken seat, blown light, vandalism etc.) or locations (e.g. park damage, tree clearing) should be made with Council's Customer Service Team in the first instance. Customer Service will record details such as the time and date of an enquiry/notification, details of the person reporting the matter and this information is logged into Council's Customer Request Management (**CRM**) and referred to the appropriate Officer for action.
- 3.2. Enquiries/notifications, related to planning matters such as new facilities, when a project will commence, grant funds etc. should also be made to Council's Customer Service Team in the first instance so that Customer Service staff can refer enquiries/notifications to the correct Council officer.
- 3.3. Contact details for Council's Customer Service Team are as follows:

Council Administrative Building:

Address:	62 – 78 Vincent Street Cessnock
Postal Address:	PO Box 152 Cessnock 2325
Telephone:	(02) 4993 4100 (any time)
Business Hours:	9:00am to 5.00pm, Monday to Friday
Email:	council@cessnock.nsw.gov.au
Live Web Chat:	www.cessnock.nsw.gov.au

4. PURPOSE OF A SECTION 355 COMMITTEE

- 4.1. Section 355 Committees are appointed by Council to assist in:
 - 4.1.1. The care, control, management, maintenance and development of Council's community facilities;
 - 4.1.2. Enhancing and protecting the natural environment;
 - 4.1.3. Improving the environmental sustainability of our towns; and
 - 4.1.4. The management and identification of community initiatives.

Council's Community Facilities

- 4.2. Section 355 Committees responsible for managing Council's community facilities offer opportunities for residents and user groups to:
 - 4.2.1. Care, control and manage community facilities;
 - 4.2.2. Contribute to the betterment of the Cessnock community;
 - 4.2.3. Develop a working relationship with Council;

- 4.2.4. Work towards the same goals to improve Council facilities;
- 4.2.5. Foster community development and spirit;
- 4.2.6. Develop an effective communication link between Council and the community;
- 4.2.7. Provide information to Council concerning the use of the facility and potential future needs of the facility; and
- 4.2.8. Be actively involved in the planning and development of community facilities.

Council's Sustainable Community Groups (Tidy Towns) and Bushcare Groups Initiatives

- 4.3.** These Section 355 Committees offer opportunities for residents and user groups to:
- 4.3.1. Care and improve natural areas such as parks, reserves and waterways;
 - 4.3.2. Undertake beautification in public areas such as streets (eg. litter removal, seating, shelters and displays);
 - 4.3.3. Share sustainability initiatives with the wider community (such as energy efficiency, water conservation and biodiversity protection);
 - 4.3.4. Foster community development and spirit;
 - 4.3.5. Develop an effective communication link between Council and the community;
 - 4.3.6. Provide information to Council concerning the use of parks and reserves and potential future needs of these areas; and
 - 4.3.7. Be actively involved in the planning and development of parks and reserves.

5. BENEFITS OF A SECTION 355 COMMITTEE

- 5.1.** Section 355 Committees benefit the community and Council through:
- 5.1.1. Improved community spirit and purpose;
 - 5.1.2. Opportunities to apply for various grants and funding to be used for embellishment works in community facilities and areas;
 - 5.1.3. Regular information exchange relating to maintenance and development issues in community facilities and areas; and
 - 5.1.4. Closer working relationships between community members and other stakeholders, regular hirers/users and Council.
- 5.2.** Section 355 Committees need to function as a team by drawing on the skills and talents of each member, and working towards the common goal of assisting Council to provide high quality community facilities and initiatives. Section 355 Committees are encouraged to involve the wider community in any activities they co-ordinate.
- 5.3.** There are many benefits for people who join their local Section 355 Committee. Some of these benefits include:
- 5.3.1. volunteering in their community,
 - 5.3.2. improving the local environment,
 - 5.3.3. developing new skills,
 - 5.3.4. meeting local residents, and
 - 5.3.5. being part of a team.

6. ESTABLISHMENT OF A SECTION 355 COMMITTEE

- 6.1. The decision to form a Section 355 Committee is by a resolution of the elected Council.
- 6.2. Where Council approves the constitution of a Section 355 Committee, a public meeting is called by Council and advertised appropriately (e.g. in local press media, on Council's website and social media, or by a letterbox drop of surrounding residents). Nominations for Section 355 Committee membership are called for at this time. Self-nomination is accepted and is subject to eligibility criteria outlined in clause 10 below.
- 6.3. The public meeting will be chaired by a Council officer and all positions will be declared vacant. All positions will be called for and voted on by those present at the meeting.
- 6.4. The Section 355 executive committee members will consist of the president, secretary and treasurer. All Section 355 Committees must consist of these three positions. If there is a short fall in numbers, it is acceptable for a committee member/s to undertake more than one position.
- 6.5. With respect to managing Council's facilities, each committee shall be known by the location and/or activity they represent (e.g. Pokolbin Community Hall is administered by the Pokolbin Community Hall Section 355 Committee.)

7. ELIGIBILITY CRITERIA

- 7.1. Whilst the majority of Section 355 Committees responsible for managing Council facilities may not have any particular eligibility criteria to meet for membership nomination, some of the committees responsible for certain initiatives (Tidy Towns etc.) may have such criteria depending on the initiative in question. Any such criteria will be advertised when seeking membership of Section 355 Committees.
- 7.2. Candidates of Section 355 Committees, prior to membership nomination, must ensure that any required licences, permits or qualifications are current. Examples might include Police Checks, chainsaw operation, working at heights/confined spaces, CPR or First aid etc. Copies of these must be provided to Council in a timely manner and must be kept on record for any projects being implemented and relevant persons.
- 7.3. Before membership nomination, if Committee members as part of their committee activities are involved in unsupervised contact with children, they must have completed a Working with Children Check. For more information, please refer to www.kids.nsw.gov.au.
- 7.4. Section 355 Committee Members must report any incidents or allegations involving abuse of a young child or young person immediately to the Council liaison responsible for the relevant Section 355 Committee.

8. SECTION 355 COMMITTEE RESPONSIBILITIES

- 8.1. Section 355 Committees, in conjunction with Council, have the responsibility to:
 - 8.1.1. operate within the policies and procedures outlined in this *Guideline*, *Section 355 Committee Deed of Agreement* and Council's [Code of Conduct](#),
 - 8.1.2. assist in the care, management, maintenance, improvement and development of the community facility or area,
 - 8.1.3. assist Council with informing users regarding the closure of community facilities during periods of capital works or maintenance,

- 8.1.4. consult with Council officers prior to any works being undertaken, and for any proposed change to management practices at the community facility,
 - 8.1.5. report all damage to facilities/areas promptly to Council's Customer Service Team as per clause 3 so that repairs can be undertaken,
 - 8.1.6. participate in Council provided training workshops, and
 - 8.1.7. report to Council any breaches of regulations and unauthorised activities.
- 8.2. Committee members are expected to behave in a manner consistent with their delegated functions, legislative and regulatory requirements and Council's expectations, otherwise they will be subject to an investigation where warranted, and action as required and deemed necessary.

9. PERIOD OF APPOINTMENT AND REAPPOINTMENT PROCESS

- 9.1. Committee members will be appointed at a public meeting, preferably held within three (3) months after Local Government elections. Members are appointed by Council for a full Council term (usually four (4) years), to coincide with Local Government elections.
- 9.2. Each Council term, every candidate wishing to be a Section 355 Committee Member must complete a Nomination Form (*Refer to Appendix 1*). This nomination shall be presented at the public meeting for voting.
- 9.3. If there is more than one (1) nominee for an executive committee position, the Council representative (who is acting as the Returning Officer) will provide the options of how the vote may be carried out (i.e secret ballot or show of hands).
- 9.4. Council will ratify the successful Committee members at a Council meeting following the Section 355 Committee public meeting (which can coincide with the Annual General Meeting (**AGM**)). A *Section 355 Committee Deed of Agreement* will then be arranged and signed by all committee members.
- 9.5. Should a local resident wish to join a Section 355 Committee during the year as a volunteer (prior to or after the AGM), the following steps must be undertaken:
 - 9.5.1. complete a Nomination Form (*refer to Appendix 1*),
 - 9.5.2. lodge the Nomination Form at the next Section 355 Committee Meeting,
 - 9.5.3. nomination must be endorsed and in turn accepted by the current committee members,
 - 9.5.4. send a copy of the Section 355 Committee minutes and nomination form to Council for approval.
- 9.6. Council staff will then arrange for the member to be added to the Section 355 Committee Register available on the Committees Page of the intranet.

10. MEMBERSHIP

- 10.1. Membership is open to local residents who are eighteen (18) years or over and who reside within the boundaries of the Cessnock Local Government Area (**LGA**). Where the General Manager deems it appropriate to involve local residents younger than 18 years old, such candidates must have written permission from their legal guardian to nominate for membership and be accompanied by them when attending committee meetings.

- 10.2. A minimum of 3 (three) and a maximum of twelve (12) voting members including executives can be elected to be members of a Section 355 Committee.
- 10.3. Council employees are not permitted to be members and neither are Councillors.
- 10.4. Each Section 355 Committee must forward annual membership information (after the committee has undergone its AGM) to Council advising the names, contact addresses and other relevant details of current Section 355 Committee members. (*Refer to Appendix 1*).
- 10.5. Membership information is important to ensure that all volunteers of Section 355 Committees are registered and covered under Council's insurance policies while conducting duties as a member of a Section 355 Committee.

Executive Committee

- 10.6. The Executive of the Section 355 Committees will be the President, Secretary and Treasurer and all such committees must consist of these three positions as a minimum. Additional Section 355 Committee positions may also be nominated to assist with the workload.

President

- 10.7. The President shall preside at all meetings of the Committee at which he/she is present and in his/her absence the Committee members are to elect an alternative Committee member to preside the meeting.
- 10.8. The responsibilities of a President include:
 - 10.8.1. Chairing the Section 355 Committee meetings;
 - 10.8.2. Being informed of all Section 355 Committee activities;
 - 10.8.3. Representing the Section 355 Committee when necessary; and
 - 10.8.4. Being a supportive leader for all Section 355 Committee members.

Secretary

- 10.9. The successful management of a Section 355 Committee depends on the efficiency and effectiveness of the Committee's Secretary. The Secretary is often the first person to be contacted by people seeking information about the facility or initiative concerned and facilitates the co-ordination link between the Section 355 Committee, Council, local residents, user groups, hirers and other stakeholders.
- 10.10. The responsibilities of a Section 355 Committee Secretary include:
 - 10.10.1. Handling all written correspondence to and from the Section 355 Committee, and in accordance with Council's Records Management Policy;
 - 10.10.2. Arranging meetings and preparing agendas (*Refer to Appendix 2*);
 - 10.10.3. Preparing minutes of meetings and distributing these minutes to Council and Section 355 Committee Members within 5 working days; and
 - 10.10.4. Updating Council annually with Section 355 Committee membership details (*Refer to Appendix 1*).

Treasurer

- 10.11. The Treasurer of a Section 355 Committee is responsible for the financial management of the Committee.
- 10.12. The responsibilities of the Treasurer include:

- 10.12.1. Keeping the Section 355 Committee accounts, making payments, and issuing receipts;
- 10.12.2. Being responsible for lodging monthly GST statements and annual financial statements with Council;
- 10.12.3. Ensuring all monies received are banked promptly;
- 10.12.4. Maintaining accurate records of income and expenditure;
- 10.12.5. Being the signatory on Section 355 Committee's Bank Accounts (with at least one (1) other person, which is usually the President or Secretary and two Council finance representatives); and
- 10.12.6. Preparing the Treasurer reports to Section 355 Committee meetings.

Responsibilities of Members

10.13. Every Section 355 Committee member's role is important. Member's responsibilities are to:

- 10.13.1. Attend Section 355 Committee meetings;
- 10.13.2. Participate in meetings – this involves:
 - i. Being on time;
 - ii. Following the agenda;
 - iii. Contributing to the discussion where appropriate;
 - iv. Being objective, listening to other views; and
 - v. Volunteering to do some of the necessary tasks.
- 10.13.3. Attend and participate in any planning or working days that may be held;
- 10.13.4. Make sure the Section 355 Committee is operating efficiently and effectively;
- 10.13.5. Ensure all members of the Section 355 Committee are accountable for their actions in relation to the activities of the Committee;

Membership Cessation and Resignation

10.14. A Section 355 Committee Member ceases being a member::

- 10.14.1. If the Member resigns office by notification in writing to the Section 355 Committee and Council;
- 10.14.2. Upon the death of the member;
- 10.14.3. If the member is absent, without providing reasonable written notice, from three (3) consecutive Section 355 Committee meetings;
- 10.14.4. If the member does not attend a minimum of half of the Section 355 Committee meetings held during the year, without providing reasonable written notice;
- 10.14.5. If Council resolves to remove the member from Committee membership;
- 10.14.6. while serving a sentence (whether or not by way of periodic detention) for a felony or any other offence, except a sentence imposed for a failure to pay a fine;
- 10.14.7. if the member becomes a mentally incapacitated person;
- 10.14.8. If the member fails to comply with Council's [Code of Conduct](#);

10.14.9. Where the Committee confirms in writing that a member has left the area and no longer has involvement with the Committee.

11. MEETINGS

Frequency of Meetings

- 11.1. Section 355 Committees are required by Council to meet at least four (4) times a year (the AGM inclusive) to effectively discharge business and consider decisions affecting the community facility or initiative they assist Council in managing. Regular meetings should be held to ensure that correspondence and issues can be dealt with in a timely manner.
- 11.2. If this is not achieved, then Council may consider dissolving the Section 355 Committee, unless the Committee can show cause for a further period of support.

Notice of Meetings

- 11.3. The Secretary shall give a minimum of five (5) working days' notice of all meetings to all members of the Section 355 Committee and Council (where attendance is requested).
- 11.4. The President or the majority of the Section 355 Committee may ask the Secretary to call a meeting of the Committee. The Secretary must call any such meeting within ten (10) working days of such a request.

Annual General Meeting

- 11.5. All Section 355 Committees must declare all positions vacant at the commencement of the new Council term and hold an AGM. For the Sustainable Community Groups (e.g Tidy Town) this process happens annually.
- 11.6. A typical agenda for an initial AGM for the commencement of the Council term is as follows:
- 11.6.1. Commence/Open the meeting;
- 11.6.2. The President presides over the following items:
- i. Welcome and Acknowledgement of Country;
 - ii. Apologies;
 - iii. Minutes of the previous AGM;
 - iv. Reading Reports, i.e. President, Secretary, Treasurer etc.
- 11.6.3. All positions are declared vacant and the Returning Officer appointed by the meeting takes the chair and presides over the following items:
- i. Election of Committee Members;
 - ii. Acceptance of nominations for positions;
 - iii. Recommending of annual fees & charges (to be considered in Council's Fees & Charges in the following financial year).
- 11.6.4. The Returning Officer then hands the chair over to the newly elected President who is responsible for:
- i. Thanking the Returning Officer;
 - ii. Welcoming the new committee;
 - iii. Consider recommendations "carried" by way of motion from the floor;

iv. Getting agreement on meeting dates for the coming year.

11.6.5. Closure of the AGM.

Administration for Annual General Meetings

11.7. All Section 355 Nomination forms with current and new members must be returned to Council (10 working days prior to the AGM). The three executive positions of President, Secretary and Treasurer should be marked on the nomination form with a copy of the minutes attached (*Refer to Appendix 3*).

Voting

11.8. Voting may be required if no consensus can be reached. Decisions shall be made by a majority of those members present, provided the required attendance for a quorum is reached. In the event of an equal number of votes, the President of the meeting shall have a second or casting vote for decisions excluding voting on vacant positions.

Quorum

11.9. A quorum must be present for a Section 355 Committee to conduct business. At all meetings of the Committee a quorum shall be constituted by 50% of the active membership plus one (1). A record of the meeting attendance must be noted in the minutes of each Section 355 Committee meeting. (*Refer to Appendix 3*).

11.10. Any meeting of the Committee at which a quorum is not present shall lapse and any agenda items deferred until the next meeting.

Meeting Agendas

11.11. The Section 355 Committee Secretary shall prepare an agenda for all meetings (*refer to Appendix 2*). The Secretary shall give a minimum of five (5) working days' notice of the meeting to all members of the Section 355 Committee and Council (where attendance is requested).

11.12. A typical agenda for a meeting is:

11.12.1. Open meeting – the President welcomes members and visitors, declares the meeting open, ensures everyone has an agenda, and asks for any extra items suggested by members.

11.12.2. Record members present and apologies – the Secretary records those present and any apologies. An attendance list or book must be circulated.

11.12.3. Confirmation of minutes from previous meeting – two Committee members in attendance at the last meeting are asked to confirm that the record of minutes is a true and correct one. Any amendments or changes need to be recorded and included in this meeting's minutes.

11.12.4. Business arising out of minutes – deal with any matters that have arisen or were to be completed since the last meeting.

11.12.5. Correspondence – includes both inwards and outwards correspondence. A member, usually the Secretary, reads out in full or in summary any letters received or sent since the last meeting. Any business arising from these letters is dealt with as it is read, and recorded in the minutes.

11.12.6. Treasurer's report – the treasurer gives a report on the financial position of the Committee, including income and expenditure since the last meeting and gives an overview of future budget estimates.

- 11.12.7. Other reports – reports from other committee members are presented, if any.
- 11.12.8. General business – Items on the agenda are discussed. This is also a good opportunity to remind members of any upcoming events, plans or issues.

Note: *General Business often contains the important discussions and decisions. Efficient meetings work through the early business quickly to leave sufficient time for general business.*

- 11.12.9. Close meeting – establish the date and time of the next meeting. The President thanks members and visitors for attending and declares the meeting finished or closed.

Note: *Where requested Council will provide relevant information and feedback from the previous meeting of the Committee where minutes have been provided.*

Minutes of Meetings

- 11.13.** Minutes are the official record of business occurring at a meeting and it is the responsibility of the Section 355 Committee Secretary to ensure that all meetings are correctly minuted (*refer to Appendix 3*). A copy of the minutes and the agenda must be forwarded to Council.
- 11.14.** The minutes of a meeting shall include:
- 11.14.1. Date, time and venue of meeting;
 - 11.14.2. Welcome and Acknowledgment of Country;
 - 11.14.3. Whether any conflicts of interest were declared;
 - 11.14.4. List those present, along with apologies;
 - 11.14.5. Confirmation of previous minutes;
 - 11.14.6. Business arising from the minutes;
 - 11.14.7. Correspondence (inward and outward);
 - 11.14.8. Treasurer’s Report including approvals of accounts for payment;
 - 11.14.9. Summary of any other reports;
 - 11.14.10. General Business – state main issues, points of view put forward, and decisions made;
 - 11.14.11. Details of next meeting; and
 - 11.14.12. Time of closure;
- 11.15.** It is important to ensure that all decisions, but particularly the full text of any recommendations adopted by the Section 355 Committee, are recorded in the minutes.

12. DISSOLUTION OF A SECTION 355 COMMITTEE

- 12.1.** A Section 355 Committee may be dissolved by Council at any time and shall be dissolved in the event of:
- 12.1.1. Membership is comprised of only two (2) persons (unless authorised by the General Manager);
 - 12.1.2. The recommendation of the Section 355 Committee or resignation of all Members;

12.1.3. The Section 355 Committee not meeting its requirements as set out in the *Section 355 Committee Deed of Agreement* and/or this *Guideline*.

12.2. Should the decision to dissolve a Section 355 Committee be made:

12.2.1. All assets and community funds held by that Section 355 Committee shall, after payment of all expenses and liabilities, be returned to Council; and

12.2.2. Where considered appropriate, a public meeting may be convened with Council's approval to seek nominations from persons to be appointed to a new Section 355 Committee.

PART B – FACILITIES AND INITIATIVE MANAGEMENT AND OPERATIONS

13. BOOKING A FACILITY

- 13.1. All community facilities are available for hire up until 12am/midnight when all functions are to cease (*Refer to Appendix 4*). The facility and surrounding areas MUST be vacated within one hour of conclusion of the function.
- 13.2. The [NSW Department of Planning and Environment](#) states that musical instruments and electrically amplified sound equipment be turned off from midnight to 8.00am on Friday, Saturday or any day preceding a public holiday and 10.00pm to 8.00am on any other day.
- 13.3. Where a function is deemed to be a high-risk function (e.g. an 18th or 21st birthday party), the *Application for Use of Community Facilities form* must be stamped and signed by the Station Officer at the local Police Station before the application will be considered. The Conditions of Hire will outline the circumstances in which the stamping of the form by the Police is required.
- 13.4. No fees and charges apply to the use of the facility by the Committee or Council for meetings.
- 13.5. The Committee and Council will be subject to the same Conditions of Hire and Use of the facility as all other hirers.
- 13.6. Community facilities must be made available to Council free of charge for Local Government elections (Council to meet any cleaning costs). If a community facility is to be made available for Federal and State electoral offices normal fees and charges apply.

Casual and Regular Bookings

- 13.7. Bookings can be received from private individuals and/or organisations for the casual or regular hire of the facility.
 - 13.7.1. Casual hirer means any person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year. E.g. parties, baby shower celebrations etc.
 - 13.7.2. Regular hirer refers to more than one booking per month and/or more than twelve (12) bookings per calendar year by an individual and/or organisation. It is recommended that Section 355 Committees approve use of the facility for a six (6) month period, due to indexing of Council's fees and charges, maintenance and/or upgrades to the facilities. Hirers can re-apply to utilise community facilities after the initial six month allocation period has concluded.
- 13.8. Section 355 Committee reserve the right to cancel any regular booking/s in the event of a one off booking subject to the hirer being given four (4) weeks advance notice. Bookings will resume as normal after the cancellation. The hirer will not be charged for any cancellation.

Conditions of Hire

- 13.9.** It is necessary for all potential hirers to be made aware of the Conditions of Hire for community facilities at the time of their initial enquiry. It helps inform the potential hirer if their intended use is suitable for a particular facility. Conditions of Hire are part of the *Application for Use of Community Facilities form (Refer to Appendix 5 – Conditions of Hire for Community Facilities)*.
- 13.10.** The Conditions of Hire for community facilities aim to ensure all hirers use the facilities safely and leave it as they found it and ready for the next booking. The conditions of hire address access and equality, seek to minimise the risk of injury to users and damage to property, and ensure compliance with all laws, statutes and regulations.
- 13.11.** All hirers must agree to abide by the Conditions of Hire, which will be part of the Application for Use of community facilities, at the time of making booking.

Booking Process

- 13.12.** When an enquiry to use a facility is received in person, by phone, mail or email, the aim is to provide a quality service to the potential hirer. As a Section 355 Committee member you should encourage the community to utilise the facility and provide information to assist in the booking process to the potential hirer.
- 13.13.** The Committee shall:

Step	Action
1.	Identify themselves to the customer
2.	Listen and ask questions to determine the exact nature of the booking request including: <ul style="list-style-type: none"> • The date, times and approximate number of guests attending the function; • Type of function/meeting; • Hall or room they require for their function
3.	Advise the applicant if the type of function is not permitted at the facility or if the size of the hall/room will not accommodate the number of people expected
4.	Check the booking register to identify if the proposed day/time is available
5.	If the day/time is available, arrange for the potential hirer to obtain an <i>Application for Use of Community Facilities form and Conditions of Hire form (Appendix 5)</i>
6.	If the day/time is not available negotiate alternative days/times. If a suitable day/time cannot be met at the requested facility refer the potential hirer to an alternate facility or to Councils Customer Service Team to obtain alternate numbers to other suitable facilities
7.	Advise the applicant: <ul style="list-style-type: none"> • The Conditions of Hire must be read prior to completing and lodging an <i>Application for Use of Community Facilities form (Appendix 5)</i>
8.	Make a tentative booking in the booking register for the booking (include contact details and date enquiry made)
9.	Arrange for the applicant to fill out <i>Application for Use of Community Facilities form (Appendix 5)</i> and ensure the form is returned to the committee within two (2) weeks of the enquiry to confirm their booking.
10.	If the applicant requires an inspection of the facility arrange a convenient time

13.14. Once an Application for Use form (Appendix 5) has been lodged the Section 355 Committee member should:

13.14.1. Assess the details on the Application for Hire form and check:

- i. the form has been correctly filled out and signed;
- ii. if the payment is attached and correct;
- iii. if applicable, Public Liability Insurance certificate is attached (refer to **17.3** for further information).

13.15. Contact the hirer if any required forms are not completed or missing or the payment received is not correct.

13.16. If all paperwork has been lodged and is correct:

13.16.1. Enter the details of the booking into the booking calendar;

13.16.2. Issue a receipt for the payment and give it to the hirer;

13.16.3. Contact the hirer to arrange a time for key pick up, final payment and site induction and record the meeting time in the booking register.

Key Pick-up/drop off and Final Payment

13.17. The section 355 Committee shall:

13.17.1. Meet with the hirer if applicable;

13.17.2. Receive the balance of monies owed (if any);

13.17.3. Issue a receipt to the hirer;

13.17.4. Advise the hirer how to secure the building;

13.17.5. Advise the hirer the process for pick-up/returning the key (contactless if applicable) and expectations of hirer for return of bond.

Post Event Inspection

13.18. A bond return will only be issued if the building and grounds have been left in a satisfactory condition after the hirer's function has taken place.

13.19. The Committee shall:

13.19.1. Undertake a visual inspection of the facility at the completion of the function or prior to the next booking;

13.19.2. Make detailed notes of any damage or other issues requiring attention and, if necessary:

- i. Take photographs for evidence;
- ii. Make arrangements to have any issues attended to including contacting Council to arrange assistance if necessary.

13.19.3. Meet with the hirer as agreed for the return of the key;

13.19.4. Discuss with the hirer the condition of the building and grounds at the end of the function:

- i. If left satisfactorily, thank the hirer and indicate a full bond return will be recommended to the Committee; or
- ii. If left in an unsatisfactory condition, explain that part or all of the bond may be retained, and if necessary, additional charges may be incurred and that a decision will be made by the Committee;

13.19.5. Complete the process for the bond return once the decision is made by the Committee; and

13.19.6. Finalise all paperwork on the booking and file.

14. MAINTENANCE AND CLEANING

14.1. The Section 355 Committee shall:

- 14.1.1. Ensure regular inspections are carried out and that there is no risk to the health, safety and welfare of persons using the facility;
- 14.1.2. Ensure the facility is kept in a clean and tidy condition;
- 14.1.3. Ensure that processes are being implemented to minimise the risk to the physical assets from damage, misuse and deterioration;
- 14.1.4. Ensure the facility is secured at all times when not being used;
- 14.1.5. Advise Council of any potential insurance risk that may arise in regard to buildings and users;
- 14.1.6. Maintain furniture, equipment, appliances and all other non-fixed assets, including but not limited to microwaves, Public Address (**PA**) systems, kitchen items etc.;
- 14.1.7. Check the facility on a regular basis and, where necessary, undertake any minor cleaning;
- 14.1.8. Contact Council if a major clean is required as per clause 3. The Section 355 Committee will be charged for the clean by Council;
- 14.1.9. Regularly check the noticeboards, pamphlet holders and displays and remove any out of date items and maintain in an orderly and tidy manner;
- 14.1.10. Put away furniture or equipment if not packed away;
- 14.1.11. Undertake general tidying as necessary (e.g. re-arranging foyer chairs; putting away papers; straightening curtains; etc.);
- 14.1.12. Store items appropriately and in locations designated for such; and
- 14.1.13. Ensure paths of emergency exits are kept free of any furniture or equipment or other items.

14.2. Council will:

- 14.2.1. Implement robust asset management processes and practices;
- 14.2.2. Undertake its own inspections additional to the regular inspections by the Section 355 Committee;
- 14.2.3. Undertake maintenance works of the building and fixed assets;
- 14.2.4. Undertake statutory testing and maintenance of fire protection equipment and emergency evacuation plans;
- 14.2.5. Provide keys and alarm codes as required;
- 14.2.6. Arrange for waste collection.

Requesting Maintenance and Cleaning

14.3. Council has a significant number of buildings it has to maintain. Having a standard process for reporting maintenance and cleaning requirements at its facilities assists

Council to prioritise and attend to maintenance and cleaning requirements at all its facilities (see clause 3 for Council's contact details).

- 14.4. A clean and well-kept facility not only presents a positive image for hirers and their guests but also maximises the likelihood of the hirers and guests looking after the facility.
- 14.5. Hirers are to leave the facility in a clean and tidy state and cleaning should be carried out by the Section 355 Committee in addition to user groups/hirers carrying out cleaning post hire/booking.

15. SUSTAINABLE COMMUNITY GROUPS (TIDY TOWNS) AND BUSHCARE GROUPS

- 15.1. When working on Council or public property, a Sustainable Community Group is required to inform Council of project intentions and seek approval from Council for such works using the form "*Specified Guidelines for Proposed Works on Council Land*" available from the website. For more information refer to Council's *Sustainable Communities Policy*.

16. WORK HEALTH AND SAFETY RISK MANAGEMENT

- 16.1. As a committee of Council, Section 355 Committees have a duty of care to ensure the health, safety and welfare of persons attending committee meetings, using a facility managed by the committees or attending an event organised by the committees, to name just a few.
- 16.2. All Section 355 Committee Members must comply with relevant sections of the *Work Health and Safety Act 2011* (NSW) and *Work Health and Safety Regulations 2017* (NSW) and this may include the codes of practice and standards. For more information refer to "*Safe Work Australia*" www.safeworkaustralia.gov.au

Risk Management

- 16.3. Risk management is a method of taking preventative and precautionary measures to avoid injury, loss and damage to either persons or property.
- 16.4. Risk management procedures apply to all of Council's premises, working environments and work activities. Procedures include hazard identification and assessment of risks.
- 16.5. Risk assessments and Safe Work Method Statements must be completed and provided to Council. This ensures the appropriate documentation is kept as evidence and to ensure all reasonable steps are being taken to identify any risks to the Section 355 Committees and users of facilities. Refer to *Appendix 9 and Appendix 10*. For further information or guidance relating to Work Health and Safety or Risk Management contact Council as per clause 3.

17. INSURANCE

Personal Accident Policy

- 17.1. Section 355 Committee members are covered by Council's personal accident insurance policy. The policy covers capital benefits and non-medical expenses

based on limits, terms and conditions and exclusions that are currently in place while undertaking Section 355 Committee duties.

- 17.2. Activities conducted within Council facilities and its grounds under the umbrella or auspice of Section 355 Committees are covered for public liability whilst undertaking duties set out in this *Guideline* and in the signed *Section 355 Committee Deed of Agreement*.
- 17.3. The Committee is to immediately contact Council when a person has been injured at any facility or grounds the Section 355 Committees are responsible for and an *Incident/Investigation Report* form must be completed and submitted to Council, within 24 hours of the incident. (Refer to Appendix 8).
- 17.4. If Section 355 Committees believe that further insurance is required (in addition to Council's personal accident insurance), they would be responsible for organising such cover, at their own cost.
- 17.5. Council should be contacted for clarification if there is any doubt in relation to appropriate insurance cover.

Public Liability

- 17.6. Section 355 Committees are also covered under Council's public liability insurance policy against claims for personal injury or damage, or loss to property to a third party/or parties:
 - 17.6.1. arising from an activity associated with the approved duties of a Section 355 Committee; and
 - 17.6.2. whilst undertaking duties set out in this *Guideline* and in the signed Section 355 Committee Deed of Agreement; and
 - 17.6.3. within the terms and conditions and exclusions of the policy;
- 17.7. Council collects a fee from all casual hirers to cover the administration cost so that they are also covered subject to policy terms, conditions and exclusions under Council's public liability insurance policy.
 - 17.8. However, the following casual hirers are specifically **excluded** from Council's public liability policy and **MUST** provide their own Public Liability Insurance:
 - 17.8.1. sporting bodies,
 - 17.8.2. clubs,
 - 17.8.3. associations,
 - 17.8.4. corporations,
 - 17.8.5. incorporated bodies,
 - 17.8.6. commercial,
 - 17.8.7. profit-making purposes, and
 - 17.8.8. Regular hirers (12 or more annual hire).
- 17.9. A Public Liability Certificate of Currency covering the hirer period with cover at or greater than the minimum of \$20 million dollars must be sighted and a current copy must be provided to the Section 355 Committee;
- 17.10. For a claim to be accepted by Council's insurers, it is up to the claimant to prove negligence on the part of Council or its Council Officials acting under, and within,

Council's authority. Council or Section 355 Committees cannot be held responsible for negligent actions of other persons/hirers.

Fire and Accident Damage

- 17.11.** This insurance policy covers buildings and contents including contents held in trust by Section 355 Committees or Council property. Any items owned by users are not covered by Council's fire and accident insurance policy as Council does not have an insurable interest in such items
- 17.12.** The Committee is to immediately contact the Police and Council when it first becomes evident of any damage to Council property and facilities.
- 17.13.** An Incident/Investigation Report Form must be completed and submitted to Council (see Appendix 8).

PART C – GOOD GOVERNANCE

18. FINANCIAL MANAGEMENT

- 18.1.** Section 355 Committees are subject to the same standards of financial accountability as Council. All funds and assets held by Section 355 Committees belong to Council. The Committees are responsible for the care, control and management of funds on behalf of Council.
- 18.2.** Section 355 Committees shall establish and maintain its own bank account with Council's nominated banking institution, ensuring two (2) Council Finance staff are signatories. All monies collected by Section 355 Committees, including deposits and bonds, shall be kept in the nominated bank accounts.
- 18.3.** The Section 355 Committees must always comply with Australian Tax Law and be able to justify where the funds have been spent, as well as:
- 18.3.1. Prepare and submit financial statements to Council annually (*Refer to Appendix 6*)
 - 18.3.2. Prepare and submit to Council monthly returns on GST (*Refer to Appendix 7*).
- 18.4.** Section 355 Committees can set aside provisional funds for the future needs of the facilities or initiatives they manage. Provisional funds allow Section 355 Committees to purchase additional or replace existing assets and equipment and/or provide improvements to the facilities or initiatives they manage at appropriate times in the future. Provisional funds and improvements will need to be approved by Council.

Annual Financial Statements

- 18.5.** Council is audited by the NSW Audit Office annually and Council is required to consolidate the activities and financial position of all Section 355 Committees, includes their financial statements.
- 18.6.** The annual statement of accounts is to be submitted to Council as soon as possible after the end of the financial year. This should be no later than 15th July each year (*Refer to Appendix 6*).
- 18.7.** The annual statement of accounts which is to be submitted to Council for the relevant year must comprise of:
- 18.7.1. Statement of Receipts and Payments,
 - 18.7.2. Balance Sheet, and
 - 18.7.3. All bank statements.
- 18.8.** The Statement of Receipts and Payments is a summary of the cash transactions over the year.

Australian Business Number (ABN)

- 18.9.** Council has an ABN and is registered for GST. All Section 355 Committees have the same number and status as Council; and the ABN is: 60 919 148 928.

Transactions between the Committee and Council

- 18.10.** As Council and Section 355 Committees are part of the same entity they have the same ABN and consequently there is NO GST on any transactions between the committee and Council.

Tax Invoices

- 18.11. Section 355 Committees must not approve the payment for the purchase of goods and services without a tax invoice.
- 18.12. Similarly, Section 355 Committees must not collect monies without issuing a Tax invoice.
- 18.13. Tax invoices and all claims for payment of goods and services received or reimbursements for out of pocket expenses are to be retained.
- 18.14. Tax invoices must be made available on request by Council.
- 18.15. It should be noted that all Section 355 Committees must abide by the ATO rules and the Accounting Standards of Australia.

Fees and Charges

- 18.16. In accordance with section 377 of the Act, Section 355 Committees does not have the power to set fees and charges. All fees and charges are set by Council resolution annually, and whilst Section 355 Committees may recommend amendments to hiring fees and charges, it is Council's discretion whether these recommendations are accepted. Section 355 Committees must implement the fees and charges adopted at the time.
- 18.17. Council will contact Section 355 Committees once a year to discuss the option of changing the fees and charges for the next financial year.
- 18.18. Section 355 Committees do not have the authority to waive, reduce or increase the fees or charges unless the program and/or service has been discussed and approved by a Council staff member with the correct sub-delegation. (i.e. for a charity event).

Dollar for Dollar Assistance Grants

- 18.19. Consider on an annual basis applications from Committees for dollar for dollar assistance grants towards local community based projects which provide environmental and/or aesthetic improvement, and meet *Council's Dollar for Dollar Scheme Guidelines* (DOC2019/041036) and annual budget allocation.
- 18.20. For Sustainable Communities groups:
 - 18.20.1. Consider budget allocations to provide seeding grants of \$500.00 for new Committees
 - 18.20.2. Consider the allocation of funds for entry fees to the KAB (NSW) Tidy Town competition and attendance at the annual awards event on behalf of recognised Sustainable Communities Committees in the LGA.
 - 18.20.3. Consider the allocation of funds to supply Sustainable Communities Committees in the City with paints and other materials for approved voluntary maintenance and improvement works to Council property and parks.
 - 18.20.4. On an annual basis, consider, the allocation of funds for a Community Environmental Care Initiative (CECI) from funds remaining in the Sustainable Communities Dollar for Dollar budget. The CECI will provide annual funding to those Tidy Town Committees that meet Council guidelines and agree to care for past projects and public areas.
 - 18.20.5. On a quarterly basis, consider the allocation of funds for reimbursement of fuel expenses used in machinery purchased through Council's Sustainable Communities Dollar for Dollar grant program and used for maintenance of community assets.

19. LEGAL ISSUES

- 19.1. From a legal perspective, it is important for Section 355 Committees to be aware that they are in fact acting on Council's behalf. Legally, the Section 355 Committees are 'Council' and any action which the committees undertake is Council's responsibility subject to the signed Section 355 Committee Deed of Agreement.

20. CONFLICTS OF INTEREST

- 20.1. In accordance with Council's [Code of Conduct](#), a conflict of interest exists where a reasonable and informed person would perceive that a Committee member could be influenced by a private interest when carrying out their public duty.
- 20.2. Section 355 Committee members must avoid or appropriately manage any conflict of interests. The onus is on Committee members to identify a conflict of interests and take the appropriate action to manage the conflict in favour of their public duty.
- 20.3. Any conflict of interests must be managed to uphold the probity of Committee decision making.
- 20.4. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 20.5. Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 20.6. A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause **20.8** below.
- 20.7. You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of Council's [Code of Conduct](#).
- 20.8. For the purposes of this Part within Council's [Code of Conduct](#), you will have a pecuniary interest in a matter if the pecuniary interest is:
- 20.8.1. your interest, or
 - 20.8.2. the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - 20.8.3. a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 20.9. For the purposes of clause **20.8** above:
- 20.9.1. Your "relative" is any of the following:
 - i. your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii. your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii. the spouse or de facto partner of a person referred to in paragraphs 20.9.1 (i) and (ii) above.
 - 20.9.2. The term "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987* (Cth).

20.10. You will not have a pecuniary interest in relation to a person referred to in sub-clauses **20.8.2** and **20.8.3** above:

- 20.10.1. if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
- 20.10.2. just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
- 20.10.3. just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

20.11. You must disclose in writing to the relevant Council liaison or the General Manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable after becoming aware of the interest.

What are non-pecuniary interests?

20.12. Non-pecuniary interests are private or personal interests the Council Official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

Managing non-pecuniary conflicts of interest

20.13. Where you have a non-pecuniary interest that conflicts with your duty as a Section 355 Committee member, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable after becoming aware of the interest.

20.14. If a disclosure is made at Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing.

20.15. How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

20.16. As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- 20.16.1. A relationship between a Council Official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household.
- 20.16.2. Other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- 20.16.3. An affiliation between you as a Committee member and an organisation, sporting body, club, corporation or association that is particularly strong.

20.17. If you as a Committee member have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- 20.17.1. Remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Committee member, or
- 20.17.2. Have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue in accordance with Council's [Code of Conduct](#).

20.18. If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances. For more information please refer to Council's [Code of Conduct](#)

21. RECORD KEEPING

- 21.1. The federal tax laws require Section 355 Committees to keep good financial records. Penalties can be imposed if committees fail to keep appropriate records.
- 21.2. Record keeping requirements are the same as is the case for the elected Council. All record keeping must be in accordance with the *State Records Act 1998* (NSW). Section 355 Committees are required by law to keep records that explain all its financial transactions and should be kept for at least seven years.
 - 21.2.1. Good financial records will help Committees manage the facility or initiative they are responsible for, meet tax obligations and make sound decisions. Good record keeping will save Committees time and money.
 - 21.2.2. Specifically, good records will help the Committee;
 - i. work out its income costs and monitor cash flow and assets;
 - ii. demonstrate its financial position to Council; and
 - iii. complete and lodge monthly GST statements.
- 21.3. Section 355 Committees need to be aware of the importance of minutes, because of their legal status and their liability to subpoena in court cases. The minutes must record all motions and amendments put to the meeting, and the results.
- 21.4. The President is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The President and Secretary are responsible for the form of the minutes for proper confirmation, and must check that there have been no unauthorised alterations to those minutes.

Filing

- 21.5. A logical and systematic filing system that is regularly maintained will greatly assist in the storage and easy location of information. Section 355 Committees shall:
 - 21.5.1. Keep files preferably in electronic format;
 - 21.5.2. Keep all files in a lockable secure location;
 - 21.5.3. Develop and maintain a filing system that can be easily referenced by anyone;
 - 21.5.4. Keep all financial and legal files for seven years after creation as per the *State Records Act 1998* (NSW);
 - 21.5.5. Keep all correspondence and committee generated documents including funding submissions and agreements, annual reports, reports to Annual General Meetings and minutes of meetings on file indefinitely for both legal reasons and to ensure a record of the organisation is kept.

22. PRIVACY AND PERSONAL INFORMATION PROTECTION

- 22.1. Council is committed to safeguarding the privacy of individuals and handling of personal information in accordance with the [Privacy and Personal Information Act 1998 \(NSW\)](#) and [Information Privacy Principles](#), the [Health Records and Information Privacy Act 2002 \(NSW\)](#) and [Health Privacy Principles](#), and any subordinate legislation.
- 22.2. The personal information collected and received in relation to Section 355 Committees will be used to administer any program, application or requirement related to the relevant Section 355 Committee and related administrative functions, and in accordance with Council's [Privacy Management Plan](#) and [Privacy Statement](#) which can be found on Council's website.
- 22.3. Personal information collected by Section 355 Committees may be disclosed to any Council Official responsible for assisting such committees, other government agencies and bodies as required by law, and to the general public where such committees handle money, procurement and allocation of funding.
- 22.4. Personal information collected about Section 355 Committee members may be used by Council Officials responsible for assisting, auditing and/or reviewing the practices of such committees, and may be disclosed to other government agencies and bodies as required by law and/or for the appropriate administration of such committees.
- 22.5. The supply of personal information is voluntary however if individuals do not supply required information, Council may not be able to process their applications or requests with respect to Section 355 Committees.
- 22.6. Personal information collected and received will be kept in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street, Cessnock NSW 2325.
- 22.7. Individuals may access, correct or update their personal information by visiting Council's website, contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to council@cessnock.nsw.gov.au.

23. COMPLAINTS

- 23.1. Complaints about Section 355 Committees are to be lodged in accordance with Council's [Complaints Handling policy](#).
- 23.2. When a complaint is lodged, it is first assessed by administrative staff to determine the nature of the complaint and the appropriate Council Official to consider the matter.
- 23.3. This assessment can occur prior to the specified addressee receiving the complaint unless a complaint is clearly marked confidential.
- 23.4. If you wish to make a complaint regarding the handling of your personal information, this should be lodged as a privacy complaint in accordance with Council's [Privacy Management Plan](#).
- 23.5. Complaints lodged in accordance with Council's [Complaints Handling policy](#) may still be assessed and deemed to be a privacy complaint.
- 23.6. Such deemed privacy complaints will be referred to the appropriate Council Official and dealt with in accordance with Council's [Privacy Management Plan](#).

24. THANK YOU MESSAGE

Council thanks all its Section 355 Committee members for their contribution in helping operate our community facilities and areas. All the time and effort Section 355 Committees have devoted into caring, controlling, improving and managing Councils community facilities and areas is appreciated by both Council and the local community.

Councils community facilities and areas provide the community with venues for events such as, parties, trivia nights, dance classes, martial arts and meetings just to name a few and without the contribution and dedication of Section 355 Committees such events would not have a safe and affordable place to utilise.

Council appreciates and values the assistance and efforts of volunteers from the Cessnock LGA and considers it as a crucial partnership in looking after the many Council facilities and areas enabling programs and community events that are so valued by the community.

PART D - ADMINISTRATION

25. GUIDELINE DEFINITIONS

Act	means the <i>Local Government Act 1993</i> (NSW)
Council	means Cessnock City Council
Council Official	means Councillors and their delegates, Council staff, volunteers and contractors.

26. GUIDELINE ADMINISTRATION

Business Group	Corporate and Community Services
Responsible Officer	Chief Finance and Administration Manager
Associated Procedure (if any, reference document(s) number(s))	N/A
Guideline Review Date	Three years from date of adoption unless legislated otherwise
File Number / Document Number	DOC2021/128646
Relevant Legislation (reference specific sections)	This guideline supports Council's compliance with the following legislation: <i>section 355 and 377, Local Government Act 1993 (NSW)</i>
Relevant desired outcome or objectives as per Council's Delivery Program	This Guideline supports the achievement of the following objective in Council's Delivery Program: <ul style="list-style-type: none"> ▪ A connected, safe and creative community ▪ A sustainable and healthy environment ▪ Civil leadership and effective governance
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Records Management Policy (DOC2019/038769) ▪ Dollar for Dollar Grant Scheme Guidelines (DOC2019/041036)

27. GUIDELINE AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	<<Enter text...>> The function that is authorised by adopting this guideline <i>e.g. Authorise claims for Councillor expenses</i>	<<Enter text...>> The role(s) authorised to perform the said function <i>e.g. Customer Service Officer</i> <i>Level 4 Team Leaders</i> <i>Level 3 Managers</i> <i>Manager Finance and Administration</i>


28. GUIDELINE HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	13/05/2022 – ELTCLM13/2022	New guideline adopted

29. APPENDICES

- Appendix 1 - Committee Membership Nomination Form; Committee List and Change of Details Form
- Appendix 2 - Agenda Template
- Appendix 3 - Minute Template
- Appendix 4 - Application for Use of Community Facilities
- Appendix 5 - Conditions of Hire for Community Halls
- Appendix 6 - Annual Financial Template
- Appendix 7 - Monthly / Periodic Financial Returns Template
- Appendix 8 - Incident/Investigation Report
- Appendix 9 - Safe Work Method Statement
- Appendix 10 - Risk Assessment Worksheet

APPENDIX 1 - COMMITTEE MEMBERSHIP NOMINATION FORM; COMMITTEE LIST AND CHANGE OF DETAILS FORM

		Nomination Form – Section 355 Committee Membership Section 355 Committee	
Title	First name	Surname	
Address			
Home phone		Work phone	
Email			
Type of membership (please tick a box and state the name of the committee you wish to volunteer for: <input type="checkbox"/> Community Hall <input type="checkbox"/> Tidy Towns Committee name: _____ <input type="checkbox"/> Other			
Position held in this club/organisation/group (e.g. Treasurer/Member)			
What are the reasons for wishing to be a Section 355 Committee member?			
Outline your background/experience that you will bring to the Section 355 Committee. (Please feel free to attach additional information)			
Signature of Nominee:		Date:	
PRIVACY NOTICE Council is committed to safeguarding the privacy of individuals and handling of personal information in accordance with the Privacy and Personal Information Act 1998 (NSW) and Information Privacy Principles , the Health Records and Information Privacy Act 2002 (NSW) and Health Privacy Principles , and any subordinate legislation.			
Purpose		The information on this form is being collected for the purpose of processing your application for becoming a Section 355 Committee Member. The information collected will be used for the purpose outlined and related administrative functions, and in accordance with Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.	
Intended Recipients		Council Officials.	

Supply	Voluntary.
Consequence of non-provision	If you do not supply the information we will not be able to process and administer your Section 355 Committee membership or take into account your feedback.
Storage and Security	Your personal information will be kept in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street CESSNOCK NSW 2325.
Access	You may access, correct or update your personal information by visiting Council's website contacting Council's Privacy Contact Officer on 4993 4100 or by sending an email to council@cessnock.nsw.gov.au .
If you want to know more about Council's obligations regarding your personal information or what rights you have, contact the Information and Privacy Commission or visit their website ipc.nsw.gov.au .	
Please return to The General Manager Cessnock City Council PO Box 152 CESSNOCK 2325	




Section 355 Committee Members List

Section 355 Committee Name: _____

Position	Name & Contact Details
President	
Vice President	
Secretary	
Treasurer	
Member (club/citizen)	
Member (club/citizen)	
Member (club/citizen)	
Member (club/citizen)	
Member (club/citizen)	
Member (club/citizen)	
Member (club/citizen)	
Member (club/citizen)	
Member (club/citizen)	

Privacy Notice

The information on this form is being collected for the purpose of [insert purpose]. The information collected will be used for the purpose outlined, and in accordance with Council's [Privacy Management Plan](#) and [Privacy Statement](#). The intended recipients of the information are Council Officials responsible for assisting, auditing and/or reviewing the practices of this committee, and may be disclosed to other government agencies and bodies as required by law and/or for the appropriate administration of this committee. The supply of your personal information is voluntary. If you do not supply the information we will not be able to process and administer your Section 355 Committee membership or take into account your feedback. Your personal information will be kept in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street CESSNOCK NSW 2325. You may access, correct or update your personal information by visiting [Council's website](#), contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to council@cessnock.nsw.gov.au.

		<p>Section 355 Committee</p> <p>Change of Members Details Form</p>	
Committee Name:			
Title:	First name	Surname	
Address:			
Home phone:		Work phone:	
Email:			
Signature of Nominee			
<p>Privacy Notice</p> <p>The information on this form is being collected for the purpose of [insert purpose]. The information collected will be used for the purpose outlined, and in accordance with Council's Privacy Management Plan and Privacy Statement. The intended recipients of the information are Council Officials responsible for assisting, auditing and/or reviewing the practices of this committee, and may be disclosed to other government agencies and bodies as required by law and/or for the appropriate administration of this committee. The supply of your personal information is voluntary. If you do not supply the information we will not be able to process and administer your Section 355 Committee membership or take into account your feedback. Your personal information will be kept in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street CESSNOCK NSW 2325. You may access, correct or update your personal information by visiting Council's website, contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to council@cessnock.nsw.gov.au.</p>			
<p>Please return to: Cessnock City Council Recreation Services PO Box 152 CESSNOCK 2325</p>			<p>Date:</p>

APPENDIX 2 - AGENDA TEMPLATE

SECTION 355 COMMITTEE MEETING

Day, Date, Time, Hall/Facility



AGENDA

Item Number:	Item
1	Open meeting
2	Record members present and apologies
3	Confirmation of minutes from previous meeting
4	Business arising out of minutes
5	Correspondence
6	Treasurer's report
7	Other reports
8	General business
9	Close meeting

APPENDIX 3 - MINUTE TEMPLATE

APPENDIX 4 - APPLICATION FOR USE OF COMMUNITY FACILITIES



OPEN SPACE AND COMMUNITY FACILITIES

**APPLICATION FOR USE OF
COMMUNITY FACILITIES**

**OFFICE
USE ONLY**

Place stamp here (Office use)

Date _____

J/N _____

Amount \$ _____

PART 1 - APPLICANT

APPLICANT DETAILS

Name _____

Organisation (if applicable) _____

Street Address _____		PO Box _____	Telephone _____
Suburb _____	State _____	Postcode _____	Mobile _____
E m a i l	_____		

PART 2 – COMMUNITY FACILITIES

FACILITY DETAILS *Please indicate by 'X'*

X	Facility Name	Maximum Capacity	Maximum Capacity allowed under Public Health Order (COVID-19 Restrictions)
	Abermain Plaza Hall	200	100
	Bellbird Community Hall	171	85
	Branxton Community Hall	294	147
	Crawfordville Community Hall – Millfield	75	37
	Ellalong Community Hall	49	24
	Former Greta Courthouse	96	48
	Greta Arts & Sports Community Hall	476	238
	Kearsley Community Hall	100	50
	Kurri Kurri Senior Citizens Hall	142	71
	Laguna Community Hall	185	92
	North Cessnock Community Hall	105	52
	Pokolbin Community Hall	200	100
	Weston Civic Centre	450 (Main Hall) 70 (Pensioners Hall)	225 (Main Hall) 35 (Pensioners Hall)
	Wollombi Community Hall	140	70

PART 3 – FUNCTION

FUNCTION TYPE *Please indicate with 'X'*

Meeting	18 th Birthday celebration (subject to hall)
School use	21 st Birthday celebration (subject to hall)
Playgroup	Commercial activities

Community event		Function (Other)	
FUNCTION DESCRIPTION <i>Brief description of the function</i>			
FUNCTION DETAILS <i>Please indicate with 'X'</i>			
PART 4 – HIRE DETAILS			
DATE AND TIME REQUEST			
Period of use	/	/	to / /
Monday	am/pm	to	am/pm
Tuesday	am/pm	to	am/pm
Wednesday	am/pm	to	am/pm
Thursday	am/pm	to	am/pm
Friday	am/pm	to	am/pm
Saturday	am/pm	to	am/pm
Sunday	am/pm	to	am/pm
Additional set-up time required	hrs	Additional packing-up time required	hrs
Frequency of hire (one-off hire, every Monday)			
<i>*If the proposed function is to be held on a Friday, Saturday or Sunday evening, PART 7 of this form MUST be completed</i>			
PROVISIONS			
Will alcohol be sold at the function	Yes	No	
Will alcohol be served at the function	Yes	No	
Will alcohol be brought to the function by guests	Yes	No	
Has security been hired for the function	Yes	No	
If answered YES to any of the questions above please refer to Section 9 – ALCOHOL AND FOOD CONDITIONS contained within the CONDITIONS OF HIRE FOR COMMUNITY FACILITIES to ensure all relevant licences and certificates are obtained. If applicable copies must be provided to the relevant Hall Management Committee and/or Cessnock City Council.			
No booking is confirmed until approval is received as a letter from Cessnock City Council or verbally from the relevant Hall Management Committee.			
HIRE TYPE <i>Please indicate by 'X'</i>			
Hall per day	Chairs		
Hall per half day	Casual Hirer Administration Fee \$30		
Hall per hour	Other fees (foyer, cutlery, sound equipment)		
Tables	Bond		
Note: Bond (or balance of) will be refunded within 14 days following the return of the keys and subsequent inspection of the facility to the applicant.			
Subject to the Management Committee please indicate your preferred bond refund payment method			
EFT	Cash	Cheque	
Account name			
BSB	Account number		
PART 5 – INSURANCE			
ORGANISATION			
Is the organisation incorporated	Yes	No	
A copy of current public liability insurance attached	Yes	No	

If the organisation is incorporated it must provide Council with a copy of its current Public Liability Insurance. If the organisation is not incorporated, it is subject to a casual hirers administration fee payable to Council (see below).

CASUAL HIRER ADMINISTRATION FEE

Private Individuals that are not involved in an organisation, wishing to utilise Council's sporting facility and recreation areas no more than once a month and no more than twelve (12) times per calendar year are required to complete and return Council's Application for Use Form and are subject to a casual hirers administration fee payable to Council.

I/We understand that any incident or accident which may lead to a casual hirer claim should be referred directly and immediately to Cessnock City Council at the earliest possible opportunity. Each and every claim incurs an excess of \$1,000 that is payable by the hirer.

I/We have read the Conditions of Use for Cessnock City Council Sport and Recreation Areas. I/We agree with the condition that each and every claim incurs an excess of \$1,000 that is payable by the hirer. I/We agree to abide by and be bound by those conditions and have paid the casual hirer administration fee of \$35.00 (inclusive of GST).

Applicant(s) Name	Date
-------------------	------

Applicant(s) Signature

Please note that Cessnock City accepts no responsibility for any personal injury, loss or damage to any property whatsoever belonging to either the hirer or any other persons attending the function. If you have any enquiries please call Council's Recreation Services Department on 02 4993 4234.

PART 6 – AMUSEMENT DEVICES, RIDES OR COMMERCIAL OPERATORS

If a third party commercial operator will occupy the facility as part of the function, please provide the following information as well as a copy of the operator/supplier certificate of currency to this application form.

Description of the device/ride/service

Dimensions of the device/ride (if applicable)

Supplying company

Contact person

Supplying company's address

Supplying company's phone number

Public liability insurance company

Policy number	Policy value	Expiry date
---------------	--------------	-------------

PART 7 – REGISTRATION OF FUNCTION

If the proposed function is to be held on a Friday, Saturday or Sunday evening, it must be registered on the Police NSW website.

Has the function been registered at the NSW Police Safe Party Registration website?	Yes	No
---	-----	----

Party registration number (from Police NSW Safe Party Registration website)

PART 8 – DECLARATION

APPLICANT DECLARATION

I/We apply for approval to utilise a Cessnock City Council owned Community Facility described in this application. I/We declare that all the information in the application is to the best of my/our knowledge, true and correct.

I/We give consent to Cessnock City Council to use the application and documents, provided in support of this application for advertising and notification purposes.

I/We have read the Conditions of Hire for Cessnock City Council Community Facilities. I/We agree to abide by and be bound by those conditions.

Applicant(s) Name	Date
-------------------	------

PRIVACY NOTICE

Council is subject to the *Privacy and Personal Information Protection Act 1998* (NSW) in dealing with your personal information. [Council's Privacy Management Plan](#) and [Privacy Statement](#) describe how the agency meets these obligations.

Purpose	The information on this application for the use of community facilities form is being collected for the purpose of processing the application form and may be disclosed to other government agencies and bodies as required by law, and to the general public where such committees handle money, procurement and allocation of funding.
Intended Recipients	Council Officials administering usage of community facilities
Supply	Voluntary
Consequence of Non-provision	If you do not supply the information, we will not be able to process your application.
Storage and Security	Your personal information will be kept in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street CESSNOCK NSW 2325
Access	You may access, correct or update your personal information by visiting Council's website , contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to council@cessnock.nsw.gov.au .

Applicant(s) Signature

PART 9 – LODGEMENT INFORMATION

HOW TO LODGE YOUR APPLICATION

<p>Address the application to</p> <p>General Manager Cessnock City Council PO Box 152 CESSNOCK NSW 2325</p>	<p>Lodge in person (between 9am – 4.30pm) at Council's Administration Building</p> <p>Cessnock City Council 62-78 Vincent Street CESSNOCK NSW</p> <p>Lodge by email council@cessnock.nsw.gov.au</p> <p>Payment Method In person - Cash, Cheque, Mastercard, Visa, and/or EFTPOS.</p>	<p>How to Contact Us Phone: (02) 4993 4100 Email: council@cessnock.nsw.gov.au www.cessnock.nsw.gov.au</p> <p>Office Hours 9am to 5pm Monday to Friday <i>*Payments are accepted until 4.30pm</i></p> <p>Fees Fees are calculated in accordance with Council's adopted fees and charges.</p>
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If you require further information regarding this request, please contact Council's Customer Service on (02) 4993 4100.

APPENDIX 5 - CONDITIONS OF HIRE FOR COMMUNITY HALLS



CONDITIONS OF HIRE FOR COMMUNITY FACILITIES

DEFINITIONS

“**The Council**” shall mean the Council of the City of Cessnock

“**The Hirer**” must be any persons over the age of 18 years

“**The facility**” refers to any of Council’s Community Halls

1. EMERGENCY EVACUATIONS AND UNSAFE SITUATIONS

Hirers must familiarise themselves with the items listed below and advise those attending of the following:

- 1.1 Safe access, egress points and First Aid Kit location
- 1.2 Emergency exits, evacuation plan and external assembly point
- 1.3 Location of fire extinguishers and fire protection equipment (eg. Fire hose reels & fire blankets)
- 1.4 Remove yourself and guests in any unsafe situations
- 1.5 **In case of emergency call 000**

SAFETY of the hirer & the hirer’s guests is the hirer’s responsibility whilst under the Hirers care and control

AFTER HOURS – Please contact Council on 4993 4100 or the Hall Management Committee.

2. POLICE REGISTRATION, FUNCTIONS ONLY

Where it is proposed to sell, provide or have alcohol at a function or the function is to be held on a Friday, Saturday or Sunday evening the hirer is required to register the function on the Police web site:

https://www.police.nsw.gov.au/online_services/party_safety/party_registration (see Part 7. Registration of Function - Application for Use of Community Facilities form)

3. BOOKING INFORMATION

- 3.1 Applications are to be submitted to the relevant Hall Management Committee or Cessnock City Council (Bellbird Hall only)
- 3.2 Supply full particulars of the nature and the purposes for which the facility is being hired
- 3.3 Hire charges shall be in accordance with Council’s adopted Fees and Charges
- 3.4 All charges for hire shall be paid strictly in advance
- 3.5 All booking approvals will be notified in writing to the applicant. Please allow ten (10) working days for application to be processed
- 3.6 Council/Hall Management Committee shall be at liberty to refuse to hire the facility to any applicant
- 3.7 Council facilities are not available for overnight hire
- 3.8 Regular bookings may be made for a maximum period of twelve months at a time

4. CANCELLATIONS

- 4.1 Cancellations are accepted fourteen (14) days prior to a booking. Refund of any bond paid shall be at the discretion of the Council / Hall Management Committee
- 4.2 Regular Hirers are required to pay for each and every day they book unless fourteen (14) days notice is received

5. BOND

- 5.1 The bond may be used in order to repair, make good any damages or losses, extra cleaning and any charges relating to security patrol call outs to the facility. The decision of Council is not restricted to the amount of the bond
- 5.2 The bond or the balance of the bond will be refundable within fourteen (14) days following the return of the keys and subsequent inspection of the facility

6. KEYS

- 6.1 Can be collected from Council before 5pm Monday – Friday up to two days prior to the booking (Bellbird Hall only) or at an agreed time with the Hall Management Committee for all other facilities
- 6.2 Return of the keys to Council / Hall Management Committee no later than two business days following the booking
- 6.3 A key deposit may be requested in accordance with Council’s adopted Fees and Charges

6.4 Lost or damaged keys – the hirer will be charged the full cost of replacement
The key register MUST be SIGNED before the hirer is issued any keys & countersigned upon return

7. CONDITIONS

- 7.1 The hirer is responsible for setting up, cleaning and putting away of all tables and chairs
- 7.2 Any Council equipment that is stolen or damaged (eg tables, chairs or fire protection equipment) during the hire of the facility will be at the hirer's expense to replace/repair the equipment
- 7.3 The hirer is responsible for the supervision and safety of any children and invitees at the function/event at all times
- 7.4 All passageways, aisles and exits must be kept clear and useable to ensure public and guest safety
- 7.5 Any equipment stored on site, short term or long term, is at the hirers own risk. Council accepts no responsibility for lost, stolen or damaged equipment stored within the facility
- 7.6 Only one electrical appliance is to be used in each power point. Appliances are not to be piggy backed into each other. Any modification to hirer's electrical equipment on site is to be carried out by a qualified electrician
- 7.7 Spillages – must be immediately cleaned up to protect the floors and for WHS reasons
- 7.8 Nails, screws or any other fastenings including adhesive tape must not be driven into or attached in any way to the walls, floors, timberwork, furniture, fittings, appliances or apparatus
- 7.9 The use of candles at the facility is to be discussed with the Hall Management Committee or Council officers to obtain consent
- 7.10 Prohibited items: confetti, paints, chewing gum, pyrotechnics (fireworks), illegal substances, hazardous substances, firearms, barbeques or spit roasts lit anywhere inside the facility
- 7.11 No flammable liquid is to be left on site
- 7.12 Smoking is prohibited inside the building & within 10 metres of playgrounds and 4 metres of any pedestrian access point to a facility as per the *Smoke-free Environment Act 2000*. Any persons smoking outside the building must be clear of pedestrian access points, preventing smoke entering the facility
- 7.13 If the hirer engages any contractor, it is the hirer's responsibility to sight the contractor's current public liability insurance to cover works, catering, entertainment, amusement rides or security to be provided at the facility
- 7.14 No animals shall be allowed in the facility except animals trained to assist people with disabilities or if Council grants special approval
- 7.15 Subletting of the facility is prohibited

8. NOISE

- 8.1 Noise shall be kept within acceptable limits during the hiring and when departing the facility
- 8.2 If the Police attend due to complaints received regarding the noise level than the hirer should immediately comply with any instructions from the Police
- 8.3 The use of any sound amplification equipment outside the building is strictly prohibited
- 8.4 The NSW Department of Planning, Industry and Environment Time Restrictions Noise Table states that musical instruments and electrically amplified sound equipment be turned off from midnight to 8am on Friday, Saturday or any day preceding a public holiday or 10pm to 8am on any other day

9. ALCOHOL AND FOOD CONDITIONS

- 9.1 Selling Alcohol at a Function – A Liquor – Limited Licence (Single Function) & Responsible Service of Alcohol (RSA) certificate is required – which must be produced and sighted by Council to confirm the booking details. A Limited Licence (Single Function) must be lodged online or with the Local Court House at least four weeks prior to the function. Visit <https://www.liquorandgaming.nsw.gov.au> for further information
- 9.2 Alcohol may not be sold in the facility without a liquor licence (see Part 4. Hire Details - Application for Use of Community Facilities form)
- 9.3 Sale or Supply of Liquor to a Minor is prohibited. Penalties apply as per the Liquor Act 2007 – SECT 117
- 9.4 Hirers will comply with any requirements of the Food Act 2003 and the Food Regulation 2015. Information relating to this legislation is available at www.foodstandards.gov.au

10. INSURANCE

- 10.1 Individuals or organisations wishing to utilise Councils Community Facilities as a casual hirer are subject to a casual hirers administration fee payable to Council. Casual hirer means any person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year. E.g. parties, baby shower, celebrations etc
- 10.2 Regular hirers of the facility must provide a copy of their Public Liability Insurance with a minimum of \$20 million. Regular hirer refers to more than one booking per month and/or more than 12 bookings per calendar year by an individual and/or organisation

11. SECURITY

- 11.1 Where a function is deemed by Council as high risk such as 18th and 21st birthdays, the hirer may be requested at their own expense, to hire a minimum of two registered Security Personnel to assist in maintaining a safe

<p>environment in and adjacent to the facility</p> <p>11.2 Council will accept no responsibility for actions of persons engaged by the hirer, particularly, but not limited to, those engaged for the purposes of crowd control, commonly referred to as 'bouncers'</p>	
<p>12. CONSENT</p>	
<p>12.1 The following activities require consent from Council if:</p> <p>12.1.1 Working at heights: ladders, elevated platforms, scaffolding or rigging</p> <p>12.1.2 Working in designated confined spaces, below the stage area and roof cavity</p> <p>12.1.3 Using strobe or UV lights</p> <p>12.1.4 Working with overhead lights of stage area (if applicable)</p> <p>12.2 Please apply in writing to Council fourteen (14) days prior to the booking with safe work method statements. Risk assessments must be completed on site before commencing any works and be retained in the event of an incident or future claim</p>	
<p>13. NSW CHILD PROTECTION LEGISLATION</p>	
<p>User groups who provide services for children and wish to use or hire Council facilities must have appropriate Working with Childrens Check and have Child Protection policies or procedures in place. Council may request copies of policies or procedures for any bookings</p>	
<p>14. TIME OF HIRE</p>	
<p>Unless otherwise specified the hire period must cease by 12 midnight. The hirer, guests and contractors must vacate the premises by 1am. Hirers wishing to extend their hire period must make special application in writing to the General Manager</p>	
<p>15. BEFORE LEAVING - CHECKLIST</p>	
<p>15.1 The Hirer agrees to leave all areas of the premises hired in a clean and tidy condition <u>immediately</u> after the function. Access is unavailable after 9am the next day (unless otherwise approved by the Hall Management Committee or Council). The following checklist will be the responsibility of the Hirer:</p> <ul style="list-style-type: none"> <input type="checkbox"/> All tables and chairs are cleaned stacked/folded and put away <input type="checkbox"/> Frequently touched surfaces such as tabletops, door handles, light switches, desks, toilets and toilet doors, taps, remotes, kitchen surfaces and cupboard handles are cleaned and disinfected <input type="checkbox"/> Floors & Stage swept <input type="checkbox"/> Kitchen benches, sinks appliances and handles are wiped over and disinfected <input type="checkbox"/> Toilets cleaned and disinfected <input type="checkbox"/> Decorations removed <input type="checkbox"/> Broken glass & cigarette butts picked up <input type="checkbox"/> All garbage bins emptied <input type="checkbox"/> All rubbish removed from the buildings <input type="checkbox"/> Oven & refrigerator cleaned (if applicable) <input type="checkbox"/> All lights, air conditioners and fans are turned off <input type="checkbox"/> All windows are securely locked <input type="checkbox"/> All external doors are securely locked <input type="checkbox"/> All goods, materials and property brought into the facility for the function/event/booking removed <input type="checkbox"/> All external grounds/gardens are free of rubbish <p>15.2 Any damage which occurs due to the non-compliance of this clause, will result in the Hirer having to meet all costs associated with the repairs and/or replacements as necessary</p>	
<p>16. COVID-19 (novel coronavirus)</p>	
<p>The following conditions must be adhered to in relation to COVID-19 restrictions put in place by the Federal and/or State Government.</p> <p>16.1 All groups must comply with Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) 2020 including, but not limited to:</p> <p>16.1.1 Providing a copy of the Hirers COVID-19 Safety Plan</p> <p>16.1.2 Checking the wellbeing of staff, customers, students</p> <p>16.1.3 Maintaining physical distancing (1.5m)</p> <p>16.1.4 Having hygiene and cleaning equipment for pre and post booking disinfecting of high touch surfaces including tabletops, door handles, light switches, desks, toilets and toilet doors, taps, remotes, kitchen surfaces and cupboard handles</p> <p>16.1.5 Keeping the name and mobile number or email address for all staff, customers, students and contractors for period of at least 28 days. Records are only to be used for tracing COVID-19 infections and must be stored confidentially and securely.</p> <p>16.2 Failure to do so will be treated as a breach of the Conditions and Use and may be terminated, without any liability being incurred by Council.</p>	

17. DISPUTES

In the event of any dispute arising as to the meaning of any of these Conditions of Hire, or between the hirer and any representative of the Hall Management Committee, the decision of Council shall be final

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Purpose	The information on this application for the use of community facilities form is being collected for the purpose of processing the application form and may be disclosed to other government agencies and bodies as required by law, and to the general public where such committees handle money, procurement and allocation of funding.
Intended Recipients	Council Officials administering usage of community facilities
Supply	Voluntary
Consequence of Non-provision	If you do not supply the information, we will not be able to process your application.
Storage and Security	Your personal information will be kept in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street CESSNOCK NSW 2325
Access	You may access, correct or update your personal information by visiting Council's website , contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to council@cessnock.nsw.gov.au .

APPENDIX 6 - ANNUAL FINANCIAL TEMPLATE

ANNUAL FINANCIAL STATEMENT	
This information is used in Council's Annual Financial Statements which are prepared on a financial year basis. Please complete this form as soon as practicable after the end of the financial year. This should be accompanied by a copy of bank statements for the period.	
This template may be used as a guide only. Each committee may have a different way of presenting the financial information.	
Organisation:	
Period of return:	
Contact Person:	
Address:	
Phone:	
Email:	
<u>INCOME</u>	
SOURCE	AMOUNT
Rental/Fees	
Grants	
Donations	
Bank Interest	
Other (please specify)	
TOTAL INCOME	
<u>EXPENDITURE/OUTGOINGS</u>	
SOURCE	AMOUNT
Printing/Stationery	
Telephone	
Insurances - General	
Gas	
Electricity	
Bank Charges	
Postage	
Cleaning Goods	
Other (please specify)	
Other (please specify)	
Special Projects	
<i>(please specify each special project)</i>	
Maintenance and Replacement	
Equipment	
Buildings	
Grounds	
TOTAL EXPENSES	
PROFIT / (LOSS)	
(Total Income less Total Expenses)	

APPENDIX 7 – MONTHLY/ PERIODIC FINANCIAL RETURNS TEMPLATE

MONTHLY/PERIODIC FINANCIAL RETURN - SUMMARY

This information is used to prepare Council's BAS Statement. If GST on income is greater than GST on expenditure, then the committee will be required to pay the net GST to Council. If GST on expenditure is greater than GST on income Council will refund the net GST to the committee.

Please complete this form, at least, on a quarterly basis, even if it is a Nil return.

Organisation:

Period of return:

Contact Person:

Address:

Phone:

Email:

INCOME

Source	Amount	GST	Total
eg Hall Hire	\$100.00	\$10.00	\$110.00
TOTAL:			

EXPENDITURE

Source	Amount	GST	Total
eg Electricity	\$100.00	\$10.00	\$110.00
TOTAL:			

Signed:

Date:

APPENDIX 8 – INCIDENT / INVESTIGATION REPORT

Name of Person Reporting Incident:		Date:	Phone No:
Incident Being Reported: <input type="checkbox"/> Injury <input type="checkbox"/> Council Property Damage <input type="checkbox"/> Public Property Damage <input type="checkbox"/> Damage to Utility <input type="checkbox"/> Environment <input type="checkbox"/> Theft <input type="checkbox"/> MVA <input type="checkbox"/> Near Hit <input type="checkbox"/> Exposure to Substance <input type="checkbox"/> Abuse/Harassment <input type="checkbox"/> Unsafe Condition <input type="checkbox"/> Other			
Person Involved: <input type="checkbox"/> Member of Section 355 Committee <input type="checkbox"/> Volunteer/Visitor <input type="checkbox"/> Member of the Public			
Name of Person Injured/Involved:		Witness:	
Address: <i>(Non Employees Only)</i>			Phone:
Location of Incident:		Incident Date:	Time: am/pm
Mechanism / Agency of Injury / Incident (How & What caused the injury / incident)		Type of Injury(s)	
<input type="checkbox"/> Lifting / Carrying	<input type="checkbox"/> Violence / Assault	<input type="checkbox"/> Struck By	<input type="checkbox"/> Bruise
<input type="checkbox"/> Repetitive Task	<input type="checkbox"/> Workstation Design	<input type="checkbox"/> Struck Against	<input type="checkbox"/> Burn
<input type="checkbox"/> Vehicle	<input type="checkbox"/> Needle / Sharps	<input type="checkbox"/> Noise	<input type="checkbox"/> Foreign Body
<input type="checkbox"/> Slip / Trip / Fall	<input type="checkbox"/> Machinery/Fixed Plant	<input type="checkbox"/> Heat	<input type="checkbox"/> Strain
<input type="checkbox"/> Mobile Plant/Equipment	<input type="checkbox"/> Animal / Insect	<input type="checkbox"/> Cold	<input type="checkbox"/> Sprain
<input type="checkbox"/> Chemical / Hazardous Subst	<input type="checkbox"/> Psychological	<input type="checkbox"/> Radiation	<input type="checkbox"/> Puncture
<input type="checkbox"/> Electrical	<input type="checkbox"/> Muscular Stress	<input type="checkbox"/> Cut	<input type="checkbox"/> Fracture
<input type="checkbox"/> Abrasion	<input type="checkbox"/> Poisoning	<input type="checkbox"/> Exposure	<input type="checkbox"/> Other
Part(s) of Body Affected: (e.g. left leg, back, right eye)			
Details of Property Damage / Theft			
What was Damaged / Stolen:			
Description of Incident - What Happened: (Add, if required, witness details that witnessed the incident. Attach extra sheet if needed)			
SECTION 2 – INITIAL INCIDENT INVESTIGATION			
Reported by (Name):		Date:	
(1) What immediate action was taken to deal with the incident?			
(2) What unsafe act or unsafe condition caused the incident?			
(3) What corrective action will be taken to prevent the incident reoccurring?			

PRIVACY NOTICE

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Intended Recipients	Council Officials responsible for Work, Health and Safety practices
Supply	Voluntary
Consequence of Non-provision	If you do not supply the information, we will not be able to process your incident report.
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APPENDIX 9 - SAFE WORK METHOD STATEMENT

SAFE WORK METHOD STATEMENT

Work Activity:		Work Activity Location:	
Person(s) Responsible for ensuring compliance with SWMS:		Contact Phone No:	
High-risk construction work:	<i>e.g. In or adjacent to a road, that is in use by traffic</i>	Work Activity Coordinator/Manager:	
SWMS Prepared by:		Date:	
Review Date for SWMS:		Position Responsible for reviewing SWMS:	
Activity: What are the tasks involved within the activity?	Hazards: What are the hazards and risks?	Control Measures: How will hazards and risks be controlled? (Describe the control measures and how they will be used)	
Think about the worksite and each stage of the project, including preparation and clean-up.			

Safe work method statement (continued)

Steps for filling out SWMS

1. Discuss with relevant committee members and/or Council, contractors and HSRs what work will be high-risk, the tasks, and associated hazards, risks and controls.
2. In the 'Activity' column, list the work tasks in sequence to how they will be carried out.
3. In the 'Hazards' column, list the hazards for each work task.
4. In the 'Control Measures' column, select the hazard or risk and then work through the control levels (see below) 1 – 4 from top to bottom. Choose a control measure (and how it is to be used) that is as close to level 1 as is reasonably practicable.

Control levels

1. **Eliminate** any risk to health or safety associated with construction work.
2. **Reduce** the risk to health or safety by any one or any combination of the following:
 - **Substituting** a new activity, procedure, plant, process or substance
 - **Isolating** persons from the hazard, such as barricading, fencing or guard railing, or
 - **Using engineering controls**, such as mechanical or electrical devices.
3. **Use administrative controls**, such as changing the way the work is done.
4. **Provide appropriate personal protective equipment.**
5. Brief each team member on this SWMS before commencing work. Ensure team knows that work is to immediately stop if the SWMS is not being followed.
6. Observe work being carried out. If controls are not adequate, stop the work, review the SWMS, adjust as required and re-brief the team.
7. Retain this SWMS for the duration of the high-risk construction work.

<p>CODES OF PRACTICE, LEGISLATION, STANDARDS & REFERENCE MATERIAL ETC: (List all Legislation, Codes of Practice and Standards that are applicable)</p>	
<p>PLANT & EQUIPMENT: (List plant & equipment that will be use on the job e.g. ladders, scaffold, electrical leads & equipment, formwork, fire extinguishers, chemicals, backhoe etc.)</p>	
<p>PERSONAL PROTECTIVE EQUIPMENT(PPE): (List what PPE is need to undertake the work e.g. hard hat, hearing protection, eye protection etc.)</p>	
<p>WORKERS CONSULTED IN DEVELOPMENT OF SWMS:</p>	
<p>QUALIFICATIONS/TRAINING NEEDED TO COMPLETE TASKS:</p>	<p>i.e. General Construction Induction, Working at heights</p>

APPENDIX 10 - RISK ASSESSMENT WORKSHEET

RISK ASSESSMENT WORKSHEET

NAME: Person conducting assessment		POSITION	
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TO COMPLETE THE RISK ASSESSMENT WORKSHEET USE THE **RISK SCORE MATRIX** AT BOTTOM OF SHEET TO DETERMINE **RISK RATING** AND **RISK PRIORITY**. THIS RISK ASSESSMENT IS TO BE TRANSFERRED FOR **MAJOR/MEDIUM RISKS** TO A WORK METHOD STATEMENT.

ACTIVITY		ACTIVITY CODE		Date	
PROJECT NAME					
PROJECT DESCRIPTION					
PROJECT/ACTIVITY STEPS	HAZARD TYPE	RISK RATING Major Medium Minor	RISK PRIORITY 1-6	CONTROL MEASURES	RISK RATING AFTER

The following persons were consulted when assessing risk levels and deciding relevant control measures

NAME						
NAME						

PERSON AUTHORISING RISK ASSESSMENT	PRINT NAME		SIGNATURE	
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Hazard Guidelines		
Safety Hazards	Environmental Hazards	Hierarchy of Control

<ol style="list-style-type: none"> 1. Manual Handling 2. Plant & Equipment – operation, maintenance, storage and inspection 3. Working at Heights 4. Confined Spaces – identification and marking of work situations that can be regarded as a confined space. 5. Vehicle and Plant Movement – identification of requirements, planning and personnel awareness 6. Hazardous Substances and dangerous goods – identification, marking, handling, use, storage, spillage, containment, removal and disposal. 7. Electrical Work – identification and marking – contacts for location, adjustment, repair and emergency. 8. Body Stressing – caused by lifting, repetition of movements i.e. bending, pulling, pushing, turning or working in confined or unchangeable positions. 9. Blasting – warrant, requirements and contacts for carrying out. 10. Traffic Control – traffic control plans – additional measures. 11. Underground and overhead utilities – identification and marking – contacts for location, adjustment, repair and emergency. 12. Other activities identified from experience or notified warning. 	<ol style="list-style-type: none"> 1. Environmentally sensitive areas i.e. acid sulphate soils. 2. Need for approvals, licences and permits. 3. Site access – consideration of erosion, noise, traffic conflict, dust and pedestrian thoroughfare and property access. 4. Erosion and sedimentation controls. 5. Water Management – discharge to waterways, pool water quality. 6. Air Quality – including dust suppression, chemical odours, plant and vehicle emissions. 7. Fire – permits, emergency response. 8. Ground vibration and air blast – affect on adjacent structures. 9. Vegetation – damage, destruction, removal 10. Fauna – damage, destruction, removal of food trees and access (i.e. Koala areas) 11. Hazardous Chemicals (Herbicides, Pool Chemicals) – licences, handling, use, storage, spillage, containment, removal and disposal. 12. Indigenous and Non-indigenous heritage – site identification, marking, preservation. 13. Contaminated Ground. 	<ol style="list-style-type: none"> 1. Implementing measures to reduce the risk associated with any issue is the process for controlling them. The control measures must follow the order detailed in the Hierarchy of Control below. 2. A combination of controls may be appropriate. <ul style="list-style-type: none"> • Elimination of the hazard • Substitution eg of the equipment or substance • Isolation eg distance or enclosure • Engineering controls eg guarding • Administrative controls eg supervision, training, job rotation • Personal protective equipment 3. It must be noted that personal protective equipment should always be the last control option considered.
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Risk Analysis

A risk analysis is conducted to determine the level and the different types of risk associated with each step in the activity. The Section Manager, Co-ordinator, Team Leader or Superintendent or an appropriately trained or experienced representative conducts the risk analysis in accordance with the guidance table below. The Risk Analysis Matrix takes into account the probability (likelihood) of a specific unplanned event occurring and the possible outcome (consequence) to the person, environment, public property, quality of the job, cost, etc. if it does. The level of risk ascertained from the analysis determines the control measures that will be implemented for that particular step in the activity. Depending on the risk rating achieved will determine the needs to be made on the appropriate levels of control to manage the level of risk.

- For each hazard think about: How severely it could hurt someone and how likely is it to happen?

WHEN COMPLETING RISK ASSESSMENT USE THE RISK RATING SCORE MATRIX AND FOLLOW THE PROCESS BELOW FOR THE FOLLOWING RATINGS.

Major & Medium Do not commence job, see coordinator/section manager. Written work procedure is required. Example: Safe Work Method Statement. Employees to be trained in written work procedures.
For plant a Standard Operating Procedure (SOP) to be written. Operator to be trained in the SOP. Plant that require a National Certificate are excluded, an assessment is still required.

Minor Job can proceed without written work procedure. Employees to be trained in controls identified in the risk assessment.

LIKELIHOOD

Risk Matrix How severely could it hurt someone or damage the environment	LIKELIHOOD			
	Very Likely Could happen anytime	Likely Could happen sometime	Unlikely Could happen but very rarely	Very Unlikely Could happen but probably never will
Catastrophic OHS - Death, permanent disability, disease. Environmental - extreme community dissatisfaction, extreme pollution, toxic release, requires outside assistance.	1	1	2	3
Major OHS - Extreme injury, long term illness Environmental - high level of community discontent, severe pollution extending beyond site.	1	2	3	4
Medium OHS - Medical attention, several days off work. Environmental - frequent community complaints, significant pollution onsite, contained with assistance.	2	3	4	5
Minor OHS - First aid Environmental - occasional community complaints, low level pollution and controlled onsite.	3	4	5	6

HIERARCHY OF CONTROLS

1. ELIMINATION OF HAZARD
2. SUBSTITUTION - e.g. of equipment, substance or work process
3. ISOLATION - e.g. distance or enclosure using barriers
4. ENGINEERING - e.g. guarding with cut of switch or mechanical lifting aid.
5. ADMINISTRATION e.g. signage, written procedures
6. PERSONAL PROTECTIVE EQUIPMENT e.g safety glasses, hard hat.