



## **DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT**

14<sup>th</sup> November 2006

<b>DCCS11</b>	<b>REVIEW OF 355 COMMITTEES OF COUNCIL</b>
<b>FILE: 433</b>	<b>KRW {Folio No. *}</b>

### **SUMMARY:**

To review the 355 committees of Council and the ability of these committees to exist and function effectively in the long term and the availability of Council resources to manage and maintain the functions of those committees.



### **DESCRIPTION:**

Council may appoint (Section 355) in respect of any park, reserve, cemetery, hall or facility or undertaking under the control of the Council, a Committee of local citizens, and delegate to the Committee (section 377) the care, control and management of the work or activity, and the expenditure of such monies as the Council may vote.

The Council may withdraw its delegation to any such Committee at any time.

Each such appointment and delegation is to be reviewed in the first twelve months of each term of Council. Any Committee appointed to manage a Council facility must manage the facility under guidelines set by Council, and the Occupational Health and Safety Act 2000 and Regulations 2001.

### **Review undertaken of current 355 committees**

In May this year a review of the current list of committees was carried out, with the aim to allow assessment of the listed committees for compliance to the requirements of having 355 status.

The list of 58 committees was reduced to 44 by simple elimination of defunct committees e.g. the Crescent Head Tidy Towns Committee and The Upper Macleay Unlimited Committee.

To ascertain if the remaining 44 committees were functioning, letters were sent out requesting a copy of each committee's minutes from the last annual general meeting and a copy of their financial statement for the past 12 months.

Of the 44 letters forwarded, responses were received from 29, no responses were received from 15 committees and one response informed that they were not a 355 committee of council.

An advertisement was placed in local media in an attempt to contact the committees that did not reply to the initial mail out.

A total of 31 committees responded with all or part of the information requested.

From the information received a further review of all committees was undertaken to establish what functions of council were being carried out by the committees and what benefit the committee gave to the community.

The categories of Council's 355 committees are as follows Community Service, Cultural, Environmental, Hall, Sports, and Tennis.

From the listing the following sports committees were considered to be coexisting under already affiliated conditions of state bodies and as such already have cover for Public Liability in their own right.

- Frederickton Sports Association
- Gladstone Sports Association
- Kemp Street Sports association
- Kempsey Junior Rugby League Committee
- Kempsey Little Athletics
- Macleay Valley Cricket Association
- Macleay Valley Rangers Soccer Club
- Smithtown Junior Rugby League Committee
- SWR Sports Association
- Stuarts Point Sports Association
- Upper Macleay Sports Association

The appointment of 355 status to sporting bodies, is found to be out side the scope of community committees, the delegation needs to be removed and replaced with a user agreement for these groups to maintain and manage a Council owned facility, under such agreements areas of responsibility and times of access and use can be clearly determined. All volunteers under such agreement will be covered by Council's Personal Accident cover Category 2.

Further review of the remaining committees found the following;

- Wigay Park Committee should not be considered as a 355 committee as the facility of the Park itself is covered under Council's liability insurance, the Djigay Student Association are covered under the insurances of that Association.

As such the commercial and education activities conducted in the Wigay Park are under the insurable interest of the Djigay Student Association, Council continues to have the responsibility of Public Liability for the facility and a duty of care to the visitors to the Park.

An occupancy agreement needs to be put in place between Council and the Student association to define areas of responsibility and to control all areas of liability within the park.

- The Birralee Hall Management Committee should not be considered as a 355 committee as the Hall is currently being managed by the Lions Club of Crescent Head, the club being affiliated member of Lions Club Australia and are insured as such for liability.

A lease agreement should be put in place for the occupancy of the Birralee Hall by the Lions Club of Crescent Head.

- Macleay Valley Day Care (Parklands Cottage) is now an incorporated body and holds their own liability cover.

In consideration of the above it was found that 25 Committees function as 355 committees, and fall within the guidelines that are acceptable to Council.

## **Volunteers and 355 Committees**

All volunteers of Council whether under a 355 committee or a participant in an approved activity group are to be given the same status as an employee of Council in regards to safety and supervision.

Council has a responsibility to ensure a safe workplace for all its employees.

Presently Council has no real input on the activities undertaken by the 355 committees, or the opportunity to assess all risks associated with the activities of the volunteers and committee members as they carry out regular maintenance or improvements to a Council facility.

There is also concern that the activities carried out by casual hirers of 355 managed facilities may not be appropriate for the facility or its surroundings, again Council has not had the opportunity or the recourse to set appropriate usage guidelines for each facility to alleviate such concerns.

A lack of Council resource has prevented regular inspections of facilities in particular community halls and as a result compliance for safety and health is largely unknown.

Proper management of Committees and Volunteers needs to be carried out to alleviate exposure to litigation, personal injury, loss of assets and to comply with legislation and statutory obligations.

The following is a list of activities (the list not being exhaustive) highlighting some of the main points of managing committees and volunteers that are presently not effectively carried out through the lack of resources available;

- Inspection of work site
- induction of volunteers to the work place
- testing of all electrical equipment and appliances
- assessment of equipment for suitability and safety
- instruction and assessment of proper use of equipment
- assessing the suitability of activities
- issuing of appropriate personal protective equipment (PPE)
- assessment of the longevity of each committee,
- the ability of each committee to become self sufficient,
- developing long term sustainable business plans to allow the ongoing maintenance and improvements of facilities to be solely funded by each committee.
- Training on Code of Conduct, to prevent occurrences of nepotism, exclusion, discrimination, fraud, corruption etc.
- Preparation and audit of financial statements, Profit and Loss, and Balance Sheets.

### Management Guidelines for 355 Committees

A handbook for 355 committees is being developed and a draft of the handbook will be available for consultation at the end of December this year.

The handbook will contain guidance and instruction for the committee and its members, assisting in their understanding of the responsibilities of the committees, the responsibility of council, and once adopted and inducted into the 355 committees will assist in the management of the committees and their volunteers.

A reviewed list of 355 Committees is attached as [\(Appendix F\)](#)

### **REPORT IMPLICATIONS:**

- ***Environmental***

***With no advice and induction on responsibility, guidelines and correct procedures given it is possible for volunteers to inadvertently breach EPA legislation through uneducated practises.***

- *Social*

*Continued unsupervised and non monitored activities of the committees and or volunteers raises the likelihood of an event of negative impact that may result in a committee no longer being able to function, thus removing any present and future social benefit to the community.*

- *Economic (Financial)*

*Council currently contributes to committees in kind funding and assists with maintenance costs for managed facilities. However the non managed risks of the committees and volunteers have the potential to impact heavily on Council financial recourses.*

- *Policy or Statutory*

*Council Policy 24:12 "Committees under Section 377 of The Local Government Act 1993" provides that Council will maintain a current listing of all committees under Sect 377 of the local Government Act.*

*A policy that states Council's position on the Management of 355 Committees and Volunteers of Kempsey Shire Council is yet to be adopted by Council.*

- *Director's Review*

*The recommendation is supported.*

## **RECOMMENDATION:**

- 1. That the delegation under Section 377 to Sporting Bodies listed in the Directors Report be withdrawn and a User Agreement be put in place to allow Volunteer management of sports facility.**
- 2. That the delegation under Section 377 to Wigay Park Committee be withdrawn and an occupancy agreement be put in place between Council and the Djigay Student Association.**
- 3. That the delegation under Section 377 to Birralee Hall Committee be withdrawn and the Crescent Head Lions Club be offered a lease of the Birralee Hall.**
- 4. That the delegation under Section 377 to Macleay Valley Day Care Centre (Parklands Cottage) be withdrawn and an occupancy agreement be put in place between Council and Parklands Cottage Incorporated.**

5. That the 25 committees assessed as meeting the requirements of Section 355 committees of Council be re-affirmed as such, and that the delegation of each Committee be reviewed and assessed against the requirements of OH&S, Risk management, and Sustainability.
6. That Council acknowledge the commitment of resources that will be required to implement proper management of Section 355 committees and Volunteers of Council.

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**G B Snape**  
**DIRECTOR CORPORATE & COMMUNITY SERVICES**