INSTRUMENT OF DELEGATION

to the
Stanley Park
Committee of Management

Pursuant to Section 86 of the Local Government Act 1989.

[2014 to 2019 (5 year period)]
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What Does a Committee of Management Do?

It is the role of a Council appointed Section 86 Committee of Management to act as a consulting, liaison, advisory, promoting and co-ordinating group for the management and development of the facility they have been appointed for, for the benefit of the community.

The functions, duties and powers delegated by this Instrument of Delegation are as follows:

1. **Definitions**
   a) “Council” shall mean the Macedon Ranges Shire Council.
   b) “Committee” shall mean the body of persons entitled the Tylden Hall Special Committee of Management appointed in accordance with the provision of this Instrument of Delegation.
   c) “Facility” shall mean the land described as the Tylden Hall and any building or other buildings erected, from time to time.
   d) “Co-ordinator ” shall mean the Council Officer who is the Council contact person for the particular Committee.

2. **Committee Operational, Management and Meeting Procedures**

   2.1 **Membership**
   The management and operation of the Facility shall be vested in a Committee consisting of:-
   
   a) Chairperson
   b) Secretary
   c) Treasurer
   d) Not more than twelve (12) members and no less than four (4) members of the Committee ensuring equal representation from those described in (e), (f) and (g) below. These member limits include the positions of Chairperson, Secretary and Treasurer.
   e) Representatives of user groups using the Facility, as determined by the Council and the Committee, in consultation, from time to time.
   f) Representatives of the local community as determined by the Council and Committee, in consultation, from time to time.
   g) The Council reserves the right to appoint a community or independent representative, at any time, or as required from time to time.
2.2 Council Representation
   a) Councillors are able to attend Committee meetings at any time and may be appointed to the Committee either by the Council directly or as part of the normal process of the Committee’s election.

   b) The Co-ordinator, other Council Officers and Councillors shall attend Committee meetings as required.

   c) Where possible the Co-ordinator or a Councillor shall chair the Annual General Meetings.

2.3 Operational Procedures of the Committee
   a) The Committee may appoint such other office bearers as it deems necessary, from time to time.

   b) Details of names and addresses of persons appointed as office bearers and committee members shall be forwarded to the Council within twenty one (21) days of the date of appointment.

   c) The Committee is to ensure that all new appointees to the Committee are provided with a copy of the Instrument of Delegation on an annual basis.

   d) In the event that a vacancy occurs prior to the Committee’s term has expired, the Committee has the power to nominate a new member, subject to approval by the Council. Any person appointed shall hold office only until the next Annual General Meeting, but shall be eligible for re-election.

   e) In the event that the Committee requires additional members prior to the Committee’s term expiring, the Committee has the power to appoint additional members with the approval of the Council. Additional members may be the result of a new user group using the Facility.

   f) Any member of the Committee being absent for three (3) consecutive meetings, without acceptable reason for leave of absence, may forfeit his or her place on the Committee.

   g) The Committee has the power to appoint Sub Committees as the need arises and as the Committee considers fit. Such sub Committees will be responsible to undertake specific works and projects, as nominated by the Committee. Sub Committees shall consist of members of the Committee and have the power to recommend proposals as it thinks fit.

   h) In the event that Committee members cannot attend general meetings of the Committee, they may note their absence via an apology or nominate another member of their group to act as proxy in their absence.

   i) The Committee, with the exception for provisions contained in this Instrument and the requirements of Section 91(3) of the Local Government Act, shall have the power to determine its own meeting procedures, with the approval of the Council.
2.4 Term of Membership of the Committee
Each membership appointment shall be for twelve (12) months or until the following
Annual General Meeting, where all positions shall fall vacant and any retiring
member shall be eligible for re-election. Council needs to be notified in writing of
any new members within twenty one (21) days of the appointment.

2.5 General Meetings of the Committee
a) As a minimum, the Committee shall meet at least two (2) times a year, one (1)
Annual General Meeting and at least one (1) other general meeting. Committee members need to be provided with at least two (2) weeks written
or verbal notice. Non-receipt of a notice by any member shall not invalidate a
meeting.

b) If requested by two (2) or more Committee members present at the meeting
at which the question arises, voting shall be by a show of hands. A secret
ballot may be conducted if requested by two (2) or more Committee members.

c) Each member shall have one vote, and in the event of an equal number of
votes, the chairperson shall have a second or casting vote.

d) The Chairperson, in accordance with Section 93(3) of the Act, shall arrange
for the minutes of each meeting to be kept, but may delegate this task to the
Secretary.

e) The Committee shall provide the Council with a copy of the minutes for each
meeting, including all reports submitted by the Chairperson, Secretary and
Treasurer within twenty one (21) days of the date of the meeting.

f) Under Section 89(1) of the Act, the Committee is required to ensure that
genral meetings are opened to members of the public. The Committee,
under Section 89(2), has the discretion to close a general meeting or a
proportion of the meeting to discuss any of the following matters:

- Personal matters,
- The personal hardship of any resident or ratepayer,
- Industrial matters,
- Contractual matters,
- Proposed developments,
- Legal Advice,
- Matters affecting the security of Council property,
- Any other matter which the Council or committee considers would
  prejudice the Council or any person, or
- A resolution to close the meeting to members of the public.
g) If the Committee resolves to close the meeting to members of the public, then the minutes of the meeting must be recorded and the reasons for it, in accordance with Section 89(3) of the Act. The minutes must clearly indicate the portion of the meeting that was closed to the public.

2.6 Extraordinary General Meetings
Extraordinary General Meetings may be called by the Chairperson or at the request of at least two (2) Committee members, provided that at least fourteen (14) days prior notice be given to members.

2.7 Quorum
The quorum for all meetings and the transaction of business, shall be the number of persons on the Committee, divided by two (2), plus one (1) more. No business shall be conducted at a meeting of the Committee, unless a quorum is present.

2.8 Chairperson of General Meetings
The Committee’s Chairperson shall chair all meetings of the Committee. If the Chairperson is absent at any meeting, the Committee shall nominate one of the members to chair that meeting.

2.9 Order of Business for all General Meetings
A general meeting shall be conducted according to the following format. The format may be altered for practical reasons or for the greater convenience of the Committee at any particular meeting by resolution of the order of business.

   a) Opening of meeting and welcome
   b) Apologies
   c) Confirmation of minutes from previous meeting
   d) Business arising from previous minutes
   e) Outward correspondence
   f) Inward correspondence
   g) Authorisation of accounts and acceptance of finance reports and signing of cheques
   h) General business
   i) Date for next meeting

2.10 Motions
Each motion shall have a proposer and a seconder before being put to discussion or to the vote. Any meeting may be adjourned by the Chairperson but if a motion is put to debate and is unresolved, it shall lapse. Any amendments to a motion shall be put to the vote before the primary motion is resolved.
2.11 Annual General Meetings

2.11.1 The Annual General Meeting shall take place within six (6) months of the end of the financial year for the following purposes:

a) To confirm minutes of the previous Annual General Meeting. No discussion shall be permitted with the exception as to their accuracy.

b) To receive and adopt the Chairperson’s, Secretary’s, and Treasurer’s reports, the Annual Audit Statement, the Annual Audit Questionnaire and the Annual Equipment Inventory Statement, for the preceding financial year.

c) To elect office bearers and ordinary members of the Committee for the proceeding year. A Committee nomination form can be found on Council’s internet site www.mrsc.vic.gov.au

d) To transact any business of which prior notice has been given.

2.11.2 The Committee shall advise the Co-ordinator of the date and venue of the forthcoming Annual General Meeting, at least six (6) weeks prior to the meeting, to enable the meeting to be publicised by Council in the Local newspaper.

2.11.3 The Committee shall provide the Council with a copy of the minutes of each Annual General Meeting, including all reports submitted by the Chairperson, Secretary, and Treasurer within twenty one (21) days of the date of the meeting, and by no later than 31st January each year.

2.12 General Requirements of the Committee

The Committee shall make its minute book and all other papers or documents available for inspection by the Council upon request.

3. Financial Administration

3.1 General

3.1.1 All money received by the Committee shall be paid into a bank account in the Committee’s name. Funds shall only be drawn from that account on the signature of any two (2) of the following office bearers:

a) Chairperson

b) Secretary

c) Treasurer

3.1.2 The Treasurer shall receive all monies and issue receipts and shall pay all accounts which have been passed for payment by the Committee.

3.1.3 All accounts must be paid by cheque and all cheques must be signed by two (2) office bearers.

3.1.4 The Treasurer shall be responsible for the preparation of a regular statement of receipts and payments for each general meeting held.
3.1.5 The Treasurer shall also be responsible for the preparation of an Annual Audit Statement and an Annual Audit Questionnaire, which shall be presented to the Annual General Meeting. Both these documents detail the financial statement of receipts and payments for each financial year. Copies of the Annual Audit Statement and the Annual Audit Questionnaire shall be forwarded to the Council as part of the minutes of the Annual General Meeting.

3.1.6 In addition to 3.1.5 above, the Committee’s financial statements will also be examined and audited by Council’s Finance Unit and if required by a further independent auditor through a Cyclical Audit every four years, or upon request by Council.

3.1.7 All receipts and bank statements should be kept by the Committee for at least seven (7) years. These documents will be required to be examined as part of the Cyclical Audit every four (4) years, or upon request by Council.

3.1.8 The Committee shall not, without the approval of the Council, incur any maintenance or improvement expenditure on the land, buildings or surrounding area in excess of $1,500 per item.

3.1.9 The Committee may advance an amount as determined by the Committee to the Chairperson, Secretary or Treasurer for the purpose of change or petty cash and such payments shall be recouped from the Committee’s account.

3.1.10 Where accounts are rendered to the Committee for and on behalf of the Council pursuant to this Instrument of Delegation, payment is to be made by the Committee to the Council.

3.1.11 The Committee may invest any surplus funds in a long term investment account.

3.2 Goods and Services Tax (GST)

3.2.1 The Committee is formally recognised by Council as a ‘non-profit sub-entity’ of Council, thereby separating the Committee’s financial activities from Council for GST purposes. Providing the Committee’s annual turnover does not exceed $150,000 the Committee does not have to register for GST. This classification should be reviewed once, or if, a Committee’s annual turnover exceeds this amount.

3.3 Honorarium Fees

3.3.1 In situations where the Committee agrees, that work undertaken by a Committee member, is beyond that required from Committee members, the Committee member shall be entitled to an honorarium fee of no more than $250 per year. Monies used for honorarium fees shall be drawn from the Committee funds. The Honorarium Fees will not be used as a replacement for employment payment. Amounts beyond this amount need to be approved by the Council.
4. Limitations

4.1 In accordance with Section 86(4) of the Act, the Committee shall not have the power to:
   a) delegate any of its functions, duties or powers,
   b) declare a rate or charge,
   c) borrow money, or
   d) enter into contracts for any works without first discussing the proposal and with, and gaining approval from Council’s Recreation Development Officer.

4.2 In accordance with Section 88(6) decisions of the Committee which are inconsistent with the delegated powers and duties specified in this Instrument of Delegation cannot be undertaken without Council approval.

5. Duties of Committee Members

5.1 Chairperson
   a) To preside over meetings and ensure the proper and orderly conduct of meetings.
   b) To state the time, date and venue of the next meeting.
   c) To work with the Secretary to prepare agendas and minutes.
   d) To assist the Treasurer to prepare the budget and the annual financial statement.

5.2 Secretary
   a) Accurately record the minutes of each meeting and distribute them after the meeting.
   b) Organise meetings of the Committee, including advising Committee members of the meeting, preparing and distributing meeting agendas and minutes, and organising the venue.
   c) Report on incoming correspondence to the Committee and conduct outgoing correspondence according to the instructions of the Committee.
   d) Contact person for the Council, correspondence and other business.

5.3 Treasurer
   a) Ensure that receipts are issued for all money received.
   b) Ensure that all incoming and outgoing money is correctly recorded.
   c) Ensure that money is deposited within four (4) days of receipt.
   d) Ensure that accounts are paid on time and are reconciled with each bank statement.
   e) Prepare a financial statement for presentation to the Committee at each meeting.
   f) Prepare the annual financial reports for auditing and presentation at the Annual General Meeting, including the Annual Audit Statement and Annual Audit Questionnaire which are available on Council’s website www.mrsc.vic.gov.au
5.4 **Committee Member**

a) Attend meetings of the Committee and participate in discussions, decision making, planning and financial decisions.

b) Keep informed of the activities and issues of the Committee through reading of the meeting minutes and agendas.

c) Take on specific task as required from time to time.

d) Follow through and report back to the Committee on any tasks or activities for which they have accepted responsibility.

6. **Responsibilities of the Committee**

The Committee is empowered to manage and operate the Facility and therefore the following responsibilities shall apply to the Committee.

6.1 **Management and Maintenance**

a) To manage the Facility.

b) To manage and monitor all improvements and developments on the Facility.

c) Any proposed alterations or improvements on the land, building or premises of the Facility not listed in Schedule “A” requires the prior written approval of the Council’s Co-ordinator.

The Committee may be required to submit a Ground / Pavilion Alterations Maintenance Request Form for consideration before any works can commence. This form can be obtained on Council’s website [www.mrsc.vic.gov.au](http://www.mrsc.vic.gov.au) or by contacting the Team Leader Recreation.

d) The Committee shall be responsible for costs associated with maintenance of buildings and grounds in accordance with Schedule “A”.

e) The Committee should use Council approved Trade Services Contractors to undertake maintenance works on the Facility. A current list of Council approved Trade Services Contractors is available on Council’s website [www.mrsc.vic.gov.au](http://www.mrsc.vic.gov.au) or by contacting Council’s Team Leader Recreation.

f) Where the Committee engage Contractors that are not a Council approved Trade Services Contractor, the Contractor must provide evidence of appropriate levels of public liability insurance (minimum $10m), Workcover insurance and also a Job Safety Analysis (JSA) Worksheet which is required to be completed by each Contractor prior to commencing works. For further information on JSA’s please refer to Council’s website [www.mrsc.vic.gov.au](http://www.mrsc.vic.gov.au)
g) The Committee is to provide the Council with two (2) sets of keys that will allow access to any area of the facility, this will enable maintenance or inspections to be carried out by Council staff or persons approved by Council. These keys will be held by Council in a secure location.

No locking system shall be changed without two (2) sets of new keys being provided to Council.

6.2 Required Information

As a Committee of Management appointed under Section 86 of the Local Government Act 1989, with delegated authority on behalf of Council, Committees are required to assist Council in meeting its risk management and legislative requirements by ensuring Council is provided with copies of certain documents.

Refer to Attachment “1” for a summary of required documents.

6.3 Monitoring and Controlling Usage of the Facility (when Council does not undertake bookings)

a) To allocate usage times to user groups wishing to use the Facility and to maintain an accurate timetable for allocated times and days.

Usage times of the Facility by each user group should be forwarded to Council on an annual basis, or as requested from time to time, to avoid conflict with Council’s maintenance program.

b) To determine and enforce conditions for the use of the Facility by user groups.

c) Allocate and take bookings for casual use of the Facility.

d) To ensure that all casual users have signed Council approved hire agreements and are aware of their responsibilities as casual users. The term of any such agreement shall not exceed 12 months without the approval of the Council.

e) To ensure all user groups, casual users, organisations or individuals charging a fee for service using the Facility for their commercial venture provide the Committee with a hard copy of a valid Certificate of Currency for Public Liability Insurance in the name of the user, clearly covering the user for its proposed activities at the Facility, with a minimum limit of liability of $10,000,000.

f) To ensure that user groups abide by the conditions of use imposed by the Council Local Laws and policies and statutory requirements (ie: to ensure that user groups obtain liquor licences for BYO or the sale of alcohol, safe food preparation and handling).
g) The Committee’s role is to monitor and control usage of the facility by allocating usage times and taking casual bookings. The Committee does not have delegated authority to conduct events at the Facility, and therefore is not covered by Council’s Public Liability or Personal Accident insurance policies to undertake this type of activity.

h) To ensure that details of main events being conducted by a user group or casual hirer of the Facility, which requires specific maintenance items (i.e. grass cutting, extra rubbish bins) are provided to the Council at least four (4) weeks prior to the event.

6.4 Administration of Fees for the Casual Use and Regular Hire of the Facility

a) The Committee may set and collect fees for the casual use and regular hire of the Facility upon the approval of the Council. Council shall be responsible for the collection of any fees applicable to seasonal users of recreation reserves, in accordance with Council’s Fees and Charges Policy.

b) All fees collected for the hire of the Facility shall be used to achieve the objectives set out in this Instrument of Delegation.

c) The Committee may also choose to charge a hire bond, dependant on the type of hire, to act as security against damage to property, and/or for breach of any part of the hire agreement. The amount of any bond charged should be determined by the Committee in conjunction with the Council.

6.5 Committee Expenses

To pay all expenses associated with the operation and management of the Committee, including petty cash, honorariums and members expenses as the Committee shall determine from time to time.

6.6 Legislative Requirement

a) To administrate and enforce all legislative requirements, Acts of Parliament, Council’s Local Laws and relevant Australian standards, applicable to the Facility and require all users of the Facility to observe all legislative requirements, Acts of Parliament, Council’s Local Laws and relevant Australian standards, with such other rules and conditions as the Committee, with the approval of the Council, may impose from time to time.

b) In accordance with Sections 90 and 91 of the Act the Committee shall enforce rules governing the proceedings of Committee meetings, and as specified in this Instrument of Delegation, or as determined from time to time by the Committee.

6.7 Insurance and Risk Management

a) As a Committee of Management appointed under Section 86 of the Local Government Act 1989, all members of the Committee are covered by Council’s Public Liability and Personal Accident insurance policies whilst carrying out activities for and on behalf of the Committee and acting within their delegated powers.
It is therefore imperative that the Committee maintain an up to date list of all Committee members and provide this information to Council within twenty one (21) days of a new member being appointed.

b) Volunteers appointed or authorised by the Committee of Management are also covered by Council’s Public Liability and Personal Accident insurance policies whilst carrying out activities for and on behalf of the Committee of Management. All volunteers are required to be registered by completing a Volunteer Registration Form prior to commencing any task for the Committee to ensure they are covered by the above policies. This form can be found on Council’s website www.mrsc.vic.gov.au

It is therefore imperative that the Committee maintain an up to date Volunteer Registration Forms for all volunteers and provide this information to Council within twenty one (21) days of a new volunteer being appointed.

c) It is the responsibility of the Committee to ensure all user groups, casual users, organisations or individuals charging a fee for service using the Facility for their commercial venture provide the Committee with a hard copy of a valid Certificate of Currency for Public Liability Insurance in the name of the user, clearly covering the user for its proposed activities at the Facility, with a minimum limit of liability of $10,000,000 in relation to legal liability to third parties for death or personal injury, or loss or damage to property.

d) For small one off hires, the Committee may provide Public Liability Insurance coverage for that function through Council’s insurers at a cost of $15 per hire. This charge is additional to any facility hire fees. Please note the hirer will be responsible for an excess payment of $250 in regards to any claim made. This cover provides small one off hirers an indemnity of $10,000,000 in relation to legal liability to third parties for death or personal injury, or loss or damage to property.

Please note that this policy only covers the hirer and not any persons such as performers who may be engaged by the hirer. They will need their own cover. Also note that unusual events such as those involving large numbers of people, rock concerts, fireworks and the like are not automatically covered (indeed may not be covered) so it is important to contact the Macedon Ranges Shire Council Risk Management Unit on phone (03) 5422 0333 if any doubt exists.

In order for the cover to be effected Council requires the Committee to keep documentary evidence of the hire taking place and that the hirer wished to utilise the insurance coverage.

To enable the administration of such cover, the Committee needs to advise Council of an estimate of casual hiring for the financial year, by no later than 31st July of that year. Council will then invoice the Committee accordingly ($15 per hire). This can then be adjusted at the end of the financial year.

e) Ensure that the Facility emergency procedures and emergency exit plan provided by Council are clearly displayed and easily visible to people using the facility.
f) The Committee’s role is to monitor and control usage of the facility by allocating usage times and taking casual bookings. The Committee does not have delegated authority to conduct events at the Facility, and therefore is not covered by Council’s Public Liability or Personal Accident insurance policies to undertake this type of activity.

g) The Committee is not required to provide a first aid kit within the Facility for use by user groups. It is the responsibility of each user group/hirer to ensure the provision of adequate first aid during their period of hire.

h) The Committee is to ensure that all groups using the facility whose activities involve the handling of food intended for sale or selling of food have contacted Council’s Environmental Health Unit (phone 5422 0333) in regards to their safe food handling and/or permit requirements.

i) The sale of, or BYO alcohol at a Council facility is not permitted unless an appropriate liquor licence has been obtained. The Committee is to ensure that all groups using the facility whose activities involve the sale of, or BYO alcohol have obtained an appropriate licence and provided a copy of such to the Committee before the date of the proposed activity. For further information on Liquor Licensing, please visit www.justice.vic.gov.au/liquor

j) The Committee is to ensure the facility and its users comply with Council’s No Smoking Policy. A copy of this policy can be obtained on Council’s website www.mrsc.vic.gov.au

k) To assist Council meet its risk management and legislative duties, the Committee is required to complete a Site Inspection Checklist on a quarterly basis (ie. February, May, August and November) each year. The primary use of this checklist is for the purposes of Council building maintenance, planning and budgeting. The checklist can be found on Council’s website www.mrsc.vic.gov.au

If a building maintenance item is identified during the completion of a Site Inspection Checklist, a copy of this checklist should be forwarded to the Team Leader Recreation as soon as possible, and within twenty one (21) days of the inspection being carried out.

The Committee is required to keep all completed Site Inspection Checklists for at least seven (7) years. These documents may be inspected by Council at any time upon request.

6.8 Publicity and Promotion

a) To promote awareness of the Committee amongst the community.

b) To promote the Facility in conjunction with the Council.

c) To ensure that signage regarding user groups and the Committee is up to date at all times.
6.9 Five Year Development Plan
   a) Committees are encouraged to develop and maintain a Five Year Development Plan to be approved by the Council.
   b) The Committee shall update and review the Five Year Development Plan on an annual basis, a copy of which should be submitted to Council.

6.10 Fund Raising Activities
   The Committee may conduct fund raising activities with the prior written approval of Council's Co-ordinator. This process is required to ensure the fundraising is deemed socially acceptable, and all parties are aware of the insurance issues associated with some types of fundraising events that may want to be undertaken. All proceeds from such activities shall be used to achieve the objectives set in this Instrument of Delegation.

6.11 Security
   a) To ensure that user groups take adequate care to secure the Facility after use.
   b) To take such action as is necessary to maintain and arrange for security of the Facility during periods when the Facility is not in use, and unoccupied.
   c) The Committee shall report any breach of security to the Co-ordinator within twenty four (24) hours of the event.
   d) The Committee shall be responsible for obtaining a police report for any breach of security involving the repair of the Facility (ie: external doors and windows).
   e) To maintain at all times, an up to date register of persons who have access and keys to the Facility. An up to date copy of the register shall be supplied to the Council upon request.
   f) The Committee shall replace any lost or stolen keys. The cost associated with the replacement of all keys shall be the responsibility of the Committee as per the maintenance Schedule A.

6.12 Inventory of Equipment
   To maintain an up to date inventory of all equipment owned by the Committee. A copy of this inventory should be forwarded to Council on an annual basis. An Equipment Inventory Statement can be found on Council’s website www.mrsc.vic.gov.au

6.13 Lines of Communication
   a) The point of contact for the Committee with Council, in regards to any issue concerning the Facility or Committee, is the Co-ordinator.
   b) The Secretary shall be responsible for contacting the Team Leader Recreation. In the absence of the Secretary, the Chairperson shall make contact with the Co-ordinator. User groups shall ensure that contact with the Co-ordinator made through the Secretary or the Chairperson.
c) The Secretary shall maintain regular dialogue with the Co-ordinator and make available all relevant information regarding the Committee or the Facility which may have an impact on Council.

6.14 Dissolution of the Committee
   a) In the event of disbandment of the Committee for any reason or the failure of the Committee to generate sufficient interest and is not able to appoint more than four (4) members, the Committee shall transfer all accounts and assets including equipment purchased by the Committee to the Council to be directed towards the maintenance of the Facility, at Council’s discretion.

   b) The Council may at any time by resolution revoke or amend this Instrument of Delegation.

   c) If upon the winding up or dissolution of the Committee for any reason and after all its debts and liabilities have been paid, the remaining funds shall not be distributed to or amongst the members of the Committee but shall be transferred to the Council.

6.15 General
   The Committee shall undertake any research, investigation, survey or inquiry relating to the activities and development of the Facility.

7. Responsibilities of the Council

7.1 Insurance
   Council shall be responsible for the following insurances related to Council / Committees assets and equipment:

   - Building Insurance
   - Public Liability Insurance

   User groups are responsible for their own insurance including public liability and contents insurance.

7.2 Indemnity
   The Council will indemnify members of the Committee against any action claim or demand in respect of any legal liability incurred by the member for personal injury or property damage arising out of or in the course of his / her membership of the Committee whilst acting in accordance with the provisions of this Instrument of Delegation.

7.3 Financial Audit
   The Council shall be responsible for ensuring the Committee’s financial records are examined and audited by Council’s Finance Unit and if required by an independent auditor every four years.

7.4 Fees for Seasonal Users
   The Council shall be responsible for the collection of any fees applicable to seasonal users of recreation reserves, in accordance with Council’s Fees and Charges Policy.

once uploaded\delegations\Section 86 - Stanley Park Special Committee - Instrument of Delegation - 02 10 2017 (D17-83400).docx
7.5 Maintenance of the Facility
To provide Facility maintenance in accordance with Maintenance Schedule “A”.

Council shall undertake annual site inspections of the Facility for the purposes of Council building maintenance, planning and budgeting. If as a result of any such inspection, the Council desires to carry out repairs, improvements or other works, in respect of the Facility, all allocations of time made by the Committee, for the use of the Facility, shall be suspended or altered during this time.

7.6 Council Support and Advice
To provide the following type of support and advice to Committees:

a) Committee of Management Website / Manual
The Council shall develop and maintain an information website for Section 86 Committees of Management. This website will include all relevant information and guidelines to assist Committees in the operation and management of their Committee, and the facility for which they are responsible.

The Council shall also provide the Committee with a manual containing hard copies of the documents available on the website. To ensure accurate and up to date information the Committee should always go to the website www.mrsc.vic.gov.au The information contained on the website takes precedence over that provided in the manual.

b) Committee of Management Information Sessions
The Council shall be responsible for organising and convening information meetings as required. These information sessions will discuss and cover common issues of concern identified by Special Committees, ie: insurance.

c) Monitoring of the Responsibilities of the Committee
The Council shall be responsible for the monitoring of the work undertaken by the Committee to ensure that the work is in accordance with this Instrument of Delegation. This shall be achieved by regular dialogue, undertaking inspections and attending meetings, as required from time to time.
d) **Regular Dialogue**
The Co-ordinator shall maintain regular dialogue with the Committee and make available all relevant information as the information, is received by the Council. The Co-ordinator will supply the Committee with information regarding changes to Council policies and work undertaken by the Council which may have an impact on the Committee.

It is the responsibility of the Co-ordinator to receive all enquiries and deal with issues regarding the Committee and to direct the Committee to the appropriate Council Officer or to undertake the work on behalf of the Committee to resolve the issue of concern. The Co-ordinator will be responsible for obtaining approval from other Council officers in regards to issues relating to other areas of Council business.

e) **Attending Committee meetings**
The Co-ordinator, Councillors and other Council Officers will attend Committee ordinary meetings and Annual General Meetings, as determined from time to time and as the need arises and issues of concern need to be addressed.

**7.7 Usage of the Facility by the Council**
The Council may, from time to time, negotiate with the Committee for the use of the Facility, for Council endorsed activities. The Committee shall not deny the Council access for Council endorsed activities.

**7.8 Inspections**
The Council reserves the right, at all reasonable times, to inspect the Facility. If as a result of any such inspection, the Council desires to carry out repairs, improvements or other works, in respect of the Facility, all allocations of time made by the Committee, for the use of the Facility, shall be suspended or altered.

**7.9 Employment of Staff**
The Council shall be responsible for the employment of all staff to ensure that staff are paid under the correct awards and that taxation, Workers Compensation and superannuation statutory requirements are obeyed.

Where a Council staff member (who is directly employed and paid by the Council) works in conjunction with the Special Committee or may be responsible in undertaking work at the Facility, the Committee shall not have the power to direct the Council staff. The staff can only be directed by the Council and shall be accountable to the Council.
8. Instrument of Delegation Review
To provide Council and the Committee with the opportunity to reassess their needs and requirements on a regular basis, this Instrument of Delegation shall be reviewed every five (5) years, or as required.

9. Execution of Document

EXECUTED by the (insert Committee name here) Special Committee of Management on the

Twenty-first day of November 2017

in the presence of:

CHAIRPERSON: ...........................................

SECRETARY: ...........................................

THE COMMON SEAL of the MACEDON RANGES SHIRE COUNCIL was hereto

affixed on the 5th day of October 2017

in the presence of:

COUNCILLOR: ...........................................

CHIEF EXECUTIVE OFFICER: ............................
## MAINTENANCE RESPONSIBILITIES

**Permanent Fixtures - Building, Sporting Pavilion and Clubhouse**

**Delineation of Responsibilities for the Maintenance of Leisure Infrastructure**

The following table outlines and refines existing maintenance responsibilities for sporting and recreation infrastructure and equipment. Council’s responsibilities are subject to resource and program allocations.

A general condition for all maintenance projects is that no fixtures, alterations or additions may be made to any part of a pavilion, playing surface or surrounding open space without written consent of Council.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>COUNCIL RESPONSIBILITY</th>
<th>COM RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grass cutting of ground</td>
<td>Yes (excluding, Lancefield Park, Tylden Hall, Gilbert Gordon Oval and Riddells Creek Recreation Reserve, which receive an annual grant in lieu)</td>
<td>None</td>
</tr>
<tr>
<td>Turf restoration works</td>
<td>Once per year (within program resources)</td>
<td>None</td>
</tr>
<tr>
<td>Oval topdressing</td>
<td>Minor localised topdressing once per year, if required</td>
<td>Clubs to fix pot holes identified via pre usage inspection liaison with Council.</td>
</tr>
</tbody>
</table>
| Irrigation maintenance            | Repairs, where required                                                               | * Reporting malfunctions to Council  
* Undertaking inspections of irrigation before usage |
| Public toilets                    | * Cleaning to an approved schedule those public toilets designated as Shire ‘public toilets’  
* Maintenance and repairs         | * Opening and closing of public toilets when reserve is in use by the user group  
* Cleaning of ‘reserve-only’ use toilets |
| Internal toilets                  | Repairs (>=$200)                                                                      | * Maintenance  
* Cleaning  
* Minor repairs (>=$200)            |
| Grading of unsealed entrance roads and car parks | All maintenance                                                                      | None                                                                              |
| Rubbish                           | * Weekly emptying of rubbish bins  
* Supply of agreed number and type of bin(s)                                         | * Picking up of rubbish around the ground and pavilion  
* Putting out bins for collection  
* All costs associated with additional bins |
<table>
<thead>
<tr>
<th>ITEM</th>
<th>COUNCIL RESPONSIBILITY</th>
<th>COM RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground lighting and poles</td>
<td>• Some assistance with funding first set of training lights</td>
<td>Purchase, installation, globe replacement, utility costs and maintenance</td>
</tr>
<tr>
<td></td>
<td>• No existing maintenance responsibility</td>
<td></td>
</tr>
<tr>
<td>Maintenance of equipment / facilities that have been added to ground / pavilion at club’s cost</td>
<td>None</td>
<td>All maintenance, repair and replacement costs</td>
</tr>
<tr>
<td>Goal posts / nets</td>
<td>None</td>
<td>Purchase, installation and maintenance</td>
</tr>
<tr>
<td>Line marking or sports fields</td>
<td>None</td>
<td>Purchase and application (non-toxic, non-permanent materials only)</td>
</tr>
<tr>
<td>Covering and uncovering of cricket pitches</td>
<td>Un/covering wickets with soil and sand</td>
<td>Levelling of soil during the season and matches to maintain safety</td>
</tr>
<tr>
<td>Turf wickets</td>
<td>None</td>
<td>Maintenance, including shaving of turf tables if required</td>
</tr>
<tr>
<td>Synthetic cricket wickets</td>
<td>None</td>
<td>Purchase, installation, maintenance and replacement costs. Clubs responsible for installation and removal of rubber fleck required for all season synthetic covers</td>
</tr>
<tr>
<td>Scoreboards and coaching boxes</td>
<td>None</td>
<td>• Purchase, installation, maintenance and repair costs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Application to Council for approval for installation</td>
</tr>
<tr>
<td>Hard courts (tennis, netball) – underlying structure</td>
<td>Repair of structural defects (requiring expertise and usually substantial funds) as assessed by the Council</td>
<td></td>
</tr>
<tr>
<td>Synthetic / artificial sports surfaces (tennis, bowls, athletics)</td>
<td>None</td>
<td>• Club to establish a funding plan which incorporates replacement costs in a long term budget and user fees</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Contractors to undertake resurfacing work which is straight forward</td>
</tr>
<tr>
<td>Payment of water costs</td>
<td>Annual grant to or allocation towards cost</td>
<td>Payment of water charges over and beyond Council allocation</td>
</tr>
<tr>
<td>Building alterations</td>
<td>Assessing all requests and if approved, ensuring satisfactory completion of work, even when totally funded by the user group</td>
<td>Scope and document the specific requirements of projects associated with building or facility alterations</td>
</tr>
<tr>
<td>Electric wiring and fittings in building</td>
<td>All building wiring from the main supply to and including the switchboard, power to outlets and switches and light fittings</td>
<td>None</td>
</tr>
<tr>
<td>Fire Extinguishers</td>
<td>Initial installation and servicing</td>
<td>Replacement</td>
</tr>
<tr>
<td>Payment of utilities costs</td>
<td>None</td>
<td>All costs</td>
</tr>
<tr>
<td>Telephones</td>
<td>None</td>
<td>All costs</td>
</tr>
<tr>
<td>Security System</td>
<td>None</td>
<td>• Purchase, installation, service and maintenance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Key or PIN number must be supplied to Council</td>
</tr>
<tr>
<td>Window glass</td>
<td>Replacement when due to external vandalism</td>
<td>Keep clean and replace if broken by user group</td>
</tr>
<tr>
<td>ITEM</td>
<td>COUNCIL RESPONSIBILITY</td>
<td>COM RESPONSIBILITY</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-------------------------------------------------------------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>Light globes (internal)</td>
<td>Repair faulty fittings only</td>
<td>Replace globes/lamps</td>
</tr>
<tr>
<td>Security lighting around pavilions</td>
<td>Installation and replacement</td>
<td>• Maintenance and utility costs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Enhancements</td>
</tr>
<tr>
<td>Painting of ceilings, walls and other</td>
<td>• Initial painting as part of pavilion construction</td>
<td>Purchase and application of paints, when required</td>
</tr>
<tr>
<td>surfaces</td>
<td>• External painting</td>
<td></td>
</tr>
<tr>
<td>Curtains and blinds</td>
<td>None</td>
<td>Purchase, installation, cleaning and repair</td>
</tr>
<tr>
<td>Ceilings</td>
<td>Major repair and/or replacement due to structural faults, age etc</td>
<td>Repairs due to misuse</td>
</tr>
<tr>
<td>Ceiling fans</td>
<td>None</td>
<td>Purchase, maintenance, installation and repair costs</td>
</tr>
<tr>
<td>Doors (excluding cupboard doors and door</td>
<td>• Replacement due to age or structural fault</td>
<td>• Regular cleaning and repair due to misuse</td>
</tr>
<tr>
<td>fittings)</td>
<td>• Repairs on all external doors due to vandalism</td>
<td>• Cupboard and storeroom doors</td>
</tr>
<tr>
<td>External locks</td>
<td>• Initial installation on Shire system</td>
<td>• Lock change over</td>
</tr>
<tr>
<td></td>
<td>• Lock maintenance</td>
<td>• Cost for additional keys</td>
</tr>
<tr>
<td>Floor surfaces and coverings</td>
<td>None</td>
<td>Purchase, installation, cleaning and maintenance</td>
</tr>
<tr>
<td>Plumbing and fixtures, including hot</td>
<td>Repair and renewal due to age or structural fault</td>
<td>• Internal repairs due to misuse, includes shower drains blocked by dirt, grass clippings and other debris</td>
</tr>
<tr>
<td>water services</td>
<td></td>
<td>• All costs associated with additional fixtures not standard within the building</td>
</tr>
<tr>
<td>Stoves and cooking equipment</td>
<td>Initial installation of basic equipment only</td>
<td>• Keep clean and maintain in operable condition</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Cost of repairs</td>
</tr>
<tr>
<td>Exhaust fans</td>
<td>Initial installation of basic equipment only</td>
<td>• Keep clean and maintain in operable condition</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Cost of repairs</td>
</tr>
<tr>
<td>Vandalism (internal), where break-in</td>
<td>Cost of repairs to Council owned fixtures as determined by Council</td>
<td>• Reporting to Council and police</td>
</tr>
<tr>
<td>occurs</td>
<td></td>
<td>• Costs for repairs/replacement of user-owned fixtures</td>
</tr>
<tr>
<td>Vandalism (external)</td>
<td>Repairs as determined by Council</td>
<td>Reports to Council and police</td>
</tr>
<tr>
<td>Other permanent fixtures</td>
<td>None</td>
<td>Regular cleaning of all fixtures and repair/replacement if due to misuse</td>
</tr>
<tr>
<td>Roofs</td>
<td>All maintenance and repair costs</td>
<td>None</td>
</tr>
<tr>
<td>Skylights</td>
<td>Maintenance and repair as required due to age, if included in original construction</td>
<td>Regular cleaning and repair if damaged through misuse</td>
</tr>
<tr>
<td>Walls</td>
<td>Structural maintenance</td>
<td>Regular cleaning and repair if damaged through misuse</td>
</tr>
<tr>
<td>Food handling areas and equipment</td>
<td>None</td>
<td>• Compliance with Health Act</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Maintenance as required under Health Act</td>
</tr>
<tr>
<td>Heating fixtures</td>
<td>None</td>
<td>• Purchase, installation and maintenance costs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Payment of all fuel costs</td>
</tr>
<tr>
<td>Essential Services</td>
<td>Development and installation of emergency floor plans and</td>
<td>• Induction of facility users</td>
</tr>
<tr>
<td></td>
<td>procedures where required</td>
<td></td>
</tr>
</tbody>
</table>
## SUMMARY OF REQUIRED DOCUMENTS

The forms listed below can be found on Council’s website [www.mrsc.vic.gov.au](http://www.mrsc.vic.gov.au)

### CORE DOCUMENTS REQUIRED - AFTER ANNUAL GENERAL MEETING

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Document Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>annually and as changes occur</td>
<td>COMMITTEE MEMBER DETAILS: Details of names and addresses of persons appointed as office bearers and committee members shall be forwarded to the Council within twenty one (21) days of the date of appointment.</td>
</tr>
<tr>
<td>annually</td>
<td>MEETING MINUTES &amp; REPORTS: The Committee shall provide the Council with a copy of the minutes of each Annual General Meeting, including all reports submitted by the Chairperson, Secretary and Treasurer. This includes the Annual Audit Statement and an Annual Audit Questionnaire which details the financial statement of receipts and payments of the Committee for each financial year. These documents are required within twenty one (21) days of the date of the meeting and by no later than 31st January each year.</td>
</tr>
<tr>
<td>annually</td>
<td>FACILITY USAGE TIMES: Provide the Council with usage times of the Facility by each user group, on an annual basis, or as requested from time to time, to avoid conflict with Council's maintenance program.</td>
</tr>
<tr>
<td>annually</td>
<td>INSTRUMENT OF DELEGATION: Ensure that all new appointees to the Committee are provided with a copy of the Instrument of Delegation, on an annual basis.</td>
</tr>
<tr>
<td>annually and as changes occur</td>
<td>VOLUNTEER REGISTRATION FORMS: Ensure that all Committee appointed volunteers complete a volunteer registration form and that this form is provided to Council and kept up to date. This will ensure that all Committee appointed volunteers are covered by Council’s Public Liability and Personal Accident Insurance whilst undertaking duties on behalf of the Committee. The registration forms should be forwarded to Council within 21 days of a volunteer being appointed.</td>
</tr>
<tr>
<td>annually</td>
<td>PUBLIC LIABILITY INSURANCE FOR CASUAL HIRERS: To provide Public Liability Insurance coverage through Council’s insurers for small one off casual hirers, the Committee needs to advise Council of an estimate of hiring for the financial year, by no later than 31st July of that year. Council will then invoice the Committee accordingly ($15 per hire). This can then be adjusted at the end of the financial year.</td>
</tr>
<tr>
<td>annually</td>
<td>FIVE YEAR DEVELOPMENT PLAN: Committees are encouraged to develop and maintain a Five Year Development Plan for the Facility. This plan should be reviewed and submitted to Council annually.</td>
</tr>
<tr>
<td>annually</td>
<td>EQUIPMENT INVENTORY: An up to date copy of the Committee’s equipment inventory should be forwarded to the Council on an annual basis.</td>
</tr>
</tbody>
</table>
## CORE DOCUMENTS REQUIRED - QUARTERLY

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Required Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>quarterly</td>
<td><strong>SITE INSPECTION CHECKLISTS</strong>: To assist Council meet its risk management and legislative duties, the Committee is required to complete a Site Inspection Checklist quarterly (ie. February, May, August, November) each year. If a building maintenance item is identified during the completion of a Site Inspection Checklist, a copy of this checklist should be forwarded to the Recreation Development Officer as soon as possible, and within twenty one (21) days of the inspection being carried out.</td>
</tr>
</tbody>
</table>

## CORE DOCUMENTS REQUIRED - AFTER EACH GENERAL MEETING

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Required Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>after each meeting</td>
<td><strong>MEETING MINUTES &amp; REPORTS</strong>: The Committee shall provide the Council with a copy of the minutes for each meeting, including all reports submitted by the Chairperson, Secretary and Treasurer within twenty one (21) days of the date of the meeting.</td>
</tr>
</tbody>
</table>

## CORE DOCUMENTS REQUIRED – EVERY FOUR YEARS

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Required Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every four years</td>
<td><strong>CYCLICAL AUDIT</strong>: The Committee’s financial statements including all receipts and bank statements will be examined and audited by Council’s Finance Unit and if required by a further independent auditor every four years, or upon request by Council. All receipts and bank statements should be kept by the Committee for at least seven (7) years. These documents will be required to be examined as part of the Cyclical Audit.</td>
</tr>
</tbody>
</table>

## OTHER REQUIRED INFORMATION

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Required Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>as required</td>
<td><strong>NEW COMMITTEE MEMBERS</strong>: Council needs to be notified in writing of any new Committee members within twenty one (21) days of the appointment.</td>
</tr>
<tr>
<td>as required</td>
<td><strong>DEVELOPMENT AND MAINTENANCE</strong>: To advise the Council on matters specific to the development and maintenance of the Facility.</td>
</tr>
<tr>
<td>as required</td>
<td><strong>USER GROUPS</strong>: Provide the Council with information regarding the Facility and its users, as requested from time to time.</td>
</tr>
<tr>
<td>as required</td>
<td><strong>EVENTS MAINTENANCE</strong>: To ensure that details of events being conducted by a user group or casual hirer of the Facility, which requires specific maintenance items (ie grass cutting, extra rubbish bins) are provided to the Council at least four (4) weeks prior to the event.</td>
</tr>
<tr>
<td>as required</td>
<td><strong>SECURITY BREACH</strong>: The Committee shall report any breach of security to the Team Leader Recreation within twenty four (24) hours of the incident.</td>
</tr>
<tr>
<td>as required</td>
<td><strong>KEYS &amp; KEY REGISTER</strong>: The Committee is to provide the Council with two (2) sets of keys that will allow access to any area of the facility. No locking system shall be changed without two (2) sets of new keys being provided to Council. An up to date copy of the Facility key register shall be supplied to the Council upon request.</td>
</tr>
<tr>
<td>as required</td>
<td><strong>MINUTE BOOK &amp; OTHER DOCUMENTS</strong>: The Committee shall make its minute book and all other papers or documents available for inspection by the Council upon request.</td>
</tr>
</tbody>
</table>