

Leeton Shire Council

Whitton Court House and
Historical Museum
Section 355 Committee of Council

Terms of Reference

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SECTION 355 COMMITTEE – WHITTON COURT HOUSE AND HISTORICAL MUSEUM

TERMS OF REFERENCE

1. Purpose & Scope

- To oversee the day to day operations of the Whitton Court House and Historical Museum as per the delegation issued by Leeton Shire Council
- To overview the strategic direction of the Whitton Court House and Historical Museum and provide reports and recommendations to the Council as considered appropriate
- To promote optimum usage of the Whitton Court House and Historical Museum
- To care for and maintain the facility through responsible day to day management
- To ensure the safety of the patrons of the Whitton Court House and Historical Museum

2. Membership

Membership of the Committee shall comprise of:

- Councillors as determined by Leeton Shire Council
- Council staff as determined by Leeton Shire Council (Council staff not eligible to vote at meetings)
- Community representatives as the Committee deems fit

Membership shall be appointed by resolution of Council.

All members shall be appointed for a four (4) year period, to be aligned with local government elections.

A member's appointment may be ended on the basis of one of the following:

- Resignation of a member
- Regular non-attendance at meetings
- Failure to respect the protocols and terms of reference for the Committee

2.1 Quorum of Membership

Minimum number for quorum will be greater than half the above membership.

A quorum is not required for meetings to take place. However, for a decision to be made at a meeting, a quorum of members must be present. If a quorum is not reached, the meeting can be held for information purposes only and discussion recorded as a report of the meeting (in lieu of Minutes of the Meeting).

2.2 Voting:

For the vote to be carried, a majority (more than half) is required.

3. Limitations of Powers:

There are a number of limits to the powers that Council can delegate to committees under Section 377 of the Local Government Act, 1993. Those powers which cannot be delegated to committees include:

- The making of a charge;
- The fixing of a fee;
- The borrowing of money;
- The voting of money for expenditure on its works, services or operations;
- The acceptance of tenders which are required under the Act to be invited by Council (\$150,000 and over);
- A decision under Section 356 to contribute money or otherwise grant financial assistance to persons;
- The making of an application, or the giving of a notice, to the Governor or Minister;
- Any function under the Local Government Act, 1993 or any other Act that is expressly required to be exercised by resolution of Council.

In addition to this, committees are also subject to such limitations and condition as may from time to time be imposed by law, specified by resolution of Council or in writing by the General Manager or their representatives to the committees. Committees will observe any rules and regulations made by Council in relation to the facility or function under its management and control.

If at any time a committee is deemed to be functioning outside the limits of its powers, all powers may be revoked by written notice to the committee signed by the General Manager or their representative.

4. Duties of Office Bearers

4.1 Chairperson:

The Committee shall be chaired by a member, elected by the Committee for the term of the Council election period.

Duties of the Chairperson:

Chair meetings and ensure agenda items are discussed, decisions are made and action to be taken, as appropriate.

Ensure preparation of agenda before the meeting.

Approve meeting minutes prior to distribution.

Represent the Committee as spokesperson.

4.2 Secretary

To be elected by the Committee for the term of the Council election period.

Duties of the Secretary:

Duties include: Preparing and distributing agendas, issuing notices for meetings (at least three (3) days prior to the meeting), ensuring all necessary documents requiring discussion or comment are attached to the agenda, taking notes of proceedings and preparing and distributing minutes of the meeting.

4.3 Treasurer

To be elected by the Committee for the term of the Council election period.

Duties of the Treasurer:

Duties include: responsibility for receipt of all monies payable to the Committee and give receipts for same, keep correct accounts and books showing the financial affairs of the Committee, bank all monies received to the credit of the Council/Committee, make available an up-to-date financial statement (Treasurer's Report) for each meeting of the Committee including the submission of accounts for confirmation of payments, close off the Committee's financial records at 30 June each year and submit a copy of the financial statements to the Annual General Meeting, submit financial statements and GST Summary Returns as required by Council.

The Treasurer is to convene a meeting of the Committee within one (1) month of the end of the Financial Year meeting so the Treasurer's Report can be accepted by the Committee. Minutes of this meeting must be forwarded to Council where they will be stored in Council's Electronic Document Management (EDM) system and presented to the next available Council meeting for noting.

4.4 Responsibility of Committee Members

Attend meetings and be punctual.

If unable to attend a meeting, organise to send an apology or a suitable delegate.

Raise issues and concerns, and report on initiatives and issues which may be relevant to or of interest to other members.

Participate in discussions and decision making.

From time to time, members may be required to review and comment on draft documentation that has not been formally considered by the Council's decision-making bodies. In these circumstances, it is crucial members understand the status of any documentation and the importance of maintaining confidentiality if they wish to have input at such a preliminary time. Members may also be privy to financial, legal or personal landowner information, which cannot be disclosed outside of the committee. Each member is required to agree to the confidentiality requirements of membership.

5. Management of Business

The Committee may invite appropriate persons to attend any meeting but such persons shall not be entitled to vote on any decision arising out of that meeting.

5.1 Frequency of Meetings

Meetings are held as regularly as the Committee deems fit.

6. Work, Health and Safety

Council is required to comply with the provisions of the *Work, Health & Safety Act, 2011* and *Work, Health & Safety Regulation 2011*. In comply with the Act, Council has a statutory responsibility to take appropriate measures to ensure that no person (including employees, volunteers, contractors or visitors to a Council workplace) suffers harm, or injury to their health and safety from the way in which Council conducts its activities.

Council has a duty to ensure that risks to health and safety at a workplace are identified, assessed, eliminated or controlled. "Workplace" means premises where people work and in particular includes:

- Any land, building or part of a building;
- Any vehicle
- Any tent or moveable structure

Council is committed to providing a safe and healthy work environment for all employees, volunteers and visitors to a Council workplace. It is acknowledged by Council that ensuring the highest possible standards of health and safety is an important responsibility which is shared by all managers, employees and volunteers.

Any questions about work, health and safety should be directed to Council's WHS and Risk Manager Coordinator.

7. Insurance

7.1 Insurance held by Council

Council is required to hold insurance policies to cover its liability as a consequence of its business activities. Policies that relate to volunteers and their activities include:

- Public Liability Insurance
- Persons Accident Insurance
- Property Protection Insurance

7.2 Public Liability Insurance

Council's Public Liability Insurance covers damage to injury to the public as a result of an act or omission of an act by Council due to negligence. In this instance "Council" means employees, councillors, Committee members and volunteers.

Public liability claims often end up in court and it is most important that accurate details are taken down immediately after an incident/accident. This information may be used in court and the volunteer involved called upon as a witness.

Council's insurer determines all insurance claims. Committee members must **NEVER ADMIT LIABILITY**.

7.3 Personal Accident Insurance

Council's Personal Accident Insurance covers Council employees, committee members and volunteers for bodily injury incurred while carrying out activities on behalf of Council that result in death or disablement. Personal Accident Insurance does not cover loss of income.

Personal accident cover provides **limited** benefits to committee members where **accidental** death or injuries are suffered in the course of their duties for the committee. The policy does not cover medical costs.

Committee members and volunteers, who are not committee members, must sign in and out on the Volunteer Register each time they undertake volunteer activities. This is necessary in order to record the hours the volunteer works to ensure insurance cover in the event of an accident or injury occurring while carrying out duties on behalf of Council.

7.4 Property Insurance

It is Council's responsibility to ensure that all its properties and assets are adequately insured.

Property Insurance covers damage but is subject to the policy's terms, conditions and exclusions and each claim carries an excess (the amount not covered by the insurer).

Burglary and malicious damage incidents **MUST** be reported to the Police immediately upon discovery and a Police Report Number and the name of the Police Officer recorded.

All incidents, regardless of value, must be reported to Council.

It should be noted, that volunteers personal items are not covered by Council's insurance whilst the volunteer is undertaking volunteer activities.

8. Insurance Required by Casual Hirers

Council has available a Public Liability Insurance Policy for casual hirers who do not have their own insurance and who wish to hire a Council facility as a one-off or on a casual basis.

Casual hirers are defined as those using a Council facility no more than a total of 10 times over any twelve (12) month period for one-off events such as birthday parties, weddings, receptions, christenings, etc.

Excluded from Council's casual hirers policy are all incorporated bodies, sporting clubs, associations of any kind and commercial entities (businesses). These exclusions are determined by Council's insurer, not Council.

9. Insurance required by all Other Hirers/User Groups

9.1 Public Liability Insurance

All incorporated bodies, sporting clubs, associations of any kind and commercial entities (businesses) **MUST** have their own Public Liability Insurance with a minimum cover of \$20M, noting Council as an "interested party" on the policy. A copy of the hirer's Public Liability Insurance Certificate of Currency must be obtained prior to approving the hire to ensure that appropriate cover is in place.

9.2 Property Insurance

Equipment belonging to hirers such as sports clubs, playgrounds, etc is not covered by Council's insurance policy and such groups must be advised to obtain their own cover for such items if stored at the facility.

9.3 Insurance required by contractors of the Hirer

Any additional services or contractors engaged by the hirer, eg to install stage or lighting equipment, caterers, operators of amusement devices, must have a minimum of \$20M public liability insurance. A copy of the contractors Certificate of Currency must be attached to the User Agreement for Council facilities before the hire is approved.

9.4 Notification of potential claim

Any matter or incident that may give rise to a claim against Council must be reported to Council as soon as possible. This will ensure that investigations and remedial actions can be undertaken to prevent further occurrences and protect Council's interests.

The Committee may receive notification of an incident either verbally, in writing, by telephone or by observation. Once the committee becomes aware of a potential claim it must notify Council **by the next business day**. If Council does not notify its insurer of a claim which it could reasonably have known about, indemnity may be denied.

10. Meetings

10.1 General

Committees should meet on a regular basis to discuss relevant business and make decisions. Regular meetings ensure that necessary tasks are attended to promptly and provide an ongoing accountability to both Council and the community. The aim is to meet as often as is necessary for the good management of the Committee and its delegated responsibilities.

An agenda is to be sent out to all Committee members and Councillor representatives at least one week prior to the meeting.

As the Committee has responsibilities to both Council and the community, a reasonable degree of formality is required. This however, does not mean that meetings should be burdensome. It is important that meetings are pleasant and conducted in an open and friendly manner that encourages the participation of all members.

10.2 Notice of the meeting and agenda

A notice of meeting, typically incorporated with the agenda, is circulated at least one week prior to the meeting. The agenda is a short document that sets out the business to be dealt with at the meeting.

Refer to Template: Ordinary Meeting Agenda Template for an example of how an agenda should be set out and what it should contain.

10.3 Minutes

Minutes of all Committee meetings must be kept and forwarded to all Committee members and Council. Council will store the Minutes in its Electronic Document Management (EDM) system. The Minutes will also be placed on Council's website.

The Chairperson is required to sign the Minutes of a meeting as a true record of the proceedings. The Minutes must record all motions and amendments put to the meeting and the results.

A motion to confirm the Minutes at the next meeting of the Committee can only be moved and seconded by a person in attendance at the meeting to which the Minutes relate.

Refer to Template: Minutes Template for an example of how Minutes should be set out and what they should contain.

10.4 Annual General Meeting

A distinct Annual General Meeting is to be held by the Committee each year. The main objectives of an Annual General Meeting is to report of the Committee's activities for the year past and to elect new officer bearers for the coming year.

The Committee is requested to hold their Annual General Meeting in July/August each year.

11. Financial Management

11.1 General

Extreme care must always be taken when dealing with financial matters as Council is required to comply with strict financial requirements of the Local Government Act 1993. Council's Finance Manager is responsible for the financial affairs of Council

and will act as the direct contact point for Committee Members to seek advice and guidelines for the Committee to follow.

Importantly, payments made outside the authority of the Committee may be recovered personally from Committee Members.

Before any Committee handles any money it must seek approval from Council to open an account with cheque drawing facilities in the name of the Committee.

11.2 Book of Accounts

If a Committee has delegated authority in its Constitution to raise or receive funds, then it will need to maintain the following:

- Cheque Book including Expenditure Documentation
The Cheque book should be kept by the Treasurer and should only be drawn on with the joint signatures of either the Chairperson or the Secretary. All payments must be made by cheque except for any petty cash accounts. All cheques drawn must have supporting documentation. These should be kept in order noting the cheque number and date of payment for easy reference. All cheques drawn must be authorised by the Committee. The Committee wherever possible should authorise the expenditure of money prior to the expenditure being incurred. All payments must be entered in the Cash Book
- Receipt Book
The receipt book must have a fixed duplicate and be sequentially numbered as well as bearing the Committee's name, Council's name and Council's ABN. Record the receipt number in the cash book and on the bank deposit slip. Where an error is made on a receipt, both the original and duplicate should be cancelled and retained in the receipt book and a new receipt issued.
- Cash Book
The Cash Book is the Committee's record of what money is received and spent and how much cash is on hand at any one time. Receipts and payments must be on separate pages with relevant details allowing easy cross referencing to the receipt book, the cheque book and the accounts paid.
- Bank Deposit Book
This book is supplied by the Committee's bank and is where all income is recorded for deposit into the Committee's account.
- Bank Reconciliation
A bank reconciliation should be completed each month and included in the Treasurer's report to the Committee.

12. Annual Financial Reports

The financial year for each Committee will be from the 1st July to the 30th June each year. A fixed accounting period for all Committees is required to ensure that the Committee's financial year falls in line with Council's financial year.

Within one month after the 30th June each year, Committees that have financial responsibilities must prepare financial statements including:

- A statement showing all income received and payments made by the Committee during the financial year ended.
- A list of all assets under the Committee's control at the end of each financial year, and any liabilities.
- A bank reconciliation
- A bank statement at the 30th June each year indicating the amount of funds held by the Committee in their bank account.

A copy of all financial statements must be submitted to Council after they have been formally adopted by the Committee.

13. Appointment of Council Liaison Officer

The responsibilities of the Council Liaison Officer are to:

- Attend all meetings held by the Committee
- Be actively involved with the Committee and provide advice and support to the Committee (*note – the Liaison Officer does not have voting rights at the meetings*)
- Take the Minutes of the meeting if not already done so by existing Committee members
- Ensure all Minutes are stored on Council's EDM system (TRIM)
- Ensure all Minutes are put up on Council's website (PDF)
- Present reports to Council on any matters that the Committee are seeking Council's assistance on

14. Governing Policies

Code of Meeting Practice
Code of Conduct

15. Amendments

The Terms of Reference may be amended in the following way:

Committee members must receive at least fourteen days' notice in writing of the proposed amendment(s).

The amendment as accepted by the Committee shall be forwarded to Council for its consideration but cannot be applied until adopted by Council.

XYZ COMMITTEE
Insert time, date & place of meeting

AGENDA

- 1) **Apologies**
- 2a) **Minutes of the previous meeting**
- 2b) **Business arising from those minutes**
- 3) **Correspondence – inward and outward**
- 4) **Treasurer’s report (if required)**
- 5) ***List specific items of business that are to be discussed at the meeting***
- 6) **General business**
- 7) **Date of next meeting**

XYZ Committee

Minutes of the meeting held at ??? on dd-mm-yyyy

Meeting commenced at ??

BUSINESS:

- 1) Apologies
- 2) a. Confirmation of Minutes of the Meeting held ??.
b. Matters arising out of Minutes. (Not elsewhere reported)
- 3) Correspondence
- 4) Treasurer's Report
- 5) Specific Business
- 6) General Business
- 7) Next Meeting

PRESENT: *List the members present*

IN ATTENDANCE: *Separately list anyone else in attendance*

1) **APOLOGIES** - *List any apologies received*

RESOLVED on the motion of ?? and seconded by ?? that the apologies of ?? be accepted.

2a) **CONFIRMATION OF MINUTES OF THE MEETING HELD dd-mm-yy**

A motion should be moved to adopt these. The resolution from that motion should be set out here. The resolution should include any changes that the meeting resolved to make to those minutes.

RESOLVED on the motion of ?? and seconded by ?? that the Minutes of the Meeting held dd-mm-yy as circulated be confirmed and adopted.

2b) **MATTERS ARISING OUT OF THE MINUTES**

Deal with any matters that were to be completed since the last meeting or that have arisen from items in those minutes.

3. CORRESPONDENCE

All items of correspondence should be listed here under the headings “inward” and “outward”. There should be a motion accepting the correspondence which should include any decisions the meeting may have made regarding any of the correspondence.

4. TREASURER’S REPORT

This should include:

- *The balance of the Committee’s bank account as at the last report;*
- *All transactions on that account since the last report;*
- *The balance of the account as at the date of preparation of the report, which should not be more than 7 days prior to the date of the meetings;*
- *A bank reconciliation*

There should be a motion to accept the Treasurers’ Report

RESOLVED on the motion of ?? and seconded by ?? that the Treasurers’ Report be confirmed and adopted.

5. SPECIFIC BUSINESS

There is no need to record any discussion on any item of business, but it can be done so if preferred. If the meeting wishes to make a decision on any matter raised, that decision should be framed as a motion and put to the meeting. All motions must have a mover and a seconder.

6. GENERAL BUSINESS

Any member may raise any matter relevant to the Committee in general business. If any decision is to be made on any matter raised, a motion must be framed and put to the meeting.

7. DATE AND VENUE OF NEXT MEETING

A date should be set for the next meeting

Meeting closed at ??