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Signed by Chief Executive Officer

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**This document is available in alternative formats (e.g. larger font) if requested.**

#### **ACKNOWLEDGEMENT OF COUNTRY**

**Loddon Shire Council acknowledges the Traditional Custodians of the land comprising the Loddon Shire Council area. Council would like to pay respect to their Elders both past and present.**

## 1 PURPOSE

The purpose of this policy is to:

- guide Council in the establishment of community asset committees and the appointment of members to the Community Asset Committee
- guide Council officers in the development of instruments of delegation for community asset committees

## 2 SCOPE

The policy applies to:

- Council in its decision making pursuant to section 65 of the Local Government Act 2020 (the Act)
- officers in the development of instruments of delegation for community asset committees.

## 3 POLICY

### 3.1 Establishment of community asset committee

A community asset committee is established by resolution of Council (section 65(1)). A Community Asset Committee's legal status is derived from Council through formal resolution pursuant to section 65 of the Act.

Community Asset Committees will only be formed by resolution at a Council meeting, and where:

- Council deems that it would be beneficial to the community for a community asset committee to undertake the role for and on behalf of Council
- it is considered that Council will be able to manage any risks associated with the activity being undertaken by a local committee
- there is evidence of support for the establishment of the committee at a local level
- there is no incorporated body that undertakes the same role.

Where a Community Asset Committee manages an asset, Appendix 1 to this policy will be attached to reflect requirements under the Building Asset Management Plan (BAMP) and other legislation and documents. A copy of the BAMP can be accessed at <https://www.loddon.vic.gov.au/Our-Council/Plans-strategies-and-policies/Plans-and-strategies>.

### 3.2 Appointment of members to community asset committee

Council may appoint as many members to a Community Asset Committee as Council considers necessary to enable the Community Asset Committee to achieve the purpose of managing a community asset in the municipal district (section 65).

Council may, with valid reason, refuse to appoint any proposed member or members.

The Councillor for the ward in which the Community Asset Committee manages community assets is an ex officio, non-voting member and must be invited to all meetings of the Community Asset Committee.

### 3.3 Delegation of power, duty or function of the Council

Following the establishment of a committee and appointment of members by Council resolution, an Instrument of Delegation that sets out exactly which powers, duties or functions are being delegated will be executed by the CEO.

The CEO may, by instrument of delegation, delegate powers, duties or functions of the Council that have been delegated to the CEO to the members of a Community Asset Committee (section 47(1)).

A delegation to the members of a Community Asset Committee is to be exercised subject to the terms and conditions specified by the CEO, which must include the following (section 47(4)):

- the specified limit on any financial delegation and the specified purpose for which the financial delegation may be used
- compliance with specified governance requirements to ensure appropriate standards of probity are met
- specified monitoring and reporting of the activities and performance of the Community Asset Committee.

A member of a Community Asset Committee to whom a delegation is given under this section can only exercise the delegation while acting as a member of the Community Asset Committee at a meeting of the Community Asset Committee (section 47(5)).

The CEO must submit an annual report to the Council in relation to the activities and performance of a Community Asset Committee (section 47(6)).

The CEO must keep a register of delegations made under section 47 of the Act.

When preparing an Instrument of Delegation for a committee, the Council will clearly state:

- the name of the committee
- clearly describe the facility managed by the committee
- type of membership for the committee,
- the quorum required for a meeting
- the purpose of the committee
- what the committee should do to meet its purposes (objectives, functions, duties and powers)
- roles and responsibilities of the committee and Council

The Instrument of Delegation will:

- be consistent in requirements for similar committees
- be sufficiently broad to allow the committee to operate without undue restrictions or constant reference to Council
- clearly state the accounting and reporting requirements of the committee including:

Source	Action	Due date
Delegation	Arrange for audit of Financial Statements	Must be available for Annual General Meeting
Delegation	Hold Annual General Meeting	Within 90 days of end of financial year

Source	Action	Due date
Delegation	Provide an annual report to the CEO in a format approved by the CEO with appropriate supporting documents	30 September annually

Appendix 1 of this Policy contains a generic list of responsibilities that may be included in an Instrument of Delegation. Some or all of these responsibilities will apply to each committee. The Instrument of Delegation will be prepared by the Director Corporate Services in consultation with the relevant Council officers.

### 3.4 Support of Committees

Council will provide the necessary information, resources and support to allow each committee to function effectively.

Council will support Community Asset Committees by providing:

- dedicated staff resources to provide advice and assistance in governance and operational matters
- up to date and relevant information for operating as a Community Asset Committee in a governance manual
- training in the requirements of Community Asset Committees upon request
- short term hire and user agreements for the committee to use
- information and support in relation to compliance with Essential Safety Measures
- advice on insurance coverage.

Council will monitor Community Asset Committees to ensure compliance with requirements of the Act and the Instrument of Delegation that guides their activities by:

- conducting building assessments from time to time
- reviewing the annual report of the committee and presenting it to Council
- conducting audits of financials contained in the annual report.

#### 3.4.1 Governance manual

Each Community Asset Committee will have access to a governance manual that provides key information and relevant documents, sets out roles and responsibilities and provides key Council contacts.

#### 3.4.2 Insurance

Part of the support provided by Council includes insurance. Community Asset Committees are covered by the following insurance:

- Building and content insurance
- Public liability insurance
- Liability and personal accident insurance
- Volunteer insurance

Council provides suitable insurance to cover all its **buildings and contents**. It is important that committees have an inventory of items to support any insurance claims.

Council provides suitable insurance to cover **public liability claims** in the following circumstances:

- Council is to be notified regarding special events for insurance purposes and an event management plan prepared and actioned. Some details of the event should be minuted in the organisations meeting minutes for further clarification and a record for future reference.
- Hirers of any facility managed, maintained and controlled by a Community Asset Committee must have their own Public Liability insurance in accordance with any hire or lease agreements, and must submit a copy of their certificate of currency to the committee together with any required forms. This information is recorded and forwarded to Council.
- Casual hirers who don't have their own public liability insurance are able to purchase public liability insurance from Council for a small fee prior to using an asset (e.g. hall) by completing relevant forms and making relevant payments.
- Certain activities may need to be covered by separate insurance. Committees should check this with the Organisation Development team at Council.

Committee members appointed under Section 65 of the Act are covered by the Council's **liability and personal accident** policies when carrying out activities for and on behalf of the committee whilst acting within their delegated powers.

Volunteers authorised by the committee are also covered by the Council's Liability and Personal Accident policies whilst carrying out activities for and on behalf of the Community Asset Committee. All volunteers must be registered with the Organisational Development department.

Claims should be raised with the Manager Organisational Development.

### 3.4.3 Monitoring performance

The performance of all committees, in respect of their management of Council owned or controlled property will be monitored to ensure that safe operation and effective governance and financial controls are in place.

### 3.4.4 Dispute and resolution

Disputes and grievances shall in the first instance, wherever possible, be dealt with informally between the parties involved. Generally grievances with Council should be raised with the Council officer and grievances with the committee should be raised with the Chairperson. If a satisfactory resolution cannot be reached the matter can be progressed to Director Corporate Services.

All formal grievances and their outcomes will be recorded in Council's record management system.

## 3.5 Amalgamation

Should a Community Asset Committee wish to amalgamate with another Community Asset Committee, each committee must:

- express this intention in minutes of a meeting and indicate the proposed new name for the committee and who is proposed as officer bearers for the amalgamated committee
- advise Council by letter of those intentions and proposed membership
- work with Council officers to prepare a proposed instrument of delegation for the amalgamated committee
- await the establishment of the new Community Asset Committee and the appointment of its members by Council resolution before acting as members of the new Community Asset Committee
- arrange for all assets and funds held by the committees to be transferred back to Council which will then arrange for auditing, archiving and/or transfer to the new Community Asset Committee.

### 3.6 Dissolution of committee at committee's request

Any Community Asset Committee may seek to be dissolved by Council at any time.

A Community Asset Committee shall seek to be dissolved in the event that membership drops to less than four (4) persons, unless Council specifically resolves otherwise.

Where a Community Asset Committee is dissolved, the Community Asset Committee should record where important assets such as honour boards and memorabilia have been stored. All documents such as minutes and financial records must be forwarded to Council for registration and archiving.

### 3.7 Disbandment of committee on Council's initiative

Community Asset Committees will only be disbanded by resolution of Council at a Council meeting. Reasons for disbandment could include:

- Council deems that it would be more beneficial to the community to have the role previously undertaken by a committee undertaken by Council staff
- Council is unable to manage the risks associated with the activity being undertaken by the committee
- there is evidence of support for disbandment of the committee at a local level
- an incorporated body approaches Council about undertaking the role of the committee
- the function previously undertaken by the committee is no longer required
- the same function can be performed by amalgamating with other committees or organisations with similar objectives
- the committee is not complying with the roles and responsibilities of the committee.

Where a Community Asset Committee seeks to be disbanded, meeting minutes should record where important assets such as honour boards and memorabilia have been stored. Where Council initiates the disbandment of a committee, a record will be created and kept by Council about where important assets are stored. All documents such as minutes and financial records must be forwarded to Council for registration and archiving.

### 3.8 Responsibilities

The Community Asset Committee will be responsible for:

- fulfilling any roles, responsibilities and functions as required by Council and as set out in the Instrument of Delegation and the Governance Manual
- managing these roles, responsibilities and functions, subject to Council's policy and direction and in accordance with the Act, the Instrument of Delegation and the Governance Manual
- carrying out the management, general operations and regulating the usage of the facility
- facilitating patronage, accepting bookings for the facility subject to Council's policy and direction
- managing risks associated with the operation of the facility in accordance with Council's policy and developing and reviewing the facilities where required
- raising funds, where required, to provide for the ongoing management, operation and purpose of the committee including, maintenance of the facility in accordance with the Building Asset Management Plan
- providing an Annual Report to the CEO in a format approved by the CEO
- advising Council immediately of fraud or suspected fraud
- reviewing and minuting the receipt of the Council policies at a committee meeting.

The Director Corporate Services with the assistance of the Administration Officer Corporate Services is responsible for:

- providing advice and assistance in governance and operational matters
- providing up to date and relevant information for operating as a Community Asset Committee in a governance manual for committees
- arranging training in the requirements of Community Asset Committees
- liaising with the committee to provide advice and assistance in relation to the operations of Community Asset Committees
- ensuring that financial reports are audited in accordance with the Instrument of Delegation
- collating Community Asset Committee Annual Reports and preparing a report to Council on the activities and performance of the Community Asset Committees.

The Building Maintenance Coordinator is responsible for:

- liaising with the committee to provide advice and assistance in relation to the operations of the facility, and for monitoring to ensure that systems and processes are in place to enable the safe and efficient operation of Council facilities
- carrying out inspections from time to time.

## 4 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
Community Asset Committee	A committee established by Council under Section 65 of the Local Government Act 2020
Instrument of delegation	The document that outlines the powers, duties or functions of a Community Asset Committee
The Act	Local Government Act 2020
Council meeting	a Council meeting that complies with section 61(1);

## 5 HUMAN RIGHTS STATEMENT

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act. Loddon Shire Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee Health and Safety Representatives in any workplace change that may affect the health and safety of any of its employees.

## 6 REVIEW

The Director Corporate Services will review this policy for any necessary amendments no later than 4 years after adoption of this current version.



## APPENDIX 1: COMMUNITY ASSET COMMITTEE RESPONSIBILITY

### MAINTENANCE GUIDELINES FOR COMMUNITY ASSET COMMITTEES MANAGING COUNCIL FACILITIES:

This document provides guidelines to your Community Asset Committee for the maintenance of Loddon Shire's (Council) owned / managed facilities. This document must be read in conjunction with Loddon Shire's [Building Asset Management Plan \(BAMP\)](#).

Where an item is not applicable, parties may strikethrough the item. Both parties must initial the strikethrough for the item to be considered not applicable.

Item	Responsibility		Comments
	Council	Community Asset Committee	
<b>UTILITIES</b>			
Power (electricity) Gas (bottled and mains) Water (building) Telecommunications		✓	Payment for all supply costs, service charges and associated expenses.
<b>BUILDINGS</b>			
Includes: Main buildings, grandstands, scoreboards, timekeepers hut, player and public shelters, ticket entrances, shedding, carpools, verandas, toilets, fences etc. <b>Note:</b> does not apply to public toilets which Council is responsible for as defined in Council's Building Asset Management Plan.			
Rates	✓		Council will be responsible for any rates and charges, including land tax if applicable. Contact Council's Revenue Coordinator
Building insurance	✓		Council insures building. Contact Council's Manager Organisational Development



Item	Responsibility		Comments
	Council	Community Asset Committee	
Structural integrity of the building	✓		<p>Council will be responsible for all structural integrity issues (including foundations, footings, load bearing wall frames, roof trusses and roof coverings) subject to Council funding approval.</p> <p>Contact Council's Manager Assets and Infrastructure</p> <p>Community Asset Committee are responsible for reporting issues immediately as they arise</p>
Building maintenance and repairs.		✓	<p>All building maintenance and repairs including electrical, plumbing, fit outs, cladding, spouting, guttering, storm water and sewer/septic blockages etc.</p> <p>Cleaning internally and externally and supply of cleaning products and consumables.</p> <p>Repairs due to vandalism including the removal of graffiti.</p> <p>Report any structural damage to Council's Building Maintenance Coordinator</p>
Gutter-cleaning		✓	Community Asset Committee is responsible for organising the cleaning of guttering
External painting		✓	<p>Community Asset Committee is responsible for external painting.</p> <p>Colour changes are to be confirmed with Council's Building Maintenance Coordinator.</p>
Internal painting		✓	<p>Community Asset Committee is responsible for internal painting.</p> <p>Colour changes are to be confirmed with Council's Building Maintenance Coordinator.</p>

Item	Responsibility		Comments
	Council	Community Asset Committee	
Kitchen – food safety/hygiene		✓	Community Asset Committee must comply with requirements of the Food Act. Contact Council's Public Health Officer for further information.
Cleaning of sports use toilets		✓	Day to day cleaning and supply of all consumables such as toilet paper and hand towels (excluding public toilets recognised within Council's Building Asset Management Plan.)
Asbestos Audits and Asbestos Register  Asbestos containment and/or removal	✓		Council will be responsible for engaging suitably qualified contractors to undertake Asbestos Audits on Council buildings over a 5 year period. Council will maintain the Asbestos Register. Council will manage identified asbestos in buildings through regular inspection checks or removal. Contact Council's Building Maintenance Coordinator.
Asbestos Control Methods		✓	Community Asset Committee is responsible for ensuring site hazard control methods are adhered to and breaches are immediately reported to Council.
Seasonal inspections		✓	Where facilities involve the running of seasonal sports, the Community Asset Committee is responsible for arranging for Council to inspect all sporting facilities prior to the season
<b>BUILDING CONTENTS</b>			
Contents insurance		✓	Community Asset Committee is responsible for insuring contents that are not owned by the Council.

Item	Responsibility		Comments
	Council	Community Asset Committee	
Electrical testing and tagging of appliances		✓	The Community Asset Committee is responsible for engaging competent person(s) to undertake testing and tagging of electrical equipment to Australian Standards.
Floor coverings		✓	The Community Asset Committee is responsible for cleaning/maintenance and replacement of floor coverings.
Window furniture		✓	The Community Asset Committee is responsible for cleaning/maintenance and replacement of curtains, blinds and other window furnishings.
<b>ESSENTIAL SAFETY MEASURES</b>			
Records of service must be kept in the installed Essential Safety Measures Cabinet and also be provided to Council on request.			
Fire extinguishers Fire blankets Hose reels Fire hydrants		✓	The Community Asset Committee is responsible for engaging competent person(s) to undertake servicing of fire-fighting equipment to Australian Standards.
Air-conditioning and Mechanical Ventilation Systems		✓	Servicing of Air Conditioning Systems (Heating and Cooling) and Mechanical Ventilation Systems to Australian Standards. Service requirements and frequencies may vary from site to site
Fire mains		✓	Servicing and testing of Fire Mains (Ring Mains) to Australian Standards. Currently required every 5 years.  Council's Building Maintenance Coordinator will provide a reminder before due date

Item	Responsibility		Comments
	Council	Community Asset Committee	
Lifts		✓	Serviced to Australian Standards by suitably qualified person(s) Minimum service requirement is annually unless Council deem a more frequent service is required.
Emergency lighting and exit lights		✓	Serviced to Australian Standards by suitably qualified person(s) at 6 monthly intervals
Material Safety Data Sheets (MSDS)		✓	Community Asset Committee is responsible for holding and maintaining applicable MSDS.
Access and egress Paths of travel to exits		✓	Internal audits to be conducted by a suitably responsible person at quarterly intervals. Written records must be completed and filed in the supplied Essential Safety Measures cabinet from 1 July 2018)
Emergency Evacuation Policy		✓	Community Asset Committee is responsible for implementation and ongoing reviews. Council's Manager Organisational Development may assist the Community Asset Committee with the development and/or review of Emergency Evacuation policies and procedures.
<b>BUILDING SERVICES</b>			
Rubbish and recycle Kerbside collection			Council Policy currently under review.
Septic tank and lines	✓		Council will be responsible for major maintenance or replacement subject to Council funding approval. Contact Council's Building Maintenance Coordinator.

Item	Responsibility		Comments
	Council	Community Asset Committee	
Septic tank and lines servicing		✓	General annual/tri-annual servicing and repairs is the Community Asset Committee's responsibility.
Grease traps / triple interceptor pits	✓		Council will be responsible for major maintenance or replacement subject to Council funding approval. Contact Council's Building Maintenance Coordinator.
Grease traps / triple interceptor pits servicing		✓	General annual/tri-annual servicing and repairs is the responsibility of the Community Asset Committee.
Thermostatic Mixing Valves / Tempering valves		✓	Serviced to Australian Standards by suitably qualified person(s) at 12 monthly intervals
Backflow Prevention Devices		✓	Annual serving and repairs of Backflow Prevention Devices annually or as directed by Coliban Water
Automatic doors		✓	Serviced to Australian Standards by suitably qualified person(s). Community Asset Committee is responsible for all service and maintenance costs.
<b>GROUNDS</b>			
Including nature strips			
Fencing maintenance and renewal		✓	Community Asset Committee responsible for all maintenance and renewal of boundary and internal fencing
Playground equipment		✓	Community Asset Committee is responsible for regular safety checks and general upkeep.
Seat and bench maintenance		✓	Community Asset Committee is responsible for maintenance and up-keep.

Item	Responsibility		Comments
	Council	Community Asset Committee	
Ovals and surrounds maintenance		✓	Community Asset Committee responsible for all maintenance and upkeep of ovals and surrounds.
Light tower maintenance		✓	Community Asset Committee is responsible for all maintenance and upkeep of light towers.
Water (sporting grounds)		✓	Irrigation systems are managed and maintained by Community Asset Committee.
Garden beds maintenance and watering around halls, clubrooms or pavilions		✓	Includes maintenance of all garden beds, ornamental lawns, mowing and their respective watering systems.  New garden beds situated in close proximity of buildings must be approved by Council prior to installation.
Netball and tennis courts maintenance		✓	Community Asset Committee is responsible for all maintenance and upkeep of netball and tennis courts.
Pest plants (weeds) and animals		✓	Includes insects, rodents, rabbits, feral animals and weeds
Road and path maintenance		✓	Community Asset Committee is responsible for: inspection, maintenance and renewal of all internal driveways, roadways, footpaths and parking areas.
Hard surfaces - (paving, asphalt, concrete etc.)		✓	Community Asset Committee is responsible for all maintenance and upkeep of all hard surfaces.
Advertising sign maintenance		✓	The erection and maintenance of advertising signs is subject to Council approval and must meet all regulations and planning requirements. A Planning Permit may be required.

Item	Responsibility		Comments
	Council	Community Asset Committee	
No smoking signs		✓	Council is able to supply replacement signs to the committee. The committee is responsible for maintaining/installing the signs.
Barbecue maintenance		✓	Community Asset Committee is responsible for all maintenance and works associated with the BBQ facilities at reserves
Rubbish maintenance		✓	Rubbish generated from activities that use the facility must be disposed of in bins on site kerbside collection service. If no bins available, the Community Asset Committee must remove rubbish off site. Hard rubbish that is generated from works must be carted away from the property at the completion of the works.
<b>MISCELLANEOUS</b>			
Smoking		✓	No smoking is permitted in any Council building. Committees are responsible to ensure no cigarette butts litter the ground and surrounding areas.
Special events		✓	Any special events costs and damage is the responsibility of the Community Asset Committee
Alcohol		✓	No alcohol is permitted <b>to be sold</b> unless a liquor licence is held– see Department of Justice for more information ( <a href="http://www.justice.vic.gov.au/alcohol">www.justice.vic.gov.au/alcohol</a> ) The Food Act also applies to alcohol sales. A permit is required from Council.
Gambling		✓	No gambling is permitted in any Council property without appropriate approvals



Item	Responsibility		Comments
	Council	Community Asset Committee	
Politicians		✓	Community Asset Committee must seek authorisation from Council prior to contacting a politician.

**Committees may apply for funding assistance for any maintenance requirement via Council’s Community Grants Program or Recreation Grants. If successful for grant funding, all works are subject to written approval from the Technical Services department.**

**Committees may also apply for funding assistance from sources other than Council. Committees should contact Community Support for assistance with their application.**