

S355 General Sportsground Committee Terms of Reference 2024 - 2028



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Document Control	
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1 Preface

Bega Valley Shire Council recognises the essential and active role community members play in the provision of services to our community. One of the key roles that community members play in Council operations is the management of community facilities, including the sportsgrounds available across the Shire, for the use and enjoyment by the local community.

The operations of Council committees are governed by a range of legislative, policy and procedural requirements. These Terms of Reference have been developed by Council to provide an operating framework for the S355 General Sportsground Committee. This committee comprises of representatives from each of the individual Community Sportsground Site Committees as well as a Councillor who chairs the meetings. A Council officer offers a secretariat function to the committee. These Terms of Reference include information on the roles and responsibilities members of this committee accept as delegates of Council and the scope and limitations of the committee.

1.1 Review

These documents will be reviewed and amended by Council as required.

All committee suggestions and feedback are welcome and should be forwarded to Council to ensure consideration in the review process. Correspondence can be forwarded to council@begavalley.nsw.gov.au or PO Box 492 Bega NSW 2550.

1.2 Support

Although these Terms of Reference are designed to give members an understanding of the committees' operating framework, Council is committed to ensuring that committees have access to the support needed to fulfil the committee's roles and responsibilities.

Any questions or requests for assistance should be directed in the first instance to Council on 6499 2222.

2.Introduction

2.1 Council Sportsground Management System

Sportsground and other buildings available for use by the community are important places for our community to engage in social, artistic, cultural, educational and recreational activities.

Council's Sportsgrounds provide opportunities across the Shire for our community to come together, create connections between people and build stronger communities.

Council recognises that the number and quality of these sportsgrounds could not be provided to the community without the efforts of committees and the wide range of volunteers who assist the committees in their work in managing and maintaining the facilities.

Council has implemented the committee management system outlined in this document to assist committees with their involvement in overseeing maintenance, use and development of our community's sportsgrounds.

Following these Terms of Reference helps committee members to:

- Have the information and tools required to operate within the limits of the responsibilities delegated to them by resolution of Council.
- Have the information and tools to operate within the legislative and government frameworks we must operate in.
- Volunteers are adequately covered by insurance.

These Terms of Reference also clarify Council's roles and responsibilities in this important community/government partnership. It is this committee/Council partnership that helps provide the best possible ongoing provision of sportsgrounds for use by our local community.

2.2 Introduction of the Terms of Reference

All committee members are to have access to these Terms of Reference. A copy of the Terms of Reference will be provided to all members of this committee at their induction. Additional copies of the Terms of Reference are available from Council and on the council website.

It should be noted by Council and committees that the absence of Terms of Reference for specific activities in this, or related documents, must not be taken as an absence of any required procedures or responsibilities and as such, committees with questions not specifically addressed should be directed in the first instance to Council on 6499 2222.

2.3 Key Dates for Committees

The S355 General Sportsground Committee will meet four times per year in February, May, August and November. Each meeting will focus on a key aspect of facilities management. These include:

1. Operations - Responsibilities, coordination, programming and developing efficiencies.
2. Budgeting - Income and expenditure review. Operational, maintenance and capital.
3. Service Levels and Reporting - Review of operations performance, community feedback and opportunity for improvements in provision. Provide information to Council relating to the use and management of facilities for review and comparison, to be used in developing improvements and efficiencies where practical and achievable.
4. Income, Fees and Charges - Review of income generated through sportsgrounds with the aim of ensuring consistency, equity and balance between users and facilities across the Shire.

3. The Legalities of Committee Operations

3.1 The Legal Position of Committees

Council's sportsground committee's management structure is based on two levels of committees, the General Sportsground Committee (a Section 355 committee) and a Community Sportsground Site Committee for each individual sportsground, managed by the community on behalf of Council.

The *Local Government Act 1993* ('the Act') is the legislative framework that outlines how Council can exercise its functions in respect to the operation of a wide range of community services and facilities.

Council's Section 355 General Sportsground Committee is the advisory body constituted under Section 355 of the Act. This committee is made up of nominated representatives from each of the individual Community Sportsground Site Committees and is chaired by a Councillor. The delegated functions of this committee are outlined in section 3.4 of this document and also in Council's Delegations Manual.

A key section of the Act relevant to the delegation of authority by Council to committees is Section 377. Section 377 provides that certain functions may be delegated to a committee and outlines which activities Council cannot delegate.

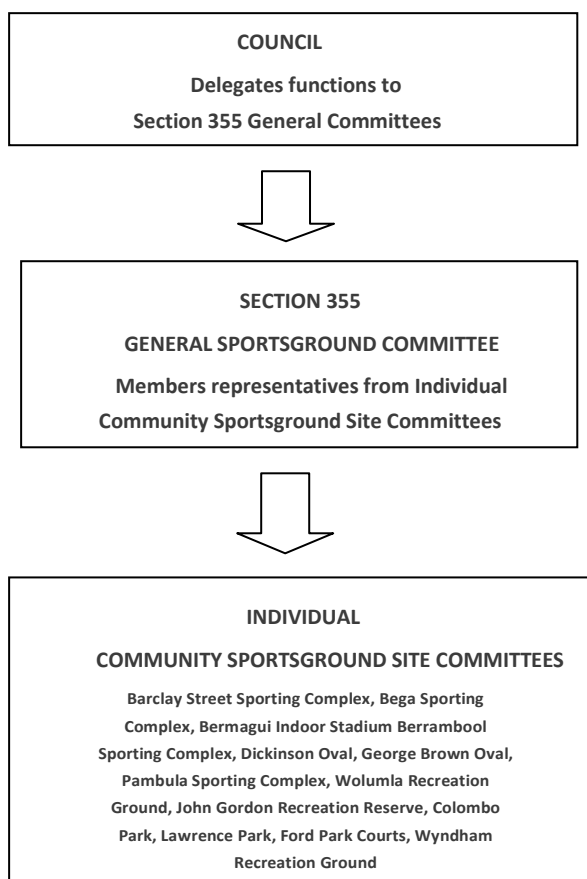
Relevant sections of the Act, including Sections 355 and 377 are available on Council's website. Full text is available from Council or online at:

[LOCAL GOVERNMENT ACT 1993 - As at 7 August 2024 - Act 30 of 1993 \(austlii.edu.au\)](#)

As Council has delegated authority to the committee to act on Council's behalf, this authority may be withdrawn or altered as deemed necessary by resolution of Council or in writing by Council's CEO or his/her representative.

3.2 Sportsgrounds Committee Hierarchy

The following diagram shows the structure of the Council committees and lists the name of each of the individual community sportsground site committees for facilities managed under this framework.



3.3 Related Council Policies and Procedures

Policies and procedures are essential to ensure that legal, fair and consistent decisions are made across Council operations. Policies and procedures support Council in achieving its corporate objectives, including deliverables identified in the Community Strategic Plan, and provide crucial guidelines for Councillors, staff and other stakeholders.

This document aims to provide details of the steps that committees need to follow to meet the requirements of Council policies and procedures.

A copy of all related Council policies and procedures are available from Council or online at [Policies, procedures, delegations - Bega Valley Shire Council \(nsw.gov.au\)](https://www.bega.nsw.gov.au/policies-procedures-delegations)

Council officers are also available to answer questions and assist committees with policies and procedures that are essential to ensure that legal, fair and consistent decisions are made across council operations.

3.4 S355 Committee Roles and Responsibilities

The roles and responsibilities of the S355 General Sportsground Committee as delegated by resolution of Council are to:

- Make recommendations to Council on any aspect of sportsground management and/or sportsground operations.
- Make recommendations to Council on appropriate fees and charges structures for sportsgrounds.
- Advise Council of the membership of individual sportsground community committees.
- Recommend financial allocations for individual sportsgrounds from council funds and/or funds from other sources;
- Establish working groups or special task groups where required and report back to the committee.

3.5 S355 Committee Correspondence and Communications

Correspondence from Council S355 committees is effectively correspondence from the Council, as the committee act as delegates of Council.

The following guidelines are provided for all S355 committees to use in correspondence and communications to ensure appropriate representation on behalf of Council:

- Committees may write to any person, body, organisation or agency in the pursuit of information which, in the committee's opinion is an integral part of information and data gathering and collecting to enable the committee to be best placed to advise the Council on a matter within the committee's delegations.
- Committees may write or otherwise communicate with any person, body, organisation or agency on any other matters within the committee's delegations which are not of a contentious nature. A contentious matter is taken to be a matter which has the potential to be derogatory, unseemly, not in the public interest, or likely to erode public confidence in the Council.
- Committees may not represent or imply a representation of the views of Council without express authorisation of Council's CEO or his/her representative.

3.6 Committee Membership

3.6.1 Community Sportsground Committee Membership

Council, at this time, has 13 community sportsgrounds site committees at:

- Bega – Bega Sporting Complex including Roy Howard & Valley Fields
- Bermagui – Dickinson Oval & Courts
- Bermagui Indoor Stadium
- Bemboka – Colombo Park
- Candelo – John Gordon Recreation Reserve
- Eden – Barclay Street Sports Complex
- Eden – George Brown Memorial Oval
- Merimbula – Berrambool Sporting Complex
- Merimbula – Ford Park Courts
- Pambula – Pambula Sporting Complex
- Tathra – Lawrence Park
- Wolumla – Wolumla Recreation Ground
- Wyndham – Wyndham Recreation Ground

Each community sportsground site committee requires a minimum of three members.

The members are nominated from representatives of each organised regular user group of the facility. Committee composition will demonstrate equity in representation between facility users. Community sportsground site committee nominations will be reported to Council for appointment.

The term of community sportsground site committee appointments will be for the same term as the Council, who appoint site committee members, with the addition of an extra three months' leeway following the general election of Councillors.

A quorum of a community sportsground site committee meeting shall be ALL members if there are fewer than three; and if more than three members a majority of the committee. (The majority is taken to be one half of the number of the committee members rounded up to the next number).

Community sportsground site committees will appoint a Chairperson and a S355 General Sportsground Committee representative at a minimum; and other typical executive positions relevant for the committee to operate.

Minutes of community sportsground site committee meetings are to be provided to Council.

Where there are not enough nominations for a community sportsground site committee to form (fewer than three), the nominees received will be endorsed as the principle BVSC points of contact for that site.

Additional nominations for community sportsground site committees will be reported for Council consideration as they are received.

Individual community sportsgrounds site committees do not have nor require a Councillor delegate in order to function.

3.6.2 S355 General Sportsground Committee Membership

The Section 355 General Sportsground Committee is chaired by a Councillor, with membership consisting of two representatives from each of the regional and district community sportsground site committees, and one representative of the local community sportsground site committees.

Members of the S355 General Sportsground Committee will be appointed by Community Sportsgrounds Site Committees, the members of which have already been endorsed by Council. It is recommended that each Community Sportsground Site Committee nominate its representative/s to be on the S355 General Sportsground Committee annually - in line with the process for electing committee chairs, secretaries etc. This will give different Community Sportsground Site Committee members an opportunity to be on the S355 General Committee and will give each Community Sportsground Site Committee the delegation to nominate members to the S355 General Committee. Names of the delegates to the S355 General Sportsground Committee will be reported to Council each year via the S355 General Sportsground Committee minutes. A Council officer provides a secretariat function to this committee.

3.7 S355 General Sportsground Committee Meeting Procedures

3.7.1 Meeting Frequency

The S355 General Sportsground Committee will meet four times a year in February, May, August and November unless otherwise advised by a Council officer.

3.7.2 Meeting Notification

Although meeting dates are predetermined, as a reminder, notification of S355 General Sportsground Committee meetings will be made in writing providing four weeks' notice of the next meeting date.

3.7.3 Quorum

The quorum of a Section 355 committee meeting shall be a majority of members of the Committee. The majority is taken to be one half of the number of the committee members rounded up to the next number (i.e., in the case of twelve members, the quorum is seven).

3.7.4 Reimbursement of Travel Expenses

The cost of travel incurred by the General Sportsground Committee members to attend General Sportsground Committee meetings will be reimbursed using the rates provided by the ATO.

3.7.5 Record Keeping and Public Access to Information

Under the Government Information Public Access Act ('the GIPA Act'), Section 355 committee meeting notices and minutes of meetings are required to be published on Council's website.

Draft minutes of the S355 General Sportsground Committee meeting will be provided to committee members within two weeks of the meeting date (where possible) and confirmed at the next meeting of the committee.

3.7.6 Code of Conduct and Code of Meeting Practice

Council recognises the importance of being transparent in all its dealings and has adopted a Code of Conduct and Code of Meeting Practice to be observed by all Section 355 committees. These codes detail the appropriate behaviours of committee members and the obligations of committee members should a conflict of interest or pecuniary interest arise.

In order to assist committee members, definitions of conflict of interest and pecuniary interest are provided below:

- a) A **conflict of interest** exists when a committee person has to deal in a matter in their public capacity, which is also a matter where the person:
 - has a private interest arising out of kinship, friendship, membership of an association, society or trade union, or involvement or interest in an activity; or
 - could reasonably be perceived by others as one in which a conflict of interest could possibly exist.
- b) A **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom that person is associated.

In the event of a committee member feeling that they may have a conflict of interest or pecuniary interest, it is their obligation to ensure that they comply with the Council Code of Conduct and the Council Code of Meeting Practice.

The appropriate procedure for handling conflicts of interest or pecuniary interests is for that person to declare the interest and take no part in discussion or voting on the matter under discussion. This may include the necessity for the person to leave the meeting while the agenda item is addressed.

Full copies of Council's Code of Conduct and Code of Meeting Practice and are available from Council or online at:

http://www.begavalley.nsw.gov.au/Your_Council/Policies/Policies.htm

Committee members should be aware that conflicts of interest and pecuniary interest are also governed by Part 2, Division 1 of the Act and there may be serious consequences for breaching these conditions.

3.8 Insurances

Committee members and volunteers at Council facilities are covered by a range of insurances.

Committees must note that the following insurances do not preclude the committee from due diligence and the requirement to follow all relevant Council policies and procedures as well as the guidelines included in this operation manual.

3.8.1 Public Liability Insurance

As committees are appointed under the provisions of the Act, committee members are automatically included in Council's insurance coverage, which are:

- **Public liability** insurance protects committee members and Council against financial risk of being found liable to a third party for death or injury, loss or damage of property or 'pure economic' loss resulting from the individual's negligence.
- **Professional indemnity** insurance protects committee members and Council from legal action taken for losses incurred as a result of the committees' professional advice.

Members of committees should note that they are only covered by the above insurances when acting within the scope of their delegation.

The following general information applies to the public risk policy:

- a) The public risk policy covers Council and the committee against claims made by members of the public for personal injury or injury to personal property arising from a negligent act or omission of Council and/or the S355 committee.
- b) When an accident occurs, members of the committee are instructed that they are not empowered to admit liability. For action to be taken in these circumstances the claimant should contact Council directly on 6499 2222.
- c) Council staff are available for committee members to discuss any problems associated with this insurance.

3.8.2 Personal Accident Insurance

Council has arranged a personal accident policy to cover committee members and inducted volunteers.



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