



**SECTION 355  
ADVISORY  
COMMITTEE  
MANUAL**



**AUSTRALIA'S FIRST  
HERITAGE LISTED CITY**

QUALITY CONTROL		
KEY DIRECTION	4 Our Leadership	
OBJECTIVE	4.3 We Unite to Succeed	
FUNCTION	Leadership & Governance	
STRATEGY	4.3.1.2 Support Council's section 355 Committees in undertaking their duties with Council	
FILE REFERENCE No	16/94	TRIM No D13/14050
RESPONSIBLE OFFICER	Corporate Responsibility Officer	
REVIEW DATE	June 2018	
DATE	ACTION	MINUTE No
D13/14050 Section 355 Advisory Committee Framework		
October 2012	Document Developed	N/A
23 January 2013	Adopted	44210
8 July 2013	Amended Section 6.5	N/A
D13/23463 Section 355 Advisory Committee Standard Constitution		
December 2013	Document Developed	N/A
18 December 2013	Adopted	44529
26 February 2014	Amendment to Schedule 1	44599
7 May 2014	Document Re-formatted	N/A
28 May 2015	Document Re-formatted and amended	
7 September 2015	Broken Hill Sister City Committee disbanded and removed from constitution	45089
22 February 2017	Broken Hill Regional Art Gallery constitution amended to include 3 additional community members	45473
D13/14050 and D13/23463 combined to D13/14050		
March	Documents combined and revised	N/A
29 March 2017	Adopted	45508

NOTES	Copies of the all plans and policies mentioned in this document are available by visiting Council's website <a href="http://www.brokenhill.nsw.gov.au">www.brokenhill.nsw.gov.au</a>
ASSOCIATED LEGISLATION	Section 355 <i>Local Government Act 1993</i> (Committees) Section 377 <i>Local Government Act 1993</i> (Delegations) Section 441-443 <i>Local Government Act 1993</i> (Pecuniary Interest) Disability Inclusion Act 2014 Legislation can be found <a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>
ASSOCIATED COUNCIL POLICIES	Acquisition and Loan of Objects Relating to Cultural Heritage Asset Management Broken Hill Regional Art Gallery – Acquisitions Broken Hill Regional Art Gallery - Appraisals Broken Hill Regional Art Gallery - Donations and Gifts Broken Hill Regional Art Gallery - Loan of Art Works to Council Broken Hill Regional Art Gallery - Loans of Works to External Locations Broken Hill Regional Art Gallery Reporting Procedures Code of Conduct Code of Meeting Practice Community Assistance Grant Policy Disposal of Assets Policy Drug & Alcohol Free Workplace Equal Employment Opportunity Procurement Policy Public Art Policy Records Management Policy Risk Management Policy Volunteers Working in Hot Conditions, Skin Cancer and Employee Clothing Workplace Smoking Workplace Health and Safety Policy
ASSOCIATED DOCUMENTS	Community Strategic Plan 2033 Long Term Financial Plan 2017-2026 Delivery Program 2014-2017 Schedule of Fees and Charges 2016-2017 Council Committee Charter Committee Constitution Section 355 Asset Committee Template Guide

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## 1. INTRODUCTION

### 1.1 What is the Section 355 Advisory Committee Framework?

The Section 355 Advisory Committee Framework is a comprehensive suite of documents that together provides the rules and guidelines a committee must abide by.

The Section 355 Advisory Committee Framework includes:

- Section 355 Advisory Committee Manual
- Committee Constitution
- Section 355 Committee Template Guide

### 1.2 The Section 355 Advisory Committee Manual

The Section 355 Advisory Committee Manual outlines:

- Clear and concise guidelines to assist committees to adequately carry out their duties on behalf of Council;
- Functions and operations of community facilities and programs; and
- Clarifies Council's and committee member's roles in this partnership.

Upon Council's formal approval of a Section 355 Committee and approval of committee memberships, all committee members are required to adopt and adhere to the conditions set out in the Framework.

The provisions of the Framework after its initial adoption by Council may only be varied or amended by written order of the General Manager.

### 1.3 The Committee Constitutions

Council sets out its delegation of the Committee in a Constitution formally adopted/amended at a formal meeting of Council.

Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.

### 1.4 The Section 355 Advisory Committee Template Guide

The Section 355 Committee Template Guide provides an overview of templates to use for:

- Nomination Form
- Ordinary and Extraordinary Meeting Agenda
- Annual General Meeting Agenda
- Ordinary and Extraordinary Meeting Minutes
- Annual General Meeting Minutes
- Annual Report
- Finance Report
- Term Report
- Works Request
- Asset Inspections Checklist

The Section 355 Advisory Committee Template Guide applies to both Advisory Committees and Asset Committees.

### 1.5 Scope

This manual applies to all Section 355 Advisory Committees. Council's Section 355 Asset Committees are not covered by this manual.

## 1.6 Legislative Requirements

There are a number of legislative requirements that s355 Committees of Council must adhere to.

- Section 355 *Local Government Act* (Committees)
- Section 377 *Local Government Act* (Delegations)
- Section 441-443 *Local Government Act* (Pecuniary Interest)

Related Legislation can be viewed by visiting [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

## 1.7 Council Policies

All committee members must adhere to Council adopted policies including:

- Acquisition and Loan of Objects Relating to Cultural Heritage
- Asset Management
- Broken Hill Regional Art Gallery – Acquisitions
- Broken Hill Regional Art Gallery - Appraisals
- Broken Hill Regional Art Gallery - Donations and Gifts
- Broken Hill Regional Art Gallery - Loan of Art Works to Council
- Broken Hill Regional Art Gallery - Loans of Works to External Locations
- Broken Hill Regional Art Gallery Reporting Procedures
- Code of Conduct
- Code of Meeting Practice
- Community Assistance Grant Policy
- Disposal of Assets Policy
- Drug & Alcohol Free Workplace
- Equal Employment Opportunity
- Procurement Policy
- Public Art Policy
- Records Management Policy
- Risk Management Policy
- Volunteers
- Working in Hot Conditions, Skin Cancer and Employee Clothing
- Workplace Smoking
- Workplace Health and Safety Policy

Council policies are available on Council's website [www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)

## 1.8 Code of Conduct

All committee members must abide by Council's Code of Conduct.

A copy of Council's Code of Conduct will be provided to all committee members at the commencement of their term of office. On the occasion that Council reviews and amends this document, revised copies will be provided to all committee members.

## 1.9 Community Strategic Plan

This Framework has been developed to support the achievement of:

- Key Direction 1: Our Community
- Key Direction 2: Our Economy
- Key Direction 3: Our Environment
- Key Direction 4: Our Leadership

The Community Strategic Plan is available on Council's website [www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)

## 2. WHAT IS A COMMITTEE?

### 2.1 What is a Section 335 Committee?

A Section 355 Committee is a committee established under Section 355 of the *Local Government Act 1993*, to assist Council with the operation and maintenance of various Council facilities and services.

Under the *Local Government Act 1993* Council is able to delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community members to manage its facilities or functions through a Section 355 Advisory Committee.

Section 355 allows Council to exercise a function of Council and Section 377 allows Council to delegate functions of Council.

### 2.2 Why Does Council Have Section 355 Advisory Committees?

Committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities or services. This provides a two-fold benefit by giving protection to the Committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions.

As the Committees are acting on behalf of Council, it is important to uphold the principles of equity, accessibility and inclusivity, providing for the whole community.

The purpose of each Advisory Committee is to advise Council on the views, needs and interests of particular communities in the Broken Hill Local Government Area (LGA). Committee Members drawn from the community have experience or expertise in the areas defined by their Committee of interest and commit themselves to Advisory Committee responsibilities.

### 2.3 How are Section 355 Advisory Committees Established?

Committees are established under Section 355 of the Act, with delegations from Council under the provision of Section 377 of the Act.

Requests for new committees must be presented to Council with a Business Plan for consideration.

Committees are established by resolution of Council. The formation of Committees is entirely at the discretion of the Council.

All Councillor Representatives must be formally appointed by Council.

All Community Representatives must be formally appointed by Council

### 2.4 What happens once a Committee is established?

Council will write to the Councillor Representatives appointed to each Committee advising them of the new members and their contact details.

Councillors will be encouraged to call the initial meeting of the Committee, at which the Executive will be appointed. Following initial appointment, Council will arrange induction training.

## **2.5 Committee Review**

Review of all Section 355 Committees and their structures will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements.

Failure to adhere to and comply with the Section 355 Advisory Committee Framework will result in an internal investigation into the operations and conduct of the committee with a full report and recommendation presented to Council.

Committees must be mindful that Council have the authority to disband any non-functioning Committee.

## **2.6 Committee Disbanding**

The Council, by resolution, can disband a Committee at any time for any reason, including:

- To carry out the control of the facility itself;
- If the Committee is not complying with the roles and responsibilities of the Committee; or
- That it no longer requires a Committee for the purpose for which it was established.

In the event of membership reducing to fewer than four (4) persons or quorum, Council has established the following guidelines to address this issue:

- if a Committee chooses to remain active, it is given six (6) months to re-establish a viable membership (i.e. minimum of 4 members); or
- if a Committee or facility becomes inactive or inoperable, the Committee will be dissolved and all responsibilities will be taken over by the designated Council department (in this instance, consideration will need to be given to the long term viability of the facility or function).

The Committee can also recommend to Council that the Committee be disbanded. Upon the Committee being disbanded, assets and funds of the Committee shall, after payment of expenses and liability, be handed over to Council.

Committee members are eligible for re-appointment to committees. Council will advertise for and receive nominations and present nominations to Council per standard practice.



## 3. COMMITTEE MEMBERSHIP

Council aims to appoint Committees which are representative of the local community or interest group of the particular service/facility.

### 3.1 When are committees appointed?

Committees are appointed every 4 years, within 6 months of a Local Government General Election.

### 3.2 Term of Membership

The term of a Committee is the same term as the elected Council.

Members must nominate for re-election following each Local Government General Election if they wish to remain on the committee.

A calendar of events is shown below:

ACTION	TIMEFRAME
Letter to committee secretaries advising of: <ul style="list-style-type: none"> <li>• upcoming elections</li> <li>• upcoming declaration of vacant positions</li> <li>• provision of nomination form for interested existing members to renominate for a position</li> </ul>	August
Local Government Election	September
Advertise for community representation on the Committee 6 weeks after the Local Government Election	October
Positions are declared vacant 6 weeks after the Local Government Elections	October
All councillor representatives must be formally appointed by Council	October
Letter to committee secretaries advising of: <ul style="list-style-type: none"> <li>• Councillor representatives</li> </ul>	October
All community representatives must be formally appointed by Council	October – March*
Letter to committee secretaries advising of: <ul style="list-style-type: none"> <li>• New committee members and their contact details</li> </ul>	October – March*
Letter to committee secretaries advising of: <ul style="list-style-type: none"> <li>• Induction training</li> </ul>	March – April*
Induction training for all committee members	March – April*

\* If insufficient nominations are received, Council will advertise again for nominations. If sufficient nominations are received, actions may be completed earlier.

### 3.3 Membership

The Committee membership should generally reflect community members with an interest in the committee area, demonstrated experience and expertise in the specific tasks assigned to each committee.

The Committee shall generally consist of:

- A number of community representatives as detailed in the committee constitution.
- Councillor representatives appointed by Council annually in September

The Community Strategic Plan Round Table Committee has its own membership criteria and nominations will be sought from specific community groups to ensure a mix of appropriate subject matter experts who can provide adequate reporting and representation of the community. These groups include:

- The Mayor, Broken Hill City Council (Chair)
- The General Manager, Broken Hill City Council
- Key Direction Portfolio Councillors
- A representative of the Local Area Command
- A representative of the Far West Regional Health Service
- A representative of the Department of Education
- A representative of the Department of Family and Community Services
- A representative of the Local Aboriginal Community Working Party
- A representative of the Regional Development Australia – Far West
- A representative of the Chamber of Commerce
- A representative of the Foundation Broken Hill
- Four (4) Community Representatives, with previous governance experience and a demonstrated interest in issues associated with the implementation of the Community Strategic Plan.

### 3.4 Membership Criteria

To hold office, be responsible for the advisory service management of a Council facility or service, and be entitled to vote and take part in meetings, all applicants will be assessed against a set of criteria and appointed by Council.

The criteria is:

- Be aged 18 years or over; and
- Have established ties to the Broken Hill community, and
- Be a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council; and
- Experience (professional, amateur, volunteer) working in either: venue management, event management, conference organising, music promotion, theatre production, design, marketing, or related technical areas such as accounting, managing people or business, community services or groups or fundraising;
- Demonstrated expertise in heritage, arts, event planning, and/or governance experience; and
- A commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential.

Council must also appoint new members before they are able to vote and take part in meetings of the Committee.

### 3.5 Membership Fees

Members of Committees are volunteers and therefore do not receive payment for services.

Fees are not to be charged for Membership of the Committee.

### 3.6 **Member Vacation of Office**

A person shall cease to be a member of a Committee if the:

- member becomes bankrupt;
- member resigns from office by notification in writing to the Committee and Council;
- member is absent for three (3) consecutive meetings without leave from meetings of the Committee;
- Council passes a resolution to remove the member from the Committee;
- if the member fails to comply with Council's Code of Conduct;
- member holds any office of profit under the Committee;
- member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the Act;
- member while holding that office is convicted of an offence referred to part 4 of the *Crimes Act 1900* (offences relating to property);
- while serving a sentence (whether or not by way of periodic detention) for a felony or other offence, except a sentence imposed for a failure to pay a fine;
- member is prohibited by Order under Section 230 of the Corporations Law from managing a corporation within the meaning of that Section;
- member becomes a mentally incapacitated person; or
- upon the death of a member.

Resignations, or a Committee member ceasing to hold office because of any one of the above circumstances, will be reported to Council for information and any action if required.

### 3.7 **Procedure for Resigning from the Committee**

Where a member of a Committee resigns a written resignation will be presented to the Committee and forwarded to the General Manager.

Upon receipt of a resignation from a committee member, Council will call for nominations for the committee vacancy in the community and any nominations received will be presented at the next available Council meeting for appointment.

### 3.8 **Committee Member Rights**

All committee members have the right:

- To work in a healthy and safe environment;
- To be adequately covered by insurance.
- To be provided with sufficient training to undertake their role.

## 4. COMMITTEE STRUCTURE

### 4.1 How is a committee structured?

Committees consist of office bearers (also known as the Executive) and other Committee members. The Committee elects their own office bearers at its first meeting of the committee term and thereafter at each Annual General Meeting.

Office bearers are elected for a 12 month period. Particulars of all appointments must be notified in writing to Council as soon as possible after appointment is made, including committee position, name, address, contact details and the user group represented (if any).

The Committee Executive will consist of:

- Chairperson
- Deputy Chairperson
- Secretary
- Treasurer

A maximum of two relatives of any one family can be office bearers on the same Committee at the same time.

Each member of the Executive shall hold the position on the Executive for a period of twelve (12) months from the date of the appointment at the Annual General Meeting or on the expiration of the Constitution, whichever occurs first.

### 4.2 Committee roles and responsibilities

The Executive do not have greater decision making powers than other Committee members, other than the Chairperson who has a casting vote in the event of a tied vote.

Whilst the Executive usually have defined roles, each Committee member plays an important part in the functioning of the Committee. Office bearers must have access to a computer, have basic computer skills and be able to use email as a major form of communication.

Where a Councillor is a member of the Committee and that Councillor indicates that he or she wishes to be Chair of the Committee, that Councillor shall be the Chair of the Committee. Where no Councillor expresses a desire to be Chair of the Committee any other member of the Committee willing to accept appointment as Chair of the Committee, any such person may, by a vote of the majority of the members of the Committee, be appointed Chair of the Committee.

The Community Strategic Plan Round Table Committee will always appoint the Broken Hill City Council Mayor as the Chairperson as per its Constitution.

#### 4.2.1 Chairperson

The Chairperson (or Deputy Chairperson) is responsible for:

- Chairing meetings of the Committee;
- Acting as the official representative of the Committee;
- Acting on behalf of the Committee in an emergency or urgent situation;
- Assisting in direction, forward planning and vision for the committee; and
- Further specific meeting related tasks as outlined in Section 15.14.1 "Roles of the Executive - Chairperson".

#### 4.2.2 Deputy Chairperson

The Deputy Chairperson is to undertake the role of the Chairperson if the Chairperson is not available and those responsibilities outlined in 4.2.1 Chairperson.

#### 4.2.3 Secretary

The Secretary is responsible for:

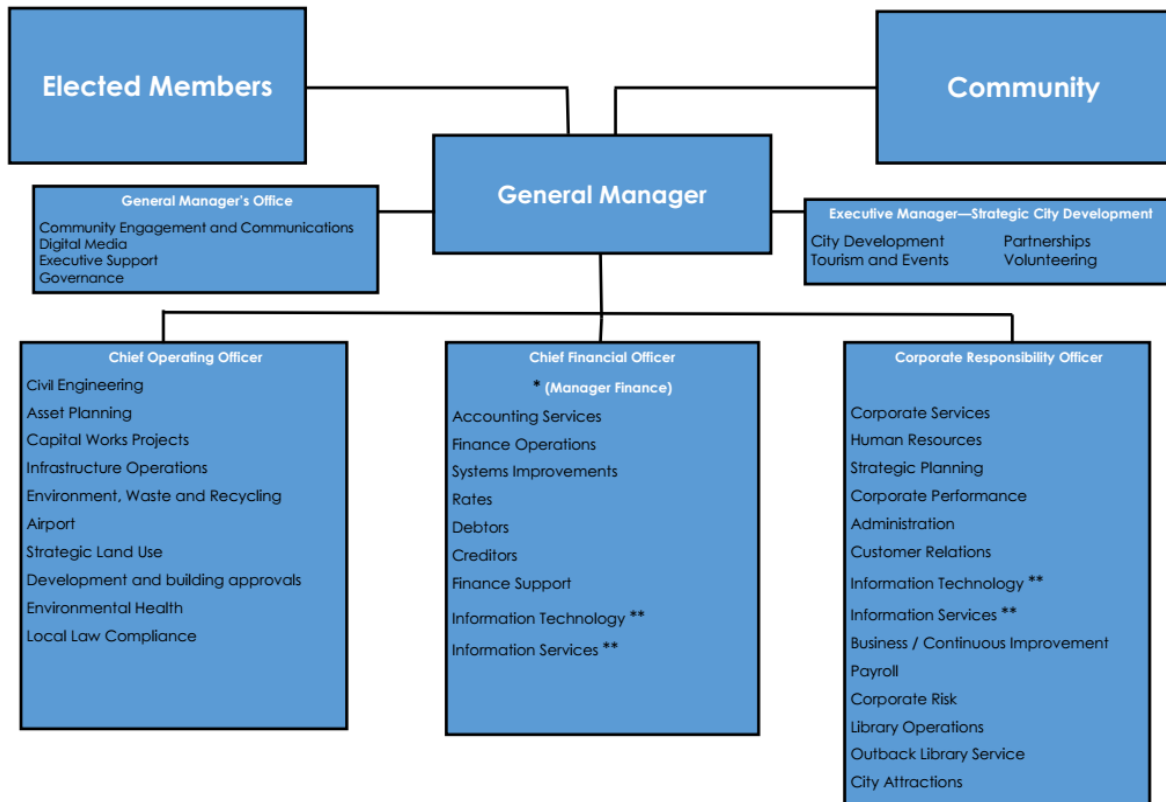
- Correspondence to and from the Committee;
- Notifying all members of meetings;
- Issuing the Agenda with any instructions from the Chairperson;
- Taking and distributing meeting minutes;
- Forwarding minutes and reports to Council;
- Ensuring there is a flow of information to and from the Committee;
- Ensuring that official files and records are kept and maintained;
- Assisting the Chairperson with finalisation of Annual and Term Reports;
- Further specific meeting related tasks as outlined in Section 15.14.2 "Roles of the Executive - Secretary";
- Liaise with all booking applicants;
- Arrange all booking forms and ensure they are completed as required; and
- Arrange payment of all bookings, including any refunds of booking bonds;

#### 4.2.4 Treasurer

The Treasurer is responsible for:

- Handling the movement of money within the Committee;
- Recording income and expenditure; and
- Assisting with preparation and finalisation of financial reports when required.

## 5. COUNCIL STRUCTURE



### 5.1 Council Staff Roles and Responsibilities

#### 5.1.1 General Manager

The General Manager is responsible for:

- The efficient and effective operation of the Council's organisation;
- The oversight of all functions and Committees of Council;
- Ensuring the implementation, without undue delay, of decisions of the Council;
- To manage the Council on a day-to-day basis and to direct staff; and
- To exercise such of the functions of the Council as are delegated by the Council to the General Manager

#### 5.1.2 Ex-officio Members

The General Manager may appoint at least one Council Officer (Committee specific Council Officer) to serve as ex-officio (non-voting) members of each committee to provide advice to the Executive, where requested by the Committee of at the discretion of the General Manager. The ex-officio member may change at any time.

#### 5.1.3 Council Public Officer

The Public Officer:

- may deal with requests from the public concerning Council's affairs;
- has the responsibility of assisting people to gain access to public documents of Council;
- may receive submissions made to Council;
- may accept service of documents on behalf of Council;
- may represent Council in any legal or other proceedings;
- has such other functions as may be conferred or imposed on the Public Officer by the General Manager or by or under the Act; and



- is subject to the direction of the General Manager.

#### 5.1.4 Council Contact Officer

Council will assign all Committees a Council Officer to act as a Contact Officer, who will be responsible for:

- Developing, implementing and maintaining the Committee Framework;
- Advertising for nominations to the Committees;
- Providing overall direction and advice to the management of Committees;
- Organising and providing induction to Committees;
- Organising ongoing training and development to Committees;
- Developing tools and templates to assist the operations of Committees; and
- Act as a single point of contact at Council to liaise internally with other relevant staff regarding:
  - Technical advice to the Committees
  - Maintenance for Assets in conjunction with Committee
  - Purchasing supplies for Committees

## 6. COUNCIL AND COMMITTEE RESPONSIBILITIES

### 6.1 Council Responsibilities

#### 6.1.1 Induction Training

Council will provide all Committee members, as volunteers, an induction program, provided locally at no cost to the member.

Induction training will provide an overview of committees, member requirements and responsibilities, Council responsibilities, Code of Conduct, Risk and Insurance, Workplace Health and Safety, and any other information or topics Council deems relevant.

#### 6.1.2 Ongoing Training

Ongoing training will be provided to all committee members as it is made available, whether provided by Council or a third party.

### 6.2 Advisory Committee Responsibilities

Committees are responsible for the advising Council on the strategic direction and objectives related to the committee they are responsible for.

## 7. FINANCE INFORMATION

### 7.1 Financial Arrangements

Council has determined that the financial operations in respect of all of its Committees will be managed consistently and all Committees are responsible for substantiating where its money is spent or sourced. This must be done through tabling of minutes at meetings and reporting to Council via minutes and in Annual Financial Statements.

Council does not provide an annual financial operating subsidy to any Advisory Committee.

Committees are encouraged to recommend to Council events celebrating the heritage, arts and community sectors, subject to Council's approval.

## 8. LEGAL INFORMATION

### 8.1 Legal Issues

It is important for Committees to be aware that they are acting on Council's behalf. Legally, the Committee is "Council" and any action which the Committee undertakes is Council's responsibility.

Committees sometimes believe they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council delegates its authority to the Committee to act on Council's behalf and Council can withdraw this delegation if deemed to be necessary.

### 8.2 Legal Action

The Committee is unable to enter into legal action.

### 8.3 Committee Record Keeping

The Australian Standard on Records Management (AS 4390-1996, Part 1. Clause 4.2.1) defines a record as Recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

- No incoming or outgoing correspondence may be destroyed, with the exception of advertising material, newsletters, and magazines.
- Records should be stored in an area away from potential hazards, e.g. fuel, water, fire, vermin.
- Records should be stored in a secure location, e.g. locked cupboard or room.
- Release of original or photocopied records to any person, other than a current Committee member or an authorised officer of the Council, is prohibited.
- Access to records by persons other than current Committee members or an authorised officer of the Council is prohibited.
- Request for access to records, for persons other than those stated above, must be made through Council's Public Officer.
- The Committee acknowledges it has a responsibility under the Privacy and Personal Information Protection Act 1998 to protect the personal information and privacy of individuals in general. The Committee will not provide to any person other than a committee member any personal information unless it has been specifically collected for the purposes for which it is being requested. This includes contact details for a member of the Committee unless that member has agreed those details can be provided to members of the public.

Records of Committees, e.g. minutes of meeting, reports, invoices, receipts etc. should be provided to Council as soon as possible.

Committees may keep electronic and paper copies of records for the duration of their term, but these should be secondary copies as the originals must be provided to Council.

The Committees need to be aware of the importance of minutes, because of their legal status and their liability for subpoena in court cases.

The Chairperson is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members have said at the

meeting, but there may be occasions when it is appropriate to record the thrust of the debate.

The Chairperson and the Secretary are responsible for the form of the minutes for proper confirmation, and must check that there have been no unauthorised alterations to those minutes. The Chairperson signs the minutes after they have been confirmed by the appropriate meeting (usually the next committee meeting). The signing must not take place until the motion for confirmation has been completed. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

At the end of the term of the Committee, all records must be provided to Council.

#### **8.4 Intellectual Property**

The Committee acknowledges and agrees:

- It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.
- The Committee, as a delegate of Council, has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council.
- Council retains ownership of all intellectual property created by Committee members in the course of their Committee work.
- The Committee refer to the Responsible Officer any questions relating to intellectual property rights or the use of another organisation's document.

#### **8.5 Pecuniary Interest**

Chapter 14 of the Act includes a new and separate framework for the handling of alleged breaches of the pecuniary interest provision of the Act.

The Act is about openness, accountability and transparency in decision making by Councils.

A Pecuniary Interest is one of financial benefit.

It is the responsibility of members of Committees:

- To disclose to the meeting any pecuniary interest in a matter before the meeting;
- Not to participate in the discussion of the matter before the committee in which the member has a pecuniary interest;
- Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

#### **8.6 Declaration of Interests**

To protect individual members as well as the whole organisation, all committee members should declare their interests in advance. If a potential conflict arises, it should be declared as soon as possible. Where some financial, political or personal benefit is potentially involved, committee members should do one of the following:

- State their involvement in another organisation or business etc. and the committee should be aware of this;
- State their involvement and ask that they not take part in discussion or decisions about the issues where there could be conflict; and leave the meeting room while such issues are being considered;
- State their other involvements and ask that the group determine whether they stay involved, or how they can participate without compromise; and

- State their involvement and that they believe they should resign from the committee because of this conflict.

### 8.7 Conflict of Interest

A conflict of interest can arise when a member of the Committee has other involvements or interests which make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;
- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit e.g. Sale of goods or privileged knowledge;
- Political benefit e.g. Gaining or losing electoral support; or
- Personal benefit e.g. Career advancement or increased standing in the community.
- Committee Members are required to adhere to Councils Code of Conduct.

### 8.8 Disputes

#### a) External

Where individual citizens or groups of citizens of the LGA disagree with a resolution of the Committee or actions of the Committee, these bodies have the right to refer their grievances in writing to the Committee for reconsideration.

Where the Committee refuses to alter its decision or actions, the individual resident or group of citizens from within the LGA may present their grievance to Council in writing, for reconsideration.

Where such notice in writing is referred to Council, Council will request a report on the issue from the Committee. Upon receipt of the report the matter will be referred to Council for resolution.

Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Committee and the resident or group of citizens who referred the matter to Council.

#### b) Internal

All disputes between members of the Committee are to be resolved within the Committee where possible.

Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome, where this is not possible the Chairperson will have the casting vote.

There will be no right of appeal when the Committee has determined its resolution of a dispute; but where disputes are considered irreconcilable by the Committee they will be referred to Council for resolution. Council's decision is final.



## 9. CORPORATE INFORMATION AND SOCIAL MEDIA

### 9.1 Correspondence

Correspondence from the Committee is effectively correspondence from the Council, as the Committee acts on Council's behalf. Hence stringent conditions are required to ensure appropriate use of Council's name and logo.

### 9.2 Letterhead

Committees are to design and implement their own letterhead and logo for all correspondence.

The letterhead design must be approved by Council and indicate that the function is a Committee of Broken Hill City Council. The Council logo must be included in the design.

The Council logo and rules around logo use will be provided to all committees.

### 9.3 Purpose of Correspondence

Usage of correspondence using Council logo and name, is limited to the activities of each specific authorised functional area of the committee and specifically limited to:

- provision and seeking of information
- extension of invitation
- expressions of thank you
- seeking of sponsorship (after approval of General Manager)
- general correspondence not committing the Council or making public comment.

### 9.4 Filing

Copies of correspondence from the Committee under Council's letterhead must be placed in Council's filing system within 1 day of the letter being sent.

### 9.5 Signatures

The signing of correspondence being limited to the Mayor, General Manager, a member of staff duly authorised by the General Manager, or a chairperson of the Committee duly authorised by Council.

### 9.6 Clerical Support

It is not the normal practice of Council to provide clerical support to Committees. A Committee may however apply for support and the General Manager will make a determination on whether assistance will be forthcoming.

### 9.7 Sub Committees

The Committee may appoint working groups to report back to the Committee. These "Sub Committees" can be made up of non-committee members, have no legal standing and must recommend back to the Committee for ratification.

Members of Sub Committees must be registered as volunteers and duly noted in Committee meeting minutes and will be covered in accordance with this policy.

### 9.8 Use of Council logo

Committees may use Council logo (subject to conditions).

- Use of Council logo MUST be approved prior to use.
- Council's Contact Officer will provide all Committees with the appropriate file format, size and colour of the logo suitable for use.

- Use of the logo will be outlined in Council's proposed Corporate Style Guide, which is currently being developed to ensure that Council's corporate identity is used correctly. The logo is Council's signature.

Council's logo was refreshed in 2016 and the Kangaroo Logo and Council Crest should no longer be used.

### 9.9 **Events**

Council encourage Advisory Committees to hold events showcasing the heritage, arts and community sectors their Committee represents.

All events must be submitted to Council for review and approval prior to any event planning being finalised, advertising and community notification.

### 9.10 **Marketing and Promotion**

Marketing and promotion of the facility is necessary to maintain a level of awareness amongst the community for many reasons:

- To keep the facility top of mind for residents. This reminds people of its availability as a venue and will assist in encouraging locals to get involved in some way towards using the facility or volunteering in some capacity.
- Helps engender a sense of community ownership and pride in the venue.
- To encourage the facility's use with the aim of increasing revenue to maintain and improve the hall's features.
- To promote the hall facility as a Council asset delivering benefits to the local community as a critical focal point.

### 9.11 **Social Media**

Council's Social Media Policy and Social Media Guidelines apply to Section 355 Asset Committee members.

## 10. RISK MANAGEMENT

### 10.1 General

Risk management is a method of taking preventative and precautionary measures to avoid injury, loss and damage, to either persons or property. As a Committee of Council, the Committee has a duty of care to ensure the health, safety and welfare of persons using the facility. This involves regular maintenance, to keep the facility and grounds safe, clean and tidy, as well as a system of inspection to detect faults and hazards at an early stage. Council and Committees, have a wide range of potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

A Risk Management Framework has been developed to ensure the appropriate documentation is kept to evidence the due diligence process and ensure all responsible steps are being taken to identify the risk to the committee and users of the facility.

Copies of the Risk Management Framework can be made available by contacting Council.

### 10.2 Hazards

A hazard is a situation which could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning should be placed near the hazard to alert users of the facility to the danger. The Committee must contact Council to advise.

Committees are urged to apply some common sense rules for hirers of facilities such as restacking of tables and chairs, cleaning spills from floors, rubbish removal e.g. "chairs must be stacked in sets of no higher than (specify number) and placed against the wall".

### 10.3 Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on how to use it. If this is not available Council must be notified immediately. Equipment will be inspected twice (2) annually by a professional qualified contractor. This is organised by Council's Infrastructure Department. If the equipment is used irresponsibly by a hirer this should be deducted from the hirer's bond.

### 10.4 Emergency Exits (Buildings)

All exits must be identified by an illuminated exit sign and inspected by a qualified contractor. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use.

### 10.5 Inspections

Regular inspections are essential to identify potential risks, and to assist in the defence of claims brought against Council. Inspections must be thoroughly documented.

The Committee will be responsible for inspection of the facilities under their control. Inspections may be either formal or informal.

#### 10.5.1 Formal Inspections

Inspection of the facilities under the Committee's control must occur and be documented using checklists at least once every 6 months using the Facility Hazard Inspection Checklist. A copy can be forwarded to Council for action if required.

#### 10.5.2 Informal Inspections

Informal inspections are incidental in the course of Committee business. Any defect or problem discovered must be dealt with according to the Request for Work to be Scheduled form.

#### 10.5.3 Safety Inspections by Hirers

It is the responsibility of the user groups/hirers to ensure that any field or facility is safe for the use immediately before and during its use. This will include ensuring there are no holes likely to cause injury and any broken glass and other hazardous matter is removed.

## 11. INSURANCE

### 11.1 General

Council is required to take out insurance policies to cover Council's liability as a consequence of Council's business activities. These policies include:

- Public Liability;
- Workers Compensation;
- Property;
- Professional Indemnity;
- Casual Hirers; and
- Personal Accident

### 11.2 Notification

Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests.

Council has a responsibility to notify its insurer as soon as a potential claim is known. Committees may receive advice regarding claims via writing, telephone call or by observation. Once the Committee becomes aware of potential claim they are to notify the Contact Officer. If Council is not notified of claims which they could reasonably have known about indemnity may be denied by the insurer.

### 11.3 Volunteer Labour

For projects involving volunteer labour, an estimate of numbers and details of the project must be forwarded to the Contact Officer as soon as possible to ensure the project is covered by and noted on the appropriate policy.

Voluntary labour can be utilised to assist/or complete the project; but volunteers must be approved and inducted by Service Operator.

To ensure that projects are not unnecessarily jeopardised, the following procedure will apply:

- At commencement of the improvement project all works and materials to be defined along with the sources of financial, material and labour inputs.
- Council's financial involvement is to be clearly defined as well as all items to be paid for by Council. Any items to be paid for will be ordered by Council.
- The project is to be discussed at a joint meeting between Council officers and responsible members of the particular Committee.
- The discussions, source of funds and responsibilities for various parts of the project are to be confirmed by letter.
- The names of any volunteers must be forwarded to Council prior to any work being carried out.
- The Committee is required to maintain a register of volunteers detailing the names and addresses of volunteers, duties performed, the date and time particular work was commenced and completed and details of any incident involving injury to a volunteer.
- All volunteers carrying out any work on, or associated activities in relation to, the Committee are required to give due regard to the safety of themselves and others, with respect to all activities/work being carried out and equipment being used, and shall receive cover in accordance with Council's Public Liability and Personal Accident insurance.

#### **11.4 Public Liability Insurance**

Public liability insurance provides cover for its legal liability to the public for Council's business activities.

If a third party suffers property damage or personal injury as a result of Council or Committee negligence they are covered under the public liability policy.

The Committee should note that the policy does not cover participants of events/and or groups/associations or incorporated bodies. By law, all incorporated bodies, sporting clubs must have their own public liability insurance as they are excluded from Council's policy.

#### **11.5 Workers Compensation Insurance**

Council's Workers Compensation Policy only covers Council employees including volunteers of Council. If contractors are engaged they must provide a copy of a current workers compensation policy.

#### **11.6 Property Insurance**

Council maintains property insurance on all its facilities. This includes contents insurance on equipment owned by Council or the Committee such as furniture.

Any new equipment purchased by the committee must be notified to Council for inclusion in Council's asset register.

Other equipment belonging to sports clubs, playgroups etc. is not covered by Council's policy and such groups must be advised to affect their own cover for such items if stored at the facility.

#### **11.7 Professional Indemnity Insurance**

Professional indemnity insurance usually refers to claims where it is alleged that incorrect advice, certificates or incorrect practice has occurred. The Council may be liable for its conduct arising out of its representations or the conduct of its employees, consultants and committee members.

As discussed previously it is essential that all potential claims are reported as soon as practicable and all documentation is collected and investigations conducted as soon as possible.

#### **11.8 Casual Hirer Insurance**

Council has coverage for casual hirers of its facilities. A casual hirer is a user that hires the facility for a one off activity and excludes incorporated bodies, sporting clubs or associations of any kind. Such excluded groups must by law have their own insurance and the Committee as discussed previously, must sight and keep a copy with the booking documentation.

#### **11.9 Personal Accident Insurance**

Personal accident insurance covers bodily injury for committee members whilst engaged in an activity directly or indirectly connected with or on behalf of the Council.

Compensation will not be payable for those under the minimum age of 10 years and over the maximum age of 90 years.



## 12. MEETING PROCEDURES

### 12.1 Code of Meeting Practice

Meetings are to be conducted to a standard based on Council's adopted Code of Meeting Practice Policy. Specific standard requirements are detailed in this section and include:

- that a quorum be present;
- that appropriate notice is given;
- that business on the agenda is properly conducted; and
- that correspondence and minutes are recorded.

Committee members should work together to schedule meetings at a mutually convenient time for all. Ideally, meetings are held at the asset or facility, however if scheduling suitable meeting times becomes difficult due to bookings, they may be held in another public space, such as a cafe, park, etc. Meetings should not be held on private property.

### 12.2 Types of Meetings

Typically there are three types of meetings that a Committee may hold.

#### 12.2.1 Ordinary Meetings

Ordinary Meetings of the Committee are required to address correspondence, current issues, community needs, awards, events and ceremonies.

#### 12.2.2 Annual General Meeting

The Annual General Meeting of the Committee is required to report on the activities of the Committee for the previous 12 month period and to develop proposals for development and maintenance of the facility for the coming 12 month period.

Appointment of all office bearers for the coming 12 month period will also take place at this meeting.

#### 12.2.3 Extraordinary Meeting

An Extraordinary Meeting of the Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting, requested by two members of the Committee.

An agenda will be prepared and circulated to all members of the Committee with at least 2 days' notice.

### 12.3 Frequency of Meetings

#### 12.3.1 Ordinary Meetings

There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

#### 12.3.2 Annual General Meeting

This meeting should be held once per year.

#### 12.3.3 Extraordinary Meeting

This meeting should be held as required.

## 12.4 Agenda

The agenda is an organised list of headings of the major items, in order, that will be discussed at the meeting. A copy of the agenda is distributed to the Committee members at the commencement of the meeting, or before if it is possible. Late matters can be added to the agenda at the opening of the meeting as the Chairperson calls for discussion on the agenda.

Each item of business to be discussed at the meeting needs to be included on the agenda.

Unfinished business and reports on actions taken since previous meetings are included in the agenda under "Business arising from previous minutes".

If items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

The agenda is required to be sent out to all Committee members and Councillor Representatives at least one (1) week prior to the meeting.

## 12.5 Correspondence

### 12.5.1 Inwards Correspondence

A list of significant correspondence received (Inwards) is presented at the Committee meeting by the Secretary. This action is to inform members of new issues that may have arisen and to report on letters received in response to matters raised at previous meetings.

### 12.5.2 Outwards Correspondence

A list of significant correspondence sent out (Outwards) is provided to inform the members of the action taken on their behalf.

Correspondence is to be suitably filed together for future reference.

## 12.6 A Quorum

A quorum is the minimum number of members who must be in attendance to hold a meeting.

A quorum is reached when more than one half of the members are present.

If a quorum is not present within half an hour after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson; or those present can hold an informal meeting to discuss matters, however no decisions can be made where a quorum is not present. Any decisions/motions are to be taken to a subsequent meeting where a quorum is present for recommendations and/or clarification.

## 12.7 Conduct of Business

Each item of business is discussed in the order in which it appears on the agenda. It is best to allow adequate time for discussion on important issues and to ensure relevant information on the matter under discussion is available at the meeting.

## 12.8 Voting

Voting allows members to express their agreement or disagreement. Voting can be conducted in one of three ways:

- Vote verbally
  - The chairperson asks people to say 'for' or 'against' and then decides which group is the largest.
- Vote by show of hands

- The chairperson asks people in favour of a decision to raise their hands, counts hands and announces the total, and repeats the same process for those against.

For motions/recommendations, the Committee needs to have an agreement concerning the way a vote will be conducted (either a) or b)above), e.g. for the vote to be carried, you will need a simple majority (more than half). If it is a tied vote the Chairperson has the casting vote and where this happens, this should be recorded in the Minutes.

## 12.9 Pecuniary Interest

Chapter 14 of the Act includes a new and separate framework for the handling of alleged breaches of the pecuniary interest provision of the Act.

The Act is about openness, accountability and transparency in decision making by Councils. A Pecuniary Interest is one of financial benefit.

It is the responsibility of members of committees:

- To disclose to the meeting any pecuniary interest in a matter before the meeting;
- Not to participate in the discussion of the matter before the committee in which the member has a pecuniary interest;
- Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

## 12.10 Declaration of Interests

To protect individual members as well as the whole organisation, all committee members should declare their interests in advance. If a potential conflict arises, it should be declared as soon as possible. Where some financial, political or personal benefit is potentially involved, committee members should do one of the following:

- State their involvement in another organisation or business etc. and the committee should be aware of this;
- State their involvement and ask that they not take part in discussion or decisions about the issues where there could be conflict; and leave the meeting room while such issues are being considered;
- State their other involvements and ask that the group determine whether they stay involved, or how they can participate without compromise; and
- State their involvement and that they believe they should resign from the committee because of this conflict.

## 12.11 Conflict of Interest

A conflict of interest can arise when a member of the Committee has other involvements or interests which make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;
- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit e.g. Sale of goods or privileged knowledge;
- Political benefit e.g. Gaining or losing electoral support; or
- Personal benefit e.g. Career advancement or increased standing in the community.

Committee Members are required to adhere to Councils Code of Conduct.

#### **12.12 Minutes**

Minutes of the meeting must be recorded and a motion/recommendation put forward by the Committee members. The motion/recommendation after being voted on by the Committee should be recorded as "carried" or "lost" (see part 15.8 Voting).

This document is to be an accurate recording on what happened at the meeting.

The Minutes of each meeting must be sent to Council within 14 days after the meeting and confirmed at the Committee's next meeting.

On receipt of the Minutes by Council they will be reviewed and the Committee may be contacted if required. Council will not act on Minutes recommendation/motions alone, a request for information/action etc. by Council must also be put in writing from the Committee via a Works Request Form.

The Committee is required to be aware of the importance of minutes due to their legal status and their liabilities to subpoena in court cases and be used for Access to Government Information release. Minutes of each meeting will be provided to the general public via Council's website in the interests of transparency and accountability.

The Chairperson is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members have said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.

The Chairperson and the Secretary are responsible for the form of the minutes for proper confirmation, and must check that there have been no unauthorised alterations to those minutes. The Chairperson signs the minutes after they have been confirmed by the appropriate meeting (usually the next committee meeting). The signing must not take place until the motion for confirmation has been completed. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

#### **12.13 Committee Records**

Records of Committees, e.g. minutes of meeting, reports, invoices, receipts etc. should be provided to Council as soon as possible.

See further information regarding records in section 8.4

#### **12.14 Roles of the Executive with Meetings**

##### **12.14.1 Chairperson**

Before a meeting:

- Prepare the agenda (in consultation with the Secretary) setting out the items of business to be considered.
- Ensure the meeting is properly convened in accordance with these guidelines e.g. A quorum is present.

During a meeting:

- Chair the meeting, open the meeting, welcome and introduce members and guests.
- Keep members at the meeting focused on the topics being discussed and encourage all members to participate. Give all members an opportunity to speak on each topic.
- Ensure correct meeting procedures are followed and that control of the meeting is maintained, keeping track of time.

- Make sure that recommendations are relevant and understood by members. Ensure that the minute taker has recorded all recommendations that the Committee wishes to forward on to Council.
- Close the meeting.

#### 12.14.2 Secretary

Before a meeting:

- Prepare the agenda (in consultation with the Chairperson).
- Make copies of the agenda if required and distribute to all members.

During the meeting:

- Take the minutes.
- Record all recommendations that are to be forwarded to Council.

After the meeting:

- Type minutes and distribute to all members.
- Ensure that accurate minutes are kept.
- Complete any actions as decided at the meeting.
- Provide a copy of the minutes and all inwards and outwards correspondence to Council.

#### 12.14.3 Treasurer

Before/During the meeting:

- Provide a financial situation update

DOCUMENT	SENT TO COMMITTEE MEMBERS / COUNCILLOR REPRESENTATIVES	SENT TO COUNCIL
Agenda – Ordinary Meeting	At least one (1) week prior to the meeting	No
Agenda – Annual General Meeting	At least one (1) week prior to the meeting	No
Agenda – Extraordinary Meeting	At least two (2) days' notice	No
Correspondence List	To be sent with Agenda	No
Minutes		Yes - within 14 days after the meeting date
Records	Keep for term of Committee	Immediately

## 13.REPORT REQUIREMENTS

### 13.1 Annual Report

Committees are to provide Council with an annual report with inclusive financial statements by third (3rd) week in August each year.

Annual Reports are to detail the following information:

- Number of meetings conducted and dates of meetings
- A breakdown of attendance at meeting by each member
- Activities/Projects/Achievements
- Ongoing Issues
- Completed Maintenance

### 13.2 Term Report

A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four year term and forwarded to Council by the third (3rd) week in August.

Term Reports are to detail the following information:

- Overview of the responsibilities of the Committee
- Activities/Projects/Achievements/Highlights
- Ongoing Issues

REPORT	WHEN TO SEND TO COUNCIL
Annual Report	By the 3rd week in August - annually
Term Report	By the 3rd week in August – quadrennial



## 14. DEFINITIONS

In this Manual the following definitions will apply:

The “**Act**” shall mean the *Local Government Act 1993*.

“**Advisory Committee**” shall mean Committees that report through to the General Manager and are established to provide advice on the implementation of Strategy. These Committees are not responsible for the care, control or management of Council Assets.

“**Asset Committee**” shall mean Committees that report directly to Council and are responsible for the management responsibilities, functions and operations of community facilities, such as buildings and ovals.

“**Chairperson**” shall mean:

- for a meeting of the Council – the Mayor;
- for a meeting of a Committee of the Council – a member of the committee whose appointment has been approved by Council

“**Committee**” shall mean the body of persons appointed by Council to the Section 355 Committee in accordance with this framework.

“**Constitution**” shall mean and includes this document along with all schedules and attachments referred to in this document, including but not limited to any policy adopted by Council and set out in Item 5 of the Schedule.

“**Contact Officer**” shall mean Committee specific Council Contact Officer.

“**Council**” shall mean Broken Hill City Council.

“**Councillor**” shall mean a Councillor of the Broken Hill City Council.

“**Executive**” shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

“**Facility**” shall mean a Council owned building, oval or park.

“**Financial Year**” shall mean the period from 1 July year X to 30 June Year X + 1

“**Framework**” shall mean the Section 355 Committee Framework that incorporates three components.

“**General Manager**” shall mean the person appointed or acting in the position of General Manager of Broken Hill City Council

“**Intellectual Property**” means and includes the copyrights, trademarks, registered designs, patents and databases. In particular it refers to a range of Council resources including written material, design drawings, maps and plans, computer programs and databases.

“**LGA**” shall mean Local Government Area.

“**Manual**” shall mean this document, being the Section 355 Advisory Committee Manual.

**"Personal Information"** shall mean "information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion" as per the definition included in Section 4 of the *Privacy and Personal Information Act (PIPPA) 1998*

**"Record"** means recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity

**"User group"** shall mean organisations which are granted use of any portion of the facilities on a license, annual, seasonal or longer term basis.

**"Volunteer"** means a person who assists the committee (either on a regular or casual basis) in a voluntary capacity but is not a member of the committee.

**"WHS Policy"** means any Work Health and Safety Policy or Procedure/s adopted by Council and includes any Manual or other document forming part of, or associated with any such Policy.

# HOW DO I CONTACT COUNCIL?

## 15.HOW DO I CONTACT COUNCIL

HOW?	CONTACT DETAILS
In Person	Council Administrative Centre 240 Blende Street Broken Hill NSW 2880
Post	Broken Hill City Council PO Box 448 Broken Hill NSW 2880
Phone	08 8080 3300
Fax	08 8088 3424
Email	<a href="mailto:council@brokenhill.nsw.gov.au">council@brokenhill.nsw.gov.au</a>
Emergency Contact (out of hours only)	0408 858 368
Opening Hours	8:30am to 5pm – Monday to Friday Cashier closes at 4pm



[www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)