



POLICY

C024 Sports and Recreation Reserve Allocation, Use and Fair Access

1 Purpose

The purpose of this policy is to create a transparent, equitable and easily understood framework to manage and maximise the use of Council's current and future facilities and recreation reserves. This policy will provide the community with an insight into the framework that governs the provision of sports and recreation reserves to user groups.

The Fair Access provisions of this Policy seeks to address known barriers experienced by women and girls in accessing and using community sports infrastructure. This Policy aims to progressively build capacity and capabilities of Hindmarsh Shire Council in the identification and elimination of systemic causes of gender inequality in policy, programs, communications, and delivery of services in relation to community sports infrastructure.

2 Statement of Intent

This Statement of Intent establishes the expectation that gender equality is considered and prioritised in all current and future Hindmarsh Shire Council planning, policy, service delivery and practice as they relate to community sports infrastructure.

- Hindmarsh Shire Council recognises that gender equality is the attainment of equal rights, responsibilities, and opportunities of women, men, trans and gender diverse people. Equality does not mean that women, men, trans and gender diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.
- Hindmarsh Shire Council recognises that gender equity is the provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances.

3 Scope

This policy applies to the formal and structured use of Council owned or managed recreation reserves including sportsgrounds, pavilions, and associated sporting facilities across the Hindmarsh Shire Council.

This policy does not apply at Council's passive recreation reserves, to informal or unstructured use by individual community members or to Council contract managed facilities such as leisure and aquatic facilities.

This policy will impact sporting clubs and facilities not owned or managed by Council, but who apply for sports infrastructure funding through Council.

4 Definitions

CEO means Chief Executive Officer

Council means Hindmarsh Shire Council

Council Officer means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

User Group All incorporated entities provided access to a recreation reserve through an agreement outlined in this policy.

5 Policy

Organised sport is well established within the Hindmarsh Shire Council and has long played a leading role in keeping the community active and providing opportunities for social connection. Recreation reserves support that role by providing a place for the community to gather, be active and connect.

5.1 Fair Access

This fair access section is designed to comply with the Gender Equality Act 2020 and support the Fair Access Policy Roadmap and wider Victorian Government Gender Equality Strategy.

Hindmarsh Shire Council acknowledges:

- the disadvantaged position some individuals have had in the sport and recreation sector because of their gender; and
- that achieving gender equality will require diverse approaches for women, men, trans and gender diverse people to achieve similar outcomes for people of all genders.

Hindmarsh Shire Council will:

- engage fairly and equitably with all staff, governance working groups, state sporting organisations, regional sport assemblies (where applicable) and members of our sport and recreation community, regardless of their gender, in a positive, respectful, and constructive manner; and

- engage in the process of gender impact assessments to assess the implications for women, men, trans and gender diverse people of any planned action, including policies and communications. This is a strategy for making all voices, concerns and experiences an integral dimension of the design, implementation, monitoring of policies and programs.

5.1.1 Fair Access Principles

The Fair Access Principles have been developed by the Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth, in consultation with representatives from local government and the state sport and recreation sector. This Policy and any resultant action plan are based on six principles of inclusivity, full participation, equal representation, encouraging and supporting user groups, and prioritising user groups committed to equality.

1. Community sports infrastructure and environments are genuinely welcoming, safe, and inclusive
2. Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator
3. Women and girls will have equitable access to and use of community sport infrastructure:
 - a. of the highest quality available and most convenient
 - b. at the best and most popular competition and training times and locations
 - c. to support existing and new participation opportunities, and a variety of sports
4. Women and girls should be equitably represented in leadership and governance roles
5. Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use practices
6. Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure

5.1.2 Compliance and Monitoring - Actions

Hindmarsh Shire Council commits to undertake a GIA on all current community sports infrastructure access and use policies and processes, and to consider opportunities to strengthen gender equitable access and use of community sports facilities in alignment with the Fair Access Principles.

If the process of assessing current policies and processes identifies opportunities to develop or strengthen gender equitable access and use of community sports facilities in alignment with the Fair Access Principles, Hindmarsh Shire Council commits to developing and adopting a locally relevant gender equitable access and use action plan no later than 1 October 2024.

Council acknowledges that the requirement to have a gender equitable access and use policy and action plan (or equivalent) in place, and the ability to demonstrate progress against that policy and action plan (or equivalent), will form part of the eligibility criteria for Victorian Government funding programs relating to community sports infrastructure from 1 July 2024.

5.1.3 Responsibility

Management personnel, staff, volunteers, and user groups of Hindmarsh Shire Council have a shared responsibility to support the realisation of fair access, as outlined below:

- To promote a gender-aware and gender-responsive culture and community and championing the fair access principles
- To promote, encourage and facilitate the achievement of gender equality and improvement in the status of women and girls in sport and active recreation
- Lead the review of sport and recreation policies and process
- Develop and adopt gender equitable access and use policies
- To communicate policy updates
- To monitor compliance and issues
- Support the undertaking of Gender Impact Assessment and submission of progress reports as per the *Gender Equality Act 2020* obligations
- Support the review of sport and recreation policies and processes
- Support the formal adoption process of a new or revised gender equitable policies
- Undertake Gender Impact Assessment and submission of progress reports as per the *Gender Equality Act 2020* obligations
- To communicate and educate sport and recreation infrastructure user groups and users
- To adhere to and communicate the policy when required
- To attend training / awareness programs.

5.2 Allocation

It must be recognised that there are changing trends in the way the community is choosing to be active and to connect outside of organised sport. As Council looks to maximise the use of recreation reserves, there is a requirement for different types of agreements, as outlined in this policy, to ensure opportunities can be provided for all categories of user groups.

Council will consider fair access in all agreements and allocation on Council owned and/or operated facilities.

Any agreement provided to a user group for formal and structured use of an active recreation reserve is intended to:

- Provide inclusive opportunities for the whole community regardless of age, interest, gender, abilities, culture or background.
- Acknowledge and support the leadership role that sporting clubs play in providing opportunities to connect, participate and belong.
- Support local access to local facilities to increase the health and wellbeing of our community.

The user group will also need to demonstrate female representation of women/girls on leadership and/or management Committees and may be asked to demonstrate their inclusivity and their support of the principles of fair access prior to an agreement being finalised.

The following agreement types outline the ways in which access is provided to active recreation reserves for user groups.

5.3 User Agreements

User Agreements can be entered into for various periods, including established sports seasons.

5.3.1 Seasonal User Agreements

Seasonal Tenancy Agreements are required for winter and summer sporting periods of use. Each allocation provides non-exclusive use of Council sportsgrounds and pavilions, unless otherwise provided for in the Seasonal User Agreement. Each tenancy period is:

- Winter Season: 1 April – 30 September
- Summer Season: 1 October – 31 March

Each allocation is provided for regular season training and matches. A user group's allocation may be specific to times and days of the week across their season.

All use of recreation reserves under this agreement is governed by the expectations outlined within the Seasonal User Agreement.

5.3.2 Eligibility

A Seasonal User Agreement may be provided where the proposed user group:

- Demonstrates significant need that benefits Council, community and local residents.
- Is an Incorporated Association with the relevant public liability insurance, renewed on an annual basis;
- Is registered with and have a team or teams competing within a sporting association which is officially recognised by the relevant State Sporting Association. Registration must be consistent with the year in which the application is submitted.
- Applies for an active recreation reserve that is suitable for its intended use.
- Does not have any outstanding financial debt to Council or no agreed payment plan in place.
- Demonstrates commitment to the principles of Fair Access and gender equality.

5.3.3 Historic Allocations

In the first instance, existing recreation reserve use will be allocated to user groups that held an allocation in the preceding season and have complied with this policy (including the eligibility criteria list above) and the Seasonal User Agreement.

In the instance where an existing group at a shared facility wishes to be considered for additional use that impacts other user groups, then each will be considered on a case-by-case basis.

Priority may be given to the user group with the longest historical allocation if the additional use provides opportunities that are not available elsewhere in that local area or support underrepresented groups across the Hindmarsh Shire Council.

An existing group will not be displaced where an alternative recreation reserve with equivalent access to facilities cannot be provided across the municipality.

5.3.4 New Allocations

New user groups wishing to utilise a recreation reserve must submit a Recreation Reserve User Agreement Expression of Interest Form to be considered for Seasonal User Agreement Allocations. Council will work with the State Sporting Association (SSA) or other relevant body to confirm any new user groups are registered with the relevant SSA.

Expressions of Interests that provide opportunities that are not currently available within Hindmarsh Shire Council will be considered more favorably than those where the existing need is met.

5.3.5 Subletting and Use Outside of Allocated Hours

User groups shall not sublet or allow any other person or group to occupy or use the sportsground or facility without written approval from Council prior to the date of use, or unless such an arrangement is written into the User Agreement. In such circumstances, the user group shall be responsible for ensuring risk management and public liability documentation is provided by the third-party user, the facility is cleaned and free of damage after use and any other requirements specified in the particular User Agreement.

Council is responsible for any use of sporting grounds recreation reserves outside of the allocated hours of the user groups.

5.3.6 Content of User Agreements

At a minimum, User Agreements shall contain the following provisions;

- Parties bound;
- Terms of use;
 - Clear identification of excluded and included facilities at the recreation reserve or sporting ground;
 - Period of use;
 - Limitations and restrictions;
- Insurance requirements;
- Risk management requirements;
- Bond requirements;
- Third party compliance requirements and the retention and availability of evidentiary and supporting documents (i.e. AFL grounds management requirements for Australian Rules football clubs);
- Allocation of responsibilities, including but not limited to;
 - Maintenance
 - Inspections
 - Compliance
 - Capital improvements
 - Amenities fees (water, electricity, gas usage)
- Relationship with other users of the premises;
- Subletting/hiring arrangements with third parties;
- Site inspections;
- Communication between parties bound;
- Dispute resolution;

- Vacation of premises;
- Termination; and
- Review of Agreement.

Council shall meet with representatives from existing and prospective user groups to discuss the terms of the agreement and conduct a walkthrough of the reserve and facilities prior to any new, revised or reviewed agreement being finalised.

5.4 Casual Bookings

Casual bookings provide 'one off' and temporary access to a recreation reserve for a variety of uses. Council acknowledges that there is a growing need for access to be provided for user groups outside of structured competitions and other activities that are eligible for a Seasonal User Agreement.

Casual bookings will only be considered where it does not impact the use of a user group that holds a Seasonal User Agreement or adversely affect the quality and longevity of the active recreation reserve. Casual bookings at leased or licensed active recreation reserves are managed directly by those user groups in line with their specific agreements.

5.4.1 Activities Requiring a Casual Booking

Casual Bookings will be required for activities including, but not limited to:

- School use
- Seasonal user group usages outside of regular season training and matches including:
 - Special Events
 - Pre-season training (if not included in user agreement period of use)
 - Practice Matches (if not included in user agreement period of use)
 - Finals Matches (if not included in user agreement period of use)
- Structured sporting and recreational activities that are not covered or eligible for a Seasonal User Agreement
- Commercial use
- Sporting events

Casual bookings are not required for informal and unstructured use by individual community members at a recreation reserve. Any limitation on use shall be advertised at the site.

5.4.2 Eligibility for a Casual Booking

To be eligible for a Casual booking an applicant must:

- Have public liability insurance with a minimum value of \$20 million.
- Not have any outstanding financial debt to Council.
- Provide a registered business name and ABN if a commercial entity.
- Agree to comply with directions and Conditions of Use as outlined in casual hire agreements as updated from time to time.
- Provide other documents or seek additional approvals or permits as requested by Council.

5.4.3 High Demand Events

Council manages several facilities which have a high demand for casual bookings. In those instances, a time structured booking process will be followed with priority given in order of:

- Events and activities conducted by Council.
- Seasonally allocated user groups within the Hindmarsh Shire Council.
- Schools or sports associations based within the Hindmarsh Shire Council.
- Not for profit user groups within the Hindmarsh Shire Council.
- User groups, schools or sports associations located outside of the Hindmarsh Shire Council.
- Private organisations.
- Commercial use.

The registered address as listed on incorporation certificate, public liability insurance or ABN certificate will be used to determine where a user group is located. Where any further prioritisation criteria needs to be applied in order to determine access, consideration will be given to the group's commitment to gender equality and supporting the principles of Fair Access.

5.4.4 Finals Matches

Where a user may be hosting a finals match that may attract significant spectators, traffic and increased consumption of alcohol, the user group should notify Council at least 30 days' prior. In such cases, Council reserves the right to request additional emergency management, traffic management, risk and safety measures be undertaken by the user group to prevent incident, injury, or damage to the facility commensurate to the number of attendees.

5.4.5 Intended Use

A Casual Booking application will only be considered where the intended use is in line with the sport or activity that the recreation reserve supports.

Many of Councils recreation reserves are used for different sports on a seasonal basis and applications for specific sports will only be considered when the recreation reserve is set up for that specific sport.

5.5 Capacity

The use of a sporting ground or recreation reserve enabled under any agreement outlined in this policy may need to be reduced or limited to protect, maintain or renew playing surfaces and/or facilities as determined by Council. This may affect scheduled training sessions and /or scheduled games and matches on occasion.

6 Liquor Licencing

Any user group wishing to obtain a liquor license for a Council-owned premises must have written consent from Council to do so, unless there are provisions within the User Agreement that provide for a liquor licence. Any breach of the liquor license or related obligations may result in termination of the User Agreement.

The user group must provide Council up-to-date copies of all liquor licence documentation.

7 Breaches

Where a user group has been provided with access to an active recreation reserve through any agreement outlined in this policy and have breached the respective conditions, they will be subject to the following performance management process:

- Council Officers will investigate and assess the claimed breach.
- The user group will be notified in writing of the assessed breach and given the opportunity to respond in writing within 7 days.
- Once the user group's response has been received or the 7-day period has expired, the user group will be notified of the penalty to be applied, if any, in writing within 7 days.
- Any penalty will be determined by Chief Executive Officer following consultation with Council Officers. Penalties may include:
 - Mandatory training for committees and/or members.
 - Recovery of costs for damage, incident or injury.
 - Reporting to law enforcement authorities where there has been identified or alleged illegal activity.
 - Submitting a bond to be held for a period of time.
 - Being reported to respective local, state or national governing body, e.g. Sport and Recreation, SSA, Victorian Commission for Gambling and Liquor Reform.
 - Being ineligible for funding opportunities through Council for a period time.
 - Additional reporting requirements to Council with set timeframes imposed.
 - Review/and or termination of current agreement with Council.
 - Exclusion from future agreements with Council.

8 References

Related documents	Legislation
Recreation Reserve User Agreement Expression of Interest Form Fair Access Policy Roadmap	<i>Gender Equality Act 2020</i> <i>Local Government Act 2020</i> <i>Local Government (General) Regulations 2015</i> <i>Disability Discrimination Act 1992</i> <i>Liquor Control Reforms Act 1998</i>

9 Document Control

Sports and Recreation Reserve Allocation, Use and Fair Access Policy		Policy Category	COUNCIL
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