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Community Sport - Management of Grounds Policy

1. PURPOSE

This document sets out the Policy to govern the allocation of Council sports grounds for use by clubs. It is designed to provide a consistent and transparent process for the use of Council sports grounds and associated facilities.

This document also provides a set of principles for the allocation of the sports grounds and associated facilities to preserve the assets for current and future use.

The Policy will be publicly available on Council’s website.

2. BACKGROUND

(a) Glen Eira has the least public open space per capita of all Melbourne metropolitan municipalities (1.4ha /1,000 people in 2013). This includes both passive and active open space.

(b) Glen Eira’s public open space includes 45 sports grounds. When not being used for sport, they may be used for passive recreation. Some are also designated for owners to exercise their dogs off leash. Grounds need to be managed with a mix of uses in mind.

(c) Council’s ground allocation system currently accommodates more than 230 teams in any one season.

(d) Community sport is an important responsibility of Councils. There are important benefits for health and social connectedness – see the Community Plan and Municipal Public Health Plan.

(e) Many clubs are growing. There are more teams wishing to play in Glen Eira than Council can accommodate.

(f) Glen Eira’s grounds and facilities are generally of a higher standard than in many other areas. This is the result of years of investment of public monies, successful applications for grants from Sport and Recreation Victoria (SRV) and careful management and development of facilities. It is not uncommon for clubs which have an existing allocation in another municipality or on State government controlled land to seek allocations of grounds inside Glen Eira.

(g) Sport and Recreation Victoria (SRV) operates a system of grants and Council operates within that system, its requirements and the criteria for grants. (Between 1 July 2008 and 30 June 2013, Council was allocated $6,209,755 by SRV.)

(h) While many Council facilities have been redeveloped, improved or upgraded in recent years, some facilities do not yet properly cater for equality of access (eg facilities for both genders, facilities for all abilities.)

(i) Playing surfaces cannot sustain unlimited use. An orderly system of ground allocation helps sustain both active and passive use over the long term and the safety of all users. Management of grounds also needs to respond to changes in climatic conditions.
(j) Works to repair or improve grounds and facilities sometimes requires the
rearrangements of allocations. Extreme weather events may also require
rearrangements at short notice.

(k) Council's interests include responsible management of risks and off-field matters such
as responsible serving of alcohol and respecting the amenity of neighbouring residents.

3. POLICY

3.1 Division of Responsibilities

Consistent with the Local Government Act 1989,
- the role of the Council at Elected level is to determine Policy by Resolution and
- the role of the administration is to allocate grounds and facilities in accordance with
  Council's Policy, Local Law and applicable legislation.

3.2 Scope

This Policy applies to the allocation of sports grounds and associated pavilions and
adopts the several principles to aid the public in understanding the local government
role in community sport.

It does not apply to Council land which is leased (eg to tennis clubs, bowls clubs or
croquet clubs) indoor recreation faculties, Council Tennis Courts for hire or permits for
commercial operators (eg personal trainers).

This policy also applies to “Expressions of Interest” (EOIs), this is a process for filling
facilities or grounds for the first time or where there is a permanent vacancy in the
system of allocations to grounds as a whole by inviting applications from any party.

EOIs will only be called if there is a permanent vacancy in the systems of allocations to
grounds as a whole.

3.3 Capacity

3.3.1 Council will develop and maintain an Open Space Strategy to guide the quantity and
uses of public open space, including increasing the amount of open space in the
municipality.

3.3.2 Council will advocate for community use of existing public land under the control of
other public authorities. In particular, Council will advocate for community use of the
Caulfield Racecourse Reserve Crown Land for active and passive recreation. The
Crown Grant establishing the Reserve specifies that the land is to be used for “a
racecourse, public recreation ground and public park”. On 9 April 2013 Council
published an indicative layout of the non-race track areas of the Crown Land which
could accommodate community sports grounds – copy at Appendix A. The Crown
Land is under the control of the State Government, not Council.

3.3.3 Council will increase the capacity of individual grounds for active and passive use
through conversion to warm season grasses, sub-surface irrigation, improvements to
drainage, other turf management practices, installation of training lights and related
measures as provided for in annual Budgets. In some circumstances, the allocation
or use of a ground may need to be reduced or limited in order to protect playing surfaces or accommodate works such as installation of warm season grasses, irrigation, drainage etc.

3.3.4 Council will apply for grants from SRV and other government programs in order to increase capacity for community sport.

3.4 Inclusiveness and Participation

3.4.1 Grounds and facilities will be managed to seek to cater, as far as practical, for the range of community sports in which people wish to take part. (In recent years, the greatest growth has been in women’s sport, including women’s soccer and women’s AFL.)

3.4.2 Council acknowledges
• the Victorian Code of Conduct for Community Sport at Appendix B and
• the grounds for lawful discrimination under the Victorian Equal Opportunity Act at Appendix C (eg gender-specific sports, age-specific sports or clubs which exist principally to preserve a minority culture).

3.4.3 Where allocations are made which involve gender-specific sports, age-specific sports, or minority culture-specific clubs, other allocations at the same ground, park or reserve will aim to provide opportunities open to those who were not able to participate in the above mentioned activities.

3.4.4 Council’s system of sports grounds operates on a not-for-profit basis in order to provide for community sport.

3.5 Performance and Tenure

3.5.1 Council accepts that clubs need reasonable assurance that they will continue to be allocated seasonal use of grounds and associated facilities if the clubs are to plan and manage their affairs effectively and maximise opportunities for community sport.

3.5.2 Clubs must comply with this Policy, Council’s other Policies, the Local Law, other laws and with the allocation agreement(s) covering the allocation of grounds and facilities, including the conditions of use in force from time to time. This includes both on-field and off-field matters such as the responsible serving of alcohol and respecting the amenity of nearby residents.

3.5.3 Where a club complies with clause 3.5.2 of this Policy, Council will not unreasonably refuse to make an allocation, consistent with the previous allocation, for the following season.

3.6 Allocations

3.6.1 Ground allocations will be managed as a system as a whole in order to be able to respond to changes required when grounds and facilities are undergoing repairs or improvements, weather or changing ground conditions, changes in scheduling of matches by associations etc.
3.6.2 Sports grounds (and other public open space) will be managed by seasonal allocations and not by lease. (Leases provide for exclusive use of land and no one should be excluded from public open space.)

3.6.3 Allocations will be made for one season at a time. Allocations for subsequent seasons will be determined in accordance with this Policy including performance, compliance with clause 3.5.2 and the capacity of the system as a whole.

3.6.4 Each allocation will specify the code and age group (e.g., under-15 girls soccer) and is valid only for the specified purpose.

3.6.5 Consistent with section 3.5, Performance and Tenure, in the first instance allocations will be made to clubs which held seasonal allocations during the preceding season and which complied with this policy by assessing clubs against the following criteria in Table 1.
### Table 1

<table>
<thead>
<tr>
<th>Category</th>
<th>Criterion</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualifying</td>
<td>The club must be a separate legal entity (e.g., incorporated association).</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>The club has certified in writing that it accepts Council’s Conditions of Use.</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>The club has provided evidence of insurance acceptable to Council.</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>The club has provided Council with a financial statement and an annual report from the most recent completed financial year.</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>The club has no debt to Council or the club is complying with a repayment arrangement which has been approved by Council.</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>The club is affiliated with its relevant sporting body.</td>
<td>Essential</td>
</tr>
<tr>
<td>Performance &amp; Tenure</td>
<td>The club has held seasonal allocations in the preceding season and or earlier – one point for each year up to a maximum of 20 points.</td>
<td>1-20 points</td>
</tr>
<tr>
<td></td>
<td>Club complied with its allocation and Council’s Conditions of Use during the most recent Season</td>
<td>1-20 points</td>
</tr>
<tr>
<td></td>
<td>Club provides community sport for people of all abilities.</td>
<td>1-10 points</td>
</tr>
<tr>
<td></td>
<td>Club provides community sport for designated under-represented groups, currently Junior Girls, Women and Masters (actual teams).</td>
<td>1-10 points</td>
</tr>
<tr>
<td>Penalties</td>
<td>Council issued a written warning for unsatisfactory behaviour, either on or off field, including behaviour which adversely affects the safety of participants, the safety of others or the amenity of residents, or which interferes in the affairs of another club.</td>
<td>10 points deducted for each instance.</td>
</tr>
<tr>
<td></td>
<td>The club serves alcohol but no current club officials have completed training in the Responsible Serving of Alcohol or exceeding pavilion hours and liquor licence hours of use.</td>
<td>10 points deducted for each instance.</td>
</tr>
</tbody>
</table>
| Breach of Conditions of Use | • pavilion not kept in a clean and tidy state (Item 14)  
• late return of pavilion keys following seasonal pavilion inspection (item 22). | 2 points deducted per breach |

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Community Sport – Management of Grounds Policy

Glen Eira City Council
3.6.6 EOI s will only be called if there is a permanent vacancy in the system of allocations to grounds as a whole by inviting applications from any party. Applications will be assessed against the following criteria in Table 2.

<table>
<thead>
<tr>
<th>Category</th>
<th>Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualifying</td>
<td>The club must be a separate legal entity (eg. Incorporated association).</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>The club has certified in writing that it accepts Council’s Conditions of Use</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>The club has provided evidence of insurance acceptable to Council</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>The club has provided Council with a financial statement and an annual report from the most recent completed financial year</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>The club has no debt to council or the club is complying with a repayment arrangement which has been approved by Council.</td>
<td>Essential</td>
</tr>
<tr>
<td></td>
<td>The club is affiliated with its relevant sporting body</td>
<td>Essential</td>
</tr>
</tbody>
</table>

In addition to the above essential elements of an application, Council will have regard to whether applications:

- Provide opportunities for regular participation for designated under-represented groups such as junior girls, women and masters,
- Provide opportunities for people of all abilities; and
- Have a strong plan for, or an existing connection to, the community.

3.6.7 Council reserves the right to reallocate grounds (and pavilions) at any time in response to changing circumstances. In all other respects, allocations are not transferrable. The allocation of a ground to a club does not confer any right on the club to deal with the allocation.

3.6.8 Prior to the confirmation of allocation and release of keys, allocated clubs are required to complete, supply information, sign and date Council’s condition of use and sports ground application agreement documents in force at the time.

3.6.9 Council reserves the right to suspend or revoke an allocation at any time if a club breaches this Policy or the allocation agreement or conditions of use.

3.7 Pre-Season Training and Finals Allocations

Council will endeavour to provide some facilities for practice matches, pre-season training and finals matches. Pavilions will not be available for pre-season training unless prior agreement is made with Council. Pre-season training, practice matches and finals do not constitute a booking under Seasonal allocations.
3.8 School Term Allocations

Schools will be invited to make applications annually and must adhere to Council’s Conditions of Use for Schools and Casual Hirers of Sports Ground Policy. Sports grounds will only be available for school bookings on weekdays between the hours of 9am and 3:30pm on dates consistent with the school terms. Confirmation of sportsgrounds will be given on a term to term basis. Council reserves the right to reject or withdraw any application or allocation for the use of sports grounds during a term if sports ground conditions deteriorate. Non-government schools must provide evidence of $10,000,000 Public Liability insurance.

3.9 Reporting and Transparency

3.9.1 This Policy will be publicly available on Council’s website.

3.9.2 Each Season, a written report will be submitted to a public Council Meeting on the implementation of this Policy, including levels of participation in community sport.

3.10 Review of Policy

3.10.1 This Policy may be reviewed by Council at any time.

3.10.2 The Policy will be reviewed by Council as soon as sports grounds are provided for community sport as part of the Caulfield Racecourse Reserve Crown Land. The review will aim to increase the participation in community sport by accommodating additional clubs.

4. ASSOCIATED DOCUMENTS

Indicative Layout, Caulfield Racecourse Reserve Crown Land (Minutes of the Ordinary Council Meeting of 9 April 2013) (Appendix A)

Victorian Code of Conduct for Community Sport (reproduced in this Policy as Appendix B)

Equal Opportunity Act 2010 Divisions 6 and 7 (reproduced in this Policy as Appendix C)
Caulfield Racecourse Reserve Concept Plan
(March 2013)
Victorian Code of Conduct for Community Sport

Every person: spectator, player, club member, official, participant, administrator, coach, parent or member of the community involved with the sport, should work to ensure:

_**Inclusion of every person regardless of their age, gender or sexual orientation;**_

_**Inclusion of every person regardless of their race, culture or religion;**_

_**Opportunities for people of all abilities to participate in the sport and develop to their full potential;**_

_**Respect is shown towards others, the club and the broader community;**_

_**A safe and inclusive environment for all;**_

_**Elimination of violent and abusive behaviour;**_

_**Protection from sexual harassment or intimidation.**_

This Code applies to community sport, training and club sanctioned activities.
Equal Opportunity Act (as at October 2013)

Appendix C

Division 7—Discrimination in sport

70 Definitions

In this Division—

**competitive sporting activity** includes any exhibition or demonstration of a sport, but does not include—

(a) the coaching of people engaged in a sporting activity; or
(b) the umpiring or refereeing of a sporting activity; or
(c) the administration of a sporting activity; or
(d) the non-competitive practice of a sport;

**participating in a sporting activity** includes—

(a) coaching people involved in a sporting activity;
(b) umpiring or refereeing a sporting activity;
(c) participating in the administration of a sporting activity;

**sport** and **sporting activity** include game and pastime.

71 Discrimination in sport

A person must not discriminate against another person—

(a) by refusing or failing to select the other person in a sporting team; or
(b) by excluding the other person from participating in a sporting activity.

72 Exception—competitive sporting activities

(1) A person may exclude people of one sex or with a gender identity from participating in a competitive sporting activity in which the strength, stamina or physique of competitors is relevant.

(1A) A person may exclude people of one sex from participating in a competitive sporting activity if—

(a) participation in the activity is necessary for progression to an elite level competition; and

(b) the exclusion is necessary to enable participants in the activity to progress to national or international elite level competition.

(1B) A person may exclude people of one sex from participating in a competitive sporting activity or restrict participation in a competitive sporting activity to people of one sex if—

(a) the exclusion or restriction is intended to facilitate participation in the activity by people of a particular sex; and

(b) the exclusion or restriction is reasonable having regard to—

(i) the nature and purpose of the activity; and

(ii) the consequences of the exclusion or restriction for people of the excluded or restricted sex; and
(iii) whether there are other opportunities for people of the excluded or restricted sex to participate in the activity.

(2) A person may restrict participation in a competitive sporting activity—

(a) to people who can effectively compete; or
(b) to people of a specified age or age group; or
(c) to people with a general or particular disability.

(3) Subsections (1), (1A) and (1B) do not apply to a sporting activity for children under the age of 12 years.

**Division 6—Discrimination by clubs and club members**

**64 Discrimination against applicants for membership**

A club, or a member of the committee of management or other governing body of a club, must not discriminate against a person who applies for membership of the club—

(a) in determining the terms of a particular category or type of membership of the club; or
(b) in the arrangements made for deciding who should be offered membership; or
(c) by refusing, or failing to accept, the person's application for membership; or
(d) in the way in which the person's application is processed; or
(e) in the terms on which the person is admitted as a member.

**65 Discrimination against club members**

A club, or a member of the committee of management or other governing body of a club, must not discriminate against a member of the club—

(a) by refusing, or failing to accept, the member's application for a different category or type of membership; or
(b) by denying or limiting access to any benefit provided by the club; or
(c) by varying the terms of membership; or
(d) by depriving the member of membership; or
(e) by subjecting the member to any other detriment.

**66 Exception—clubs for minority cultures**

A club, or a member of the committee of management or other governing body of a club, may exclude from membership a person who is not a member of the group of people with an attribute for whom the club was established if the club operates principally to preserve a minority culture.
67 Exception—clubs and benefits for particular age groups

(1) A club, or a member of the committee of management or other governing body of a club, may exclude a person from membership if—

(a) the club exists principally to provide benefits for people of a particular age group; and

(b) the person is not in that age group.

(2) A club, or a member of the committee of management or other governing body of a club, may restrict a benefit to members who are members of a particular age group, if it is reasonable to do so in the circumstances.

68 Exception—single sex clubs

(1) A club, or a member of the committee of management or other governing body of a club, may exclude from membership a person on the basis of that person's sex if membership of the club is available only to persons of the opposite sex.

(2) A club referred to in subsection (1) must make its rules of eligibility for membership publicly available, without charge.

69 Exception—separate access to benefits for men and women

(1) A club, or a member of the committee of management or other governing body of a club, may limit a member's access to a benefit on the basis of the member's sex if—

(a) it is not practicable for men and women to enjoy the benefit at the same time; and

(b) either—

(i) access to the same or an equivalent benefit is provided for men and women separately; or

(ii) men and women are each entitled to a reasonably equivalent opportunity to enjoy the benefit.

(2) In determining any matter relating to the application of subsection (1), the following must be considered—

(a) the purposes for which the club is established;

(b) the membership of the club, including any class or type of membership;

(c) the nature of the benefits provided by the club;

(d) the opportunities for the use and enjoyment of those benefits by men and women;

(e) any other relevant circumstances.