

### **Background**

From time to time Maroondah City Council (**Council**) issues keys to Council buildings so those buildings can be used by sporting, cultural and other groups with the lawful authority of Council (**User Groups**). Where keys are lost, misplaced or simply not returned to Council then the security of the building is compromised for all future users of the building – unless Council rekeys the building. To rekey a building Council has to incur the cost of replacing all locks and reissuing keys to all current users. Rekeying a building will usually cost at least in the hundreds of dollars, but in some cases can cost in the thousands of dollars, depending on the number of locks and number of users.

If Council fails to maintain a robust and effective locking and security system for its buildings then it cannot guarantee the safety of those buildings and the valuable assets within them. In addition, such failure could void the insurance policies put in place by Council (covering the buildings and Council's contents) and tenants (covering the tenant's contents).

### **Intended effect of this policy**

The intent of this Key Policy is to maintain the ongoing security of Council buildings by ensuring that any member of the public who accepts a Council key – whether on behalf of a User Group that has the authority of Council to use a Council building or otherwise – understands there is personal responsibility for:

1. the use of that key in accordance with this Key Policy;
2. the return of the key to Council at the end of their use of the Council building; and
3. the cost Council incurs if Council has to rekey a building and/or reissue a key or keys to the Use Group and other current users because a key is not returned to Council or is returned in a broken or unserviceable condition.

### **Legal terms and conditions Council keys are issued under**

Any person taking possession of a Council key (**the key holder**) does so on the terms and conditions set out in this Key Policy. Where a key holder receives additional keys for use by others then the key holder remains responsible for all keys issued to them, unless and until they get the recipients of those other key holders to sign and return a completed 'Key Issue Responsibility Acceptance Form' that accompanies this Key Policy.

If a key holder holds a Council key on behalf of a User Group then this Key Policy makes the User Group responsible for the cost and any other consequences of any breach of this Key Policy by that key holder. If a key holder holds a Council key in a personal capacity and not on behalf of a User Group, then this Key Policy makes the key holder personally responsible for the cost and any other consequences of any breach of this Key Policy by that key holder.

Where the context permits or requires in this Policy the singular also means the plural. Any reference to a Council officer means that officer or equivalent and anyone acting in that role.

### **General terms**

By taking possession of a Council key the relevant User Group and key holder acknowledge and agree:

1. All Council keys are and remain the property of Council at all times.
2. The User Group and key holder are granted a bare licence to hold and use the key for the purpose stated on the Key Issue Responsibility Acceptance Form completed by the User Group and key holder.

3. If no purpose for the use of a key is stated on the relevant Key Issue Responsibility Acceptance Form then the key may only be used at the times and for the purposes and uses (if any) authorised by Council. Such authorisation is contained in the Council lease, licence, hire agreement, seasonal allocation licence or similar that allows the User Group and key holder to use the Council building.
4. If the User Group ceases to operate or exist or the key holder ceases to be a member of the relevant User Group then all Council keys held by the User Group or key holder must immediately be returned to Council. Keys are not to be given to another member of the User Group as they may then, if not promptly returned to Council, be deemed to be lost. It is the responsibility of the User Group to return Council keys to Council.
5. The User Group and any key holder must present all Council keys to Council upon request by any Council employee who properly identifies themselves as such by producing their Council issued identity card. Any Council key must be immediately surrendered to Council's Facilities Management Coordinator upon request.
6. Council reserves the right to audit the Council keys issued to a User Group or any key holder at any point in time. The User Group must arrange and ensure each of its key holders and any individual key holder must produce all Council keys they hold at the time and place Council reasonably designates in writing<sup>1</sup>, at no expense or cost to Council, to allow the keys to be audited. This will enable Council to physically verify that an individual key holder or all key holders from a User Group still have the Council key or keys issued to them.

#### **Lost, stolen, misplaced, destroyed, broken or unserviceable Council keys**

7. If a Council key is lost or stolen, misplaced, broken or unserviceable or otherwise no longer in the possession of the key holder, then the key holder must immediately contact Council's Facilities Management Coordinator or Facilities Management administration officer and inform them of this.
8. If a Council key is no longer required by the key holder for the purposes or uses authorised by Council or those authorised purposes and uses have expired, then the key holder must promptly return the key to Council's Facilities Management Coordinator or Facilities Management administration officer.

#### **Consequences of failing to return a serviceable key to Council**

In the following 4 clauses "produce" and "return to Council" mean produce to and return to Council's Facilities Management Coordinator or Council's Building Maintenance administration officer.

9. Any failure to produce a Council key for audit entitles Council to deem that the key or keys not produced have been lost with the consequence that the User Group or individual key holder who failed to produce the Council key accepts responsibility for the cost of Council rekeying the relevant building and reissuing Council keys to all users of that building.
10. If a key is lost, misplaced, stolen, destroyed or otherwise not returned to Council in accordance with this policy then the User Group or individual key holder accepts responsibility for the cost of Council rekeying the relevant building and reissuing Council keys to all users of that building.

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<sup>1</sup> For User Groups, where practical, Council will try to schedule Council key audits to coincide with the next committee or other meeting of the User Group.

11. If a Council key is destroyed or returned to Council in a broken, damaged or unusable condition then the User Group or individual key holder accepts responsibility for the cost of Council replacing the Council key.
12. If a Council key is not promptly returned to Council at the end of the authorised use of the relevant Council building or that Council key then Council can deem the key lost and the User Group or individual key holder accepts responsibility for the cost of Council rekeying the relevant building and reissuing Council keys to all users of that building.
13. Where Council incurs cost due to a User Group or key holder failing to comply with this Key Policy then that cost becomes a debt due and payable by the User Group or the individual key holder to Council on written demand provided Council provides the User Group or individual key holder with reasonable evidence of the breach and the costs incurred by Council prior to or at the time of demand for payment. Reasonable evidence of breach for this purpose is evidence based on the balance of probabilities (not beyond reasonable doubt). This means Council is not required to obtain a court or tribunal order that the User Group or individual key holder has breached this Key Policy to be entitled to reimbursement of Council's costs.

#### **Protection of Council and tenant assets**

14. If a key holder, while in, near or using a Council building, is witness to any unauthorised person entering or damaging a Council building or Council or tenant assets or equipment on the site, the key holder must immediately report the event to Victoria Police and then to Council's Facilities Management Coordinator.

#### **Discretion in the application of this Key Policy**

15. Council and its Facilities Management Co-ordinator, who administers this policy on behalf of Council, both have discretion as to how this Key Policy will be applied. Where a strict application of this policy would result in an unfair or unjust outcome then the application of this policy may be varied or the policy may be only partially applied. For example, if a key or keys were lost due to a key holder being affected by a natural disaster or their house burned down or similar then Council may choose not to rekey a building and may also choose not to seek to recover the cost of reissuing a key or keys to the key holder. Similarly, if a key holder died but the Council key or keys could not be found, then Council may choose to rekey a building and reissue keys but not recover the cost of having to do so from the relevant User Group.

#### **Key Issue Responsibility Acceptance Form**

This is a one page form that records which Council key has been issued to whom for what authorised uses and, where relevant, on behalf of which User Group. It is attached to this policy. It is the policy of Council not to issue any Council key to anyone who is not an employee of Council unless and until a Key Issue Responsibility Acceptance Form has been fully completed for that Council key or keys. Exceptions can be made to this policy in times of emergency, disaster or at the discretion of Council's Facilities Management Co-ordinator.

End of policy.



## KEY ISSUE RESPONSIBILITY ACCEPTANCE FORM

<b>Key System:</b> (Please circle the following) YV2500Q YV2260Q YV300Q M77 P911 RM1 Other: _____	
<b>Key:</b> (Eg. MMK3.16 OR 7.2R)	<b>Issue Number:</b> (Small number printed above key number)
<b>First Name:</b>	<b>Surname:</b>
<b>Phone Number:</b>	<b>Mobile Number:</b>
<b>Email address:</b>	
<b>Company/Club Name (i.e. User Group):</b>	<b>Department:</b>
<b>Purpose Key may be used for:</b> (to be completed by Council)	
<b>Building associated with Key:</b>	
<b>Date Key Taken:</b>	<b>Date Key Returned:</b>

**Declaration/Acknowledgement:**

*I have read and understand the Maroondah City Council Key Policy. By signing this form and taking possession of a Maroondah City Council key or keys I and the User Group I am taking possession of the key(s) for both expressly agree to be bound by the Terms and Conditions of Council's Key Policy in relation to each and every Council key I received:*

**Signature and name of key holder:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**PRINT Name of the key holder:** \_\_\_\_\_

**Signature of User Group President:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**PRINT Name of President and User Group:** \_\_\_\_\_

**Please return this form to Maroondah Council's Facilities Manager, Co-ordinator or Building Maintenance Administration Officer at Council's Lincoln Rd Depot**

**Address: 24-28 Lincoln Road Croydon 3136**  
**Postal Address: P.O Box 156 Ringwood 3134**  
**Email: [building.maintenance@maroondah.vic.gov.au](mailto:building.maintenance@maroondah.vic.gov.au)**  
**Ph: 9294 5684 Fax: 9723 7039**