

SECTION 355 COMMITTEE POLICY



Responsible Department: Corporate Services
Responsible Section: Corporate Services
Responsible Officer: Director of Corporate Services

Purpose

To recognise and define the establishment and function of Section 355 Committees with Narrabri Shire.

Policy

A s.355 Committee is a Council-approved committee of volunteers who accept the responsibility for the management of Council functions or a Council-owned community facility in their area.

Rules Governing the Appointment of a Committee

The *Local Government Act 1993 (NSW)* provides that:

- Council may appoint (section 355 of the Act), in respect of any undertaking under the control of the Council, a Committee of local citizens and delegate to the Committee (section 377) the care, control and management of the work or activity, and the expenditure of such monies as the Council may vote.
- The Council may dissolve any such Committee at any time.
- Each such appointment and delegation is to be reviewed in the first twelve months of each term of office. Committees are able to be re-established.
- Any Committee appointed to manage a Council facility must manage the facility under guidelines set by Council and in accord with the Workplace Health and Safety Act 2011 (NSW) and Workplace Health and Safety Regulation 2011 (NSW).

Delegation of Function

Under the *Local Government Act 1993 (NSW)* Council is able to delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee of management. It is important to note that the Committee of Management provides **recommendations** that go to Council for **determination**.

Establishment of Section 355 Committee

Community Request:

1. The group must make a written application to Council detailing reasons/purposes for establishment.
2. A report to be presented to Council including:
 - a) Information to support the committee establishment including role, function and life.
 - b) Recommendation from the General Manager.
 - c) Specific authority being delegated to Council.
3. That on the creation of a Section 355 Committee of Council a specification for committee membership, purpose and financial obligations be provided to reflect the Committees valid adoption to operate on Council's behalf.
4. A motion to be passed by Council worded as follows:

That "XYZ Committee" be established as a Council committee in accordance with Section 355 of the *Local Government Act, 1993*, along with details as to the specific authority delegated, role, function and life of the committee.
5. The committee will be notified of the decision of Council and if adopted, a copy of Section 355 operations Manual document will be forwarded to the Committee.

Council Request:

1. Councillors are to submit a Notice Of Motion to Council detailing reasons:
 - a) Information to support the committee establishment including role, function and life, purpose and financial obligations be provided to reflect the Committees valid adoption to operate on Council's behalf.
 - b) Specific authority being delegated to Council.
 - c) committee membership,
2. A motion to be passed by Council worded as follows:

That "XYZ Committee" be established as a Council committee in accordance with Section 355 of the *Local Government Act, 1993*, along with details as to the specific authority delegated, role, function and life of the committee.
3. Council will then call for Expressions of Interest within the guidelines of the Committee membership adopted by Council.

Term of the Committee

Unless otherwise stated as with a sunset clause the term of office for s.355 Committees is the same term as the Council (four years), with the addition of an extra three months after the General Election of Councillors which occurs every 4 years in September. General elections will occur in 2008, 2012 etc.

Limitation of Powers

The committee will not make any decisions concerning the following:

- Fixing of charges or fees (the committee may submit recommendations for approval by Council in relation to the fixing of charges and fees for use of the facility under its control).
- Borrowing of any monies without the express written consent of Council on each such occasion.
- The sale, lease or surrender of any land and or other property vested in its care under the provisions of the *Local Government Act 1993* (as amended).
- The acceptance of tenders which are required to be called by Council. (The committee may invite and accept quotations for minor works, goods and services covered within the scope of its authority or as agreed with Council).
- The payment or making of any gift, to its members. This includes the payment of allowances or travelling expenses incurred whilst attending committee meetings.
- The payment of any monies outside the scope of the Committees function.
- The carrying out of any works on or to the facility including alterations, reconstructions or construction without the prior consent of Council (Does not include minor maintenance works).
- Unreasonably withholding consent for the letting of the facility to any organisation which agrees to comply with and adhere to the rules adopted for use of the facility, providing an acceptable letting period is available.
- Vote monies for expenditure on the works, services or operations of Council.

The exercise by the committee of its power and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The committee will observe any Rules and Regulations made by the Council, in relation to the facility/function under its management and control.

If any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

References

- *Local Government Act, 1993.*
- *Workplace Health and Safety Act.*
- *Work Health and Safety Regulation 2011.*
- Section 355 Committee Manual.

History

MINUTE NUMBER	MEETING DATE	DESCRIPTION OF CHANGE
41/2015	17 February 2015	Adopted
164/2017	15 August 2017	Reviewed