

Section 355 Committees 2020

POL013



Policy No:	POL013
Policy Title:	Section 355 Committees Policy
Section Responsible:	Corporate Services
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1. INTENT

To implement a policy that identifies how Council exercises its functions under Section 355 of the Local Government Act.

The application of this policy is designed to:

1. Identify the key criteria towards establishing a Section 355 Committee
2. State the limitations applying to the activities of a Section 355 Committee
3. Identify the framework for the operation and management of said Committees

2. SCOPE

This policy applies to all Section 355 Committees of Council and to Councillors and staff who are petitioned for the establishment of any new Section 355 Committee.

3. OBJECTIVE

Under the Local Government Act 1993 (Sections 355 and 377) 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 where a need is identified. It is important to note that these Committees provide **recommendations** that go to Council for **determination**.

Legally the Committee is "Council" and any action the Committee undertakes is ultimately Council's responsibility. Council delegates its authority to the Committee to act on Council's behalf and can withdraw this delegation if deemed necessary.

4. POLICY STATEMENT

- In respect of any undertaking under the control of Council, Council may appoint a Section 355 Committee of local community members and delegate to the Committee the care, control and management of a facility, activity or service.
- The purpose and delegations of Section 355 Committees will be reviewed in the first 12 months after commencement of a new term of Council.

5. PROVISIONS

5.1 ESTABLISHMENT OF A SECTION 355 COMMITTEE

Any new proposal for a Section 355 Committee will need to address the following:

- Evidence of need for the proposed new Committee.
- Information to support its establishment including role, function, financial obligations and duration.
- Identification of the specific authority to be delegated by Council.
- An outline of what objectives the proposed Committee will address from the current Community Strategic Plan.

The proposal containing all the above information will need to be submitted in writing for the attention of the General Manager.

After assessment of the proposal, the General Manager will prepare a report along with a recommendation for Council to consider.

In the case of a Councillor-proposed Section 355 Committee, the same information listed above will need to be provided in supporting a Notice of Motion to Council.

Should Council agree to a proposed new Section 355 Committee then the following steps will be enacted:

- The proponents will be officially notified of Council's decision.
- A draft Term of Reference will be developed.
- Nominations will be advertised and sought for Committee membership.
- Council will assess nominations and make appointments.
- Successful nominees will be advised.
- An inaugural meeting date will be set.

5.2 LIMITATIONS

The exercise by a Section 355 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 Council or by written advice from the General Manager to the Committee.

The Committee will observe any rules and regulations made by the Council in relation to the facility/function delegated to it.

A complete list of limitations is provided in the Section 355 Committee Manual.

5.3 OPERATION AND MANAGEMENT OF A SECTION 355 COMMITTEE

All Section 355 Committees of Council are required to operate under the provisions set out in their Committee's Terms of Reference and the Section 355 Committee Manual, including its associated Annexures.

Council has the power to dissolve a Committee if it is found to be acting outside of these provisions.

6. DEFINITIONS

- **NSC:** Narrandera Shire Council

7. ROLES AND RESPONSIBILITIES

- Any Section 355 Committee appointed must manage its activities under the guidelines set by Council and in accordance with applicable legislation including the Work, Health and Safety Act 2011.
- The Council has the power to dissolve any such Committee at any time with due reason.

8. RELATED LEGISLATION

- Local Government Act 1993

9. RELATED POLICIES AND DOCUMENTS

- Section 355 Committee Manual

10. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

11. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- CS250 Section 355 Committees Policy 2018.

POLICY HISTORY

Responsible Officer	Senior Customer Service Administration Officer		
Approved by	General Manager		
Approval Date	4 December 2020		
GM Signature <i>(Authorised staff to insert signature)</i>			
Next Review	1 December 2023		
Version Number	Endorsed by ELT	Endorsed by Council	Date signed by GM
1 Adopted	15 January 2018	20 March 2018	20 March 2018
2 Reviewed	28 July 2020	15 September 2020	4 December 2020

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