

# SECTION 355 COMMITTEES

CS250



**NARRANDERA SHIRE COUNCIL POLICY**

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## SECTION 355 COMMITTEE



<b>Policy No:</b>	<b>CS250</b>
<b>Policy Title:</b>	<b>Section 355 Committee</b>
<b>Section Responsible:</b>	<b>Corporate Services</b>
<b>MAGIQ File No:</b>	<b>53726</b>
<b>Next Review Date:</b>	<b>December 2019</b>

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### **Introduction:**

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.

### **Purpose:**

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

### **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.

### **Key Responsibilities:**

- Council may appoint, in respect of any undertaking under the control of Council, 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 Council has the power to dissolve any such Committee at any time with due reason
- The purpose and delegations of Section 355 Committees will be reviewed in the first 12 months after commencement of a new term of Council.
- Any Section 355 Committee appointed must manage their activities under the guidelines set by Council and in accordance with applicable legislation including the Work, Health and Safety Act 2011

## SECTION 355 COMMITTEE



### 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 and an inaugural meeting date will be set

### 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.

### 3. Operation and Management of a Section 355 Committee:

All Section 355 Committee 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.

## SECTION 355 COMMITTEE

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### Policy History

Endorsed by ELT	15 January 2018
Adopted by Council	20 March 2018



Signed: George Cowan, General Manager

Date: 20 March 2018