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| POLICY:- | |
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| PROCEDURES/GUIDELINES:- | |
| Date procedure/guideline was developed: | N/A |
| Procedure/guideline reference number: | N/A |

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| RESPONSIBILITY:- | |
| Draft Policy developed by: | Chief Executive Officer |
| Committee/s (if any) consulted in the development of this Policy: | N/A |
| Responsibility for implementation: | Chief Executive Officer |
| Responsibility for review of Policy: | Director of Finance and Administration |

OBJECTIVES

The *Local Government Act 1993* provides the legislative framework for each Council to operate within. Section 355 of the *Local Government Act 1993* states:-

Section 355 - How does a council exercise its functions?

A function of a council may, subject to this Chapter, be exercised:-

- a) By the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- b) By a committee of the council, or
- c) Partly or jointly by the council and another person or persons, or
- d) Jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or
- e) By a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).

Council values the input from all community members and appreciates the community members for their interest in the various Section 355 Committees and assure them that their input and hard work are appreciated.

ESTABLISHMENT OF COMMITTEE

What is a Section 335 Committee?

A Section 355 Committee is a committee established under Section 355 of the *Local Government Act 1993*, to assist Council with the operation and maintenance of various Council facilities and services.

In accordance with Section 377, the *Local Government Act 1993*, Council has the ability to delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community members to manage its facilities or functions through a Section 355 Advisory Committee.

Why does Council have Section 355 Committees?

Committees provide a mechanism by which interested persons can have an active role in the provision / management of Council facilities or services. This provides a two-fold benefit by giving protection to the Committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions.

As the Committees are acting on behalf of Council, it is important to uphold the principles of equity, accessibility and inclusivity, providing for the whole community. The purpose of each Section 355 Committee is to advise Council on the views, needs and interests of particular communities in the Local Government Area (LGA) as well as carry out operational tasks as allocated.

Committee Membership

A Section 355 Committee membership should generally reflect community members with an interest in the committee area, demonstrated experience and expertise in the specific tasks assigned to each committee.

A Section 355 Committee shall generally consist of:-

- A number of community representatives as detailed in the Committee Constitution.
- Councillor representatives appointed by Council annually in September.

Committee Membership Criteria is as follows:-

- Be 18 years of age or above and no older than 90 year of age;
- Have established ties or interest in the Upper Lachlan Shire community;
- Be a resident and/or ratepayer of the Local Government Area; or if not a resident, be able to demonstrate an interest in the objectives of the Committee and ability to attend Committee Meetings to the satisfaction of Council;
- Be committed to the activities of the Committee and a willingness to be actively involved in Committee issues.

Council must appoint new members before they are able to vote and take part in meetings of the Committee.

OPERATION OF SECTION 355 COMMITTEE

Each Committee is to hold an Annual General Meeting, which is to be advertised in the local newspaper or by other electronic means at least 14 days prior to the meeting. The meeting is to be held in a public place and is to be open to all members of the public.

The Minutes of the Annual General Meeting should be forwarded to the Council Chief Executive Officer as soon as possible after the Annual General Meeting and should detail the office bearers and proposed changes for the forthcoming year.

The audited accounts for the year ending 30 June should be sent to the Council Chief Financial Officer by 31 August each year.

The Committee each year prior to 30 June is to advise the Council's Director of Environment and Planning of the maintenance and capital requirements of

the buildings under their control. These will be considered by Council for funding subject to budgetary constraints. The Property Protection Insurance policy for the buildings and contents owned by Council will be paid for by Council.

The Public Liability Insurance policy of \$20 million is provided by the Council and covers each Section 355 Committee of Council whilst carrying out their delegations / functions on behalf of Council. However, each individual Section 355 Committee should assess their individual need for additional building contents insurance and public liability insurance where deemed appropriate.

If the Committee does not comply with any of the above requirements, or any relevant Section 355 Committee Procedures Council, at its discretion, will advertise for the formation of a new Committee of management.

In addition each Section 355 Committee is specifically required to:-

- Elect an Executive at each Annual General Meeting, consisting of a Chairperson, Secretary and Treasurer. The Mayor is to remain the ex-officio Chairperson of each committee.
- Hold Committee meetings each quarter and submit the minutes to the Council for inclusion with the Council meeting agenda.
- Attend meetings. Should a member of the Committee not be in attendance for three consecutive meetings then the Council is to be informed.

In addition, Council:-

- is to be represented by one Councillor, who is to present the minutes of the Committee to the Council meeting.
- at its own discretion and in consultation with the Chairperson, may declare that a casual vacancy exists and move to have that vacancy filled.
- retains the right to review the existence of the Committee and will formally resolve the issue at a meeting of the Council. Typically this meeting of Council is the one held in September in conjunction with the election of Mayor and Deputy Mayor.
- retains the right to review the membership of the Committee and will typically conduct this review at the meeting of Council held in September each year.

Where applicable, Section 355 Committees that are responsible for the care and maintenance of Council buildings will be required to comply with the appropriate Plan of Management for that facility.

It is clearly stated that a Section 355 Committee is a formal Committee of Council and as such, each Committee member should conduct themselves in an appropriate manner at all times. Council has an adopted Code of Conduct

and would expect that each Committee member would be expected to respect the terms and conditions of that Code.

Section 355 Committees of Council are prohibited from becoming an incorporated body as stipulated within Council's insurance policies.

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:-

- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- (Community Land Management Act 2021;
- Crown Land Management Act 2016;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Environmental Planning and Assessment (EPA) Act 1979;
- Public Interest Disclosures Act 2022;
- Independent Commission Against Corruption Act 1998;
- Anti Discrimination Act 1977;
- Government Information (Public Access) Act 2009;
- Work Health and Safety Act 2011;
- Code of Conduct Policy
- Code of Conduct Procedure;
- Code of Business Practice;
- Code of Practice - Section 355 Committees;
- Work Health and Safety Policy;
- Records Management Policy;
- Payment of Expenses and Provision of Facilities Policy;
- Government Information (Public Access) Policy;
- Procurement Policy;
- Complaints Policy and Procedures;
- Harassment Policy;
- Fraud and Corruption Prevention Policy;
- Privacy Policy;
- Public Interest Disclosures Policy;
- Customer Service Charter;
- Volunteers Policy;
- NSW Ombudsman - Good Conduct and Administrative Practice (Guidelines for State and Local Government) June 2006 and;
- ICAC publication "Use and misuse of public sector resources" February 2008.
- Any other relevant legislation and guidelines as applicable.

VARIATION

Council reserves the right to vary or revoke this policy.