

Council Policy



Policy Title:	Section 355 Committees
Policy Number:	1.06
Focus Area:	Celebrate our local identity and lifestyle
Responsibility:	Community Programs and Grants
Meeting Adopted:	20 February 2024 [200224/11]

OBJECTIVE

The objective of this policy is to establish a framework for the delegation of Council functions to Section 355 Committees in accordance with Section 355 of the *Local Government Act 1993*. This policy outlines the respective responsibilities of Council and Section 355 Committees, ensuring effective collaboration in the management and operation of community facilities.

SCOPE

This policy applies to all Section 355 Committees established by Richmond Valley Council for the purpose of managing community facilities as delegated by Council under the *Local Government Act 1993*.

POLICY

Under Section 355 of the *Local Government Act 1993*, Council may delegate some of its functions to a Committee of Council. Council may use this delegation to appoint community members to manage a community facility through a Section 355 Committee. The main purpose of the Committee is to manage the hiring of the community facility; ensuring such facilities are readily accessible to the community whilst raising funds for its maintenance and future improvements.

Responsibilities of Council

- a. Funding Major Improvements - Council shall fund and undertake major improvement works to the facility as per the Annual Operational Plan and budgetary considerations.
- b. Insurance of Assets - Council shall ensure comprehensive insurance coverage for all Council-owned facilities and contents.
- c. Insurance of Committee Members - Council shall provide insurance coverage for volunteer Committee members, including Public Liability, Professional Indemnity, Community Support Liability and Workers Compensation.
- d. Notification of Fees and Charges - Council will inform the Committee of any proposed changes to hire fees for the upcoming year.
- e. Improvement Recommendations - Council will consider proposed facility improvements during the annual budget process.
- f. Induction and Training of Committees - Council will arrange training for Committee office bearers to ensure understanding of their roles and responsibilities.

Responsibilities of Section 355 Committees

- a. Care - The Committee is responsible for the overall care, safety and welfare of facility users, including maintenance, security and insurance compliance.
- b. Control - The Committee will hold regular meetings, maintain financial records, submit annual reports and administer facility use by community.
- c. Management - The Committee will manage funds equitably, adhere to this policy and the Section 355 Committee Manual and be accountable for its actions.
- d. Limitations of Powers - The Committee shall not make decisions beyond the specified limitations, as outlined in Section 377 of the *Local Government Act 1993*.

Accountability

Committees must:

- a. Hold an Annual General Meeting (AGM) to elect office bearers.
- b. Provide reports, minutes and annual financial statements to Council.
- c. Ensure all committee members receive meeting notices and copies of minutes and agendas.

Code of Conduct

Committee members must adhere to Richmond Valley Council's Code of Conduct, with a particular focus on conflict of interests. Failure to comply may result in removal from the Committee.

Delegation and Oversight

The Committee's exercise of powers is subject to legal requirements, Council resolutions and conditions imposed by Council staff. Council retains the right to revoke powers if the Committee operates outside the delegated function.

Section 355 Committee Manual

The Committee and its members are required to adopt and adhere to the conditions set out in the Section 355 Committee Manual, which has been designed to:

- Implement the requirements of the *Local Government Act* and other Acts, Regulations, and Guidelines to ensure Council and the Section 355 Committees are complying with legislation.
- Provide a comprehensive guide on the management responsibilities, functions and operations of community facilities.
- Provide good practices and operational procedures for the Committee.
- Clarify Council's and the Committee members' role in this partnership.

DEFINITIONS

Community facility – any Council owned facility available for community use, be it community hall, sporting field or showground and the associated grounds and building(s).

REFERENCES

Local Government Act 1993

Section 355 Committee Manual: Managing Council's Community Facilities

REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every four years.

Version Number	Date	Reason / Comments
1	20/02/2024	New policy