

<b>POLICY NAME</b>	Section 355 Policy
<b>DIRECTORATE</b>	Executive

## **PURPOSE**

To implement a policy that identifies how Council exercises its functions under Section 355 of the *Local Government Act 1993* (the Act)

The application of this policy under Section 355 of the Act is designed to:

- i. identify the key responsibilities associated with the establishment and management of a community-based committee of Council; and
- ii. outline the broader involvement of Council with other parties including membership of a Voluntary Regional Organisation of Councils.

## **SCOPE**

This policy applies to all Council officers responsible for determining Council's involvement in functions under Section 355 of the Act.

## **BACKGROUND**

Under Section 355 of the Act a function of AlburyCity can be exercised on behalf of Council, and Section 377 allows Council to delegate functions of Council.

Under Section 355, a function of council may be exercised by council by means of:

- councillors, employees, agents or contractors by financial provision of goods, equipment, services, amenities or facilities or by any other means – clause (a)
- by a committee of the council – clause (b)
- partly or jointly by the council and another person or persons – clause (c)
- jointly with other councils or a delegate of council (including a Voluntary Regional Organisation of Councils of which the council is a member) – clauses (d) and (e).

Obligations under Section 355, clauses (a) and (c) are excluded from this policy

## **DEFINITIONS**

'Section 355 Committee' means a committee appointed by Council for the purpose of managing a facility or function of Council.

'Agreement' means a legal agreement between AlburyCity and a Regional Organisation of Councils or other agent as described in Section 355 of the Act.

## **CONTENT**

### **1. SECTION 355 COMMITTEE OF COUNCIL**

The appointment of committees to perform a function of Council is at the discretion of the Council and requires formal approval by Council in accordance with the provisions of the Act.

Through the provision of support and collaborative arrangements, Council can jointly exercise a function of Council as a way of meeting community needs. Council may appoint community people to manage its facilities or functions through a committee of management.

It is important for committees of Council to be aware they are acting on Council's behalf. 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 Council can withdraw this delegation if deemed necessary.

Under such arrangements the objective of the committee is to provide a service to the community through the care, control and sustainable management of a facility or function.

The committee is to be governed by a charter that describes in detail, the committee's roles and responsibilities, membership obligations, legal issues, guidelines for hiring premises (if applicable) and all matters relating to risk management and insurance. The charter must also describe the responsibilities of Council in terms of the provision of services, any improvements or maintenance of property arrangements, and details of insurance of assets and public liability.

The management responsibilities, functions and operations of a 355 Committee and AlburyCity's role in such a partnership, must adhere to all relevant Council policies and procedures, including the AlburyCity Code of Conduct.

## **2. REGIONAL ORGANISATION OF COUNCILS**

Section 355 clauses (d) and (e) of the Act identify specific partnerships between Council and another council or councils, or delegate of Council, including by means of a Voluntary Regional Organisation of Council of which the council is a member.

The Act requires Council to enter into a partnership and join in the constitution of a Voluntary Regional Organisation of Councils to provide for the control, regulation and management of the performance of their duties.

The objective of such an Agreement with Councils is to provide an effective platform for discussion and action on issues of regional significance and common concern; a consideration of the needs of the people of the region and to advocate those needs to the NSW and Australian Governments to advance the interests of the region; to support other member councils on issues of local concern where appropriate; to strengthen the role of local government in regional affairs; and to co-operate on matters and projects of joint interest.

Such an Agreement is to describe the general powers of the committee, and the powers of officials and staff, details of Council representation, meeting schedules and practices, voting rights, reporting, dispute resolution processes, staffing, insurance obligations and financial management.

## AUTHORISATION

<b>Status</b>	<b>Committee</b>	FAC 16 June 2014
	<b>Manex</b>	10 June 2014
	<b>Council</b>	CM 23 June 2014
<b>Owner</b>	Executive Services	
<b>History</b>	New Policy June 2014	
<b>Register</b>	This policy is included in the Public Policy and Procedures Register.	
<b>Last issued</b> June 2014	<b>Review</b> 2018 or as required	
<b>TRIM REFERENCE</b> DOC14/49166		