

1.11 Section 355 Committees

POLICY TITLE:	SECTION 355 COMMITTEE FUNCTIONS
FILE REF:	SC62; SC67
REVIEW DATE:	WITHIN 12 MONTHS AFTER THE COMMENCEMENT OF THE NEXT TERM OF COUNCIL

OBJECTIVES

To recognise and define the establishment and function of Section 355 Committees within Lockhart Shire.

POLICY STATEMENT

A Section.355 Committee is a Council-approved committee of volunteers who accept the responsibility for the carrying out of a Council function or the management of a Council-owned community facility in the Shire.

LEGISLATIVE CONTEXT

Establishment

Committees are established by a resolution of Council pursuant to section 355 of the Local Government Act. Section 355 states that:

“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...”

The Council may dissolve any such Committee at any time.

Each such appointment and delegation is to be reviewed in the first twelve months of each term of office. Committees are able to be re-established.

Delegation of Function

Once a committee is established by a Council resolution, the Council may, pursuant to section 377 of the Local Government Act, delegate certain functions to that committee. Section 377 states that:

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following...”

Community based 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 twofold 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 by being able to tap into resources available in the community.

LIMITATION OF POWERS

Committee established pursuant to Section 355 may not make decisions concerning the following:

- (a) Borrowing of any monies without the express written consent of Council on each such occasion.
- (b) The sale, lease or surrender of any land and or other property vested in its care under the provisions of the Local Government Act 1993 (as amended).
- (c) The acceptance of tenders which are required to be called by Council (Tenders over the value of \$250,000.00). The committee may invite and accept quotations for minor works, goods and services covered within the scope of its authority or as agreed with Council.
- (d) The payment or making of any gift, to its members. This includes the payment of allowances or travelling expenses incurred whilst attending committee meetings.
- (e) The payment of any monies outside the scope of the committee's function.
- (f) The carrying out of any works on or to the facility including alterations, reconstructions or construction without the prior consent of Council. (This does not include minor maintenance works.)

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- (g) Unreasonably withholding consent for the letting of the facility to any organisation which agrees to comply with and adhere to the rules adopted for use of the facility, providing an acceptable letting period is available.
- (h) Vote monies for expenditure on the works, services or operations of Council.

The exercise by the 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 the Council or in writing by the General Manager to the committee. The committee will observe any Rules and Regulations made by the Council, in relation to the facility/function under its management and control. If at any time the committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the committee signed by the General Manager or his/her representative.

FINANCIAL ASSISTANCE

Council will provide financial assistance in the form of an annual subsidy to those section 355 committees which have been delegated care, control and management of a Council facility e.g. recreation ground, public hall etc.

The amount of the subsidy will be reviewed annually in conjunction with the adoption of the Annual Operational Plan and Budget.

Any requests for financial assistance in addition to the annual subsidy received from section 355 committees will be referred to Council for determination in accordance with section 356 of the Local Government Act 1993.

PROCEDURE MANUAL

Council shall prepare a Procedures Manual for Section 355 Committees to provide comprehensive guidelines for Committee to follow. The Manual may include, but not be limited to, provisions relating to the code of conduct, accountability and transparency, meeting practice, financial arrangements, keeping of records and the like.

SCHEDULE OF SECTION 355 COMMITTEES

The Committees hereby established by Council pursuant to section 355 of the Local Government Act, and the authority delegation to the respective Committees, are listed in Schedule 1 of the Policy.

*Adopted by Council – 19 April 2022
Refer Minute No 83/22*

*Adopted by Council – 19 November 2018
Refer Minute No 301/18*

*Adopted by Council – 21 August 2017
Refer Minute No 185/17*

*Adopted by Council – 20 July 2009
Refer Minute 247/09*

SCHEDULE 1

SECTION 355 COMMITTEES AND DELEGATIONS

COMMITTEE	DELEGATION
Bidgeemia Hall Management Committee	Care, control and management of Bidgeemia Hall
General Manager Performance Review Panel	Conducting reviews of the General Manager's performance, reporting the findings and recommendations of those reviews to the Council and development of the General Manager's performance agreement.
Lockhart and District Historical Society	Care, control and management of the Dorothy Golder Museum.
Lockhart Recreation Ground Management Committee	Care, control and management of Lockhart Recreation Ground
Lockhart Showground and Racecourse Management Committee	Care, control and management of Lockhart Showground and Racecourse
Magnolia Lodge Tenancy Advisory Committee	Determine applications from prospective tenants for occupancy of the Magnolia Lodge units.
Milbrulong Hall Management Committee	Care, control and management of Milbrulong Hall
Osborne Recreation Ground Management Committee	Care, control and management of Osborne Recreation Ground
Pleasant Hills Hall Management Committee	Care, control and management of Pleasant Hills Hall
Pleasant Hills Recreation Ground Committee	Care, control and management of Pleasant Hills Recreation Ground
The Rock Hall Management Committee	Care, control and management of The Rock Hall
The Rock Observatory Management Committee	Care, control and management of The Rock astronomical observatory.
The Rock Recreation Ground Management Committee	Care, control and management of The Rock Recreation Ground and the community meeting space and gym at the Rock Swimming Pool Amenities Building.
The Rock Showground and Racecourse Management Committee	Care, control and management of The Reserve for Showground and Racecourse at The Rock.
Tootool Recreation Reserve Management Committee	Care, control and management of Tootool Recreation Reserve
Tootool Roadside Rest Stop Management Committee	Care control and management of the Tootool Roadside and Rest Stop and associated facilities.
Tourism and Economic Development Steering Committee	Provide advice and make recommendations to Council in relation to tourism and economic development matters.
Yerong Creek Hall Management Committee	Care, control and management of Yerong Creek Hall
Yerong Creek Recreation Ground Management Committee	Care, control and management of Yerong Creek Recreation Ground and mowing of roadsides adjacent to the Recreation Ground.