



## Central Darling Shire Council

<b>Title of Policy</b>	S355 Committees Governing Rules		
<b>This applies to</b>	All Council officials and members of S355 Committees		
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<b>Position of Author</b>	General Manager	<b>Authorised by:</b>	
<b>Legislation, Australian Standards, Code of Practice</b>	Local Government Act 1993 Local Government (General) Regulation 2005		
<b>Related Policies/Procedures</b>	Operational Manual for Section 355 Committees		

### INTRODUCTION

The Local Government Act 1993 provides the legislative framework within which each Council is to operate. Section 355 of the Act provides as follows:

#### **Section 355 How does a council exercise its functions?**

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

- 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
- By a committee of the council, or
- Partly or jointly by the council and another person or persons (including by means of a Voluntary Regional Organisation of Councils of which the councils concerned are members), or
- Jointly by the council and another council or councils, or
- By a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils, of which the council is a member).

### POLICY

Council has an adopted Operational Manual for Section 355 Committees.

In relation to each appointed S355 Committee of the Council, in addition to the provisions in the Operational Manual:

1. Each Committee is to hold an Annual General Meeting, which is to be advertised in the local newspaper at least thirty 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.
2. The Minutes of the Annual General Meeting should be forwarded to the Shire as soon as possible after the A.G.M. and should detail the office bearers and proposed changes for the forthcoming year.
3. The audited accounts for the year ending 30<sup>th</sup> June should be sent to the Shire by 15<sup>th</sup> August each year.
4. The Committee each year prior to 30<sup>th</sup> June is to advise the Council's Health and Building Surveyor of the maintenance and capital requirements of the buildings under their control. These will be considered by Council for funding subject to budgetary constraints.
5. The Insurance Premium for the buildings and contents will be paid for by Council.
6. Each Committee shall elect an executive at each Annual General Meeting, consisting of Chairperson, Deputy Chairperson, Secretary and Treasurer.
7. Committee meetings are to be held at least every quarter and minutes are to be submitted to the Council for inclusion with the Council meeting agenda.
8. Council may be represented by one Councillor, who is to present the minutes of the Committee to the Council meeting.
9. Should a member of the Committee not be in attendance for three consecutive meetings then the Council is to be informed. Council at its absolute discretion and in consultation with the Deputy Chairperson may declare that a casual vacancy exists and move to have that vacancy filled.
10. Council 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.
11. Council 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 as required.
12. If the Committee or any of its members do not comply with any of the above requirements, Council, at its discretion, may disband the Committee or dispense with the services of a member or members and may advertise for the formation of a new Committee of Management.

Each 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 and abide by the terms and conditions of that Code.

The Council also retains the right to refer to the Model Rules for the Incorporation of Associations as issued by the New South Wales Department of Fair Trading and apply clauses as the Council may deem appropriate.