



# WALCHA COUNCIL

## ADMINISTRATION POLICIES

### Section 355 Committees

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#### Applicability

All Councillors and Council Staff

#### Publication Requirement

Internal and External

#### Assigned Responsible Officer

General Manager

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## **1. POLICY OBJECTIVE**

The objective of this policy is to recognise and define the establishment and function of Section 355 Committees with Walcha Council.

## **2. POLICY SCOPE**

This policy will apply to any committee formed under Section 355 or 377 of the NSW Local Government Act 1993 ("The Act"), any associated regulations and best practice.

## **3. POLICY STATEMENT**

In accordance with The Act, Regulation and guidance material offered by the Office of Local Government, this policy aims provide a clear, transparent and effective framework for the operation and activities of Council Committees formed under Sections 355 or 377 of The Act.

## **4. POLICY COMMITMENT**

Walcha Council is committed to ensuring fair, transparent and accountable processes in relation to section 355 Committee formation, operation and activity.

## **5. WHAT IS A SECTION 355 COMMITTEE?**

Under the Local Government Act 1993, Section 355, Council is able to delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee to assist Council.

There are two types of Section 355 Committees. Firstly, there are S355 Committees that have also been established to advise Council on the community needs in specific areas, such as future enhancement or upgrade of facilities, supporting strategic vision in sectors such as arts and tourism, and working collaboratively on region-wide issues such as Aboriginal affairs and waste recovery.

Secondly, a S355 Committee may manage community facilities on behalf of the Council. They aim to maximise the use of the facilities and are responsible for day-to-day management, including the organisation of maintenance and minor repairs.

## **6. COUNCILLOR AND COUNCIL STAFF PARTICIPATION**

Each S355 Committee has an elected Councillor representative (or representatives) that attend each meeting. Staff may attend either as a nominated member of the Committee, or at their discretion or by invitation, to enable them to gauge the areas of concern of the community. They can assist in prioritising any proposals for projects, improvement, growth and development plans of the area of responsibility of the Committee.

## **7. COMMUNITY PARTICIPATION**

Council encourages community participation in a number of its functions. One way in which community members can become involved is by becoming a member or volunteer of a community Committee. Council will advise for nominations as vacancies become available.

## **8. ADVISORY COMMITTEES**

### **8.1. Formation**

- a) The appointment of Advisory Committees is entirely at the discretion of the Council. The Committees are appointed and reappointed in accordance with the provisions of Section 355 and 377 of the Local Government Act 1993.
- b) Committees are formally appointed by the Councillors in office, therefore after the election, all Advisory Committees will be reviewed by the newly appointed Council.
- c) Council aims to appoint representatives of the local community or interest group to the Committee.



- d) To hold office all community members must be appointed by Council.
- e) Council must also appoint new members before being able to take part in the Committee meetings.
- f) All nominations for Advisory Committees are formally submitted in writing to Council for appointment.

**8.2. Committee Membership**

- a) An Advisory Committee will comprise those people appointed to it by Council. Committee membership is on a bi-annual term and reviewed by Council. Committee membership numbers will be determined by Council when establishing the Committee. If more eligible nominations are received than the vacancies that exist, a secret ballot must be held to determine Committee members.
- b) No particular qualifications are necessary, though a commitment to the activities of the Committee and a willingness to be actively involved in Committee issues are essential.
- c) It is expected that a community volunteer member would serve a minimum of 1 year, however this may vary depending on the specific needs of the Committee.
- d) Members of Advisory Committees of Council are volunteers, therefore do not receive payment for services.
- e) Council reserves the right to appoint relevant staff member(s) to the Committee. Staff members are ineligible to nominate as a community representative.

**8.3. Election of Office Bearers**

- a) The Chairperson is always the elected member.
- b) The Committee may, from its own members, elect an executive of the Committee comprising of roles including Deputy Chairperson, Secretary and/or Treasurer depending on the Committee's needs.
- c) Executive positions may be held by an individual for a maximum of two years, unless otherwise approved by Council.
- d) Executive positions must be held by individuals 18 years or over.
- e) Volunteers over 90 years and under 10 years of age are not covered under Council's volunteer insurance.

**8.4. Committee Dissolution**

- a) Council may also dissolve an Advisory Committee if that Committee is not complying with the roles and responsibilities set out in this policy and accompanying documentation.
- b) The Committee can recommend to Council that the Committee be dissolved
- c) Council may dissolve an Advisory Committee if it fails to follow the delegations outlined by Council.

**8.5. Vacation of Office**

- a) A person will cease to be a member of an Advisory Committee if the:
  - i. Member is absent for more than six (6) months without leave from meetings of the Committee;
  - ii. Council passes a resolution to remove the member from the Committee;
  - iii. Member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the Local Government Act 1993:
- b) Council has the right to remove any members of the Advisory Committee after consultation with the Committee.
- c) A member can resign at any time by presenting a written resignation to Council. Upon receipt



of the resignation the Council will advertise in the Local media calling for expressions of interest from community members. Any nominations will be submitted to Council for approval

## 9. DUTIES AND RESPONSIBILITIES OF ADVISORY COMMITTEES

### 9.1. Responsibility

The exercise of the Committee of its powers 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 Council.

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 their representative.

### 9.2. Pecuniary and Non Pecuniary Conflicts of Interests

A Pecuniary Conflict of Interest involves a financial gain or loss (by yourself or a close friend or relative). Non Pecuniary Conflicts of Interest are private or personal interests resulting from relationships or associations with sporting or social clubs. Depending on how close the relationship is would determine whether it is a Significant or Non-Significant Non Pecuniary Conflict or Interest.

Pecuniary Interest may be defined as an interest that a Committee member has in a matter, as a member or employee of an organisation, company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other persons include the spouse or de-factor partner or relative of the Committee person.

It is the responsibility of members of committees:

- a) To disclose to the meeting any pecuniary interest in a matter before the meeting;
- b) Not to participate in the discussion of the matter before the committee in which the member has a pecuniary interest; and
- c) Not to vote on the matter before the Advisory Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as highly unlikely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

Committee members can refer to the Code of Conduct for further advice relating to pecuniary and non pecuniary conflicts of interest.

### 9.3. Committee Member/Volunteer Conduct

Committee Members hold an advisory role only. No Committee Members are to undertake any actions on behalf of the Committee without a resolution being approved by Council. Committee Members are required to adhere to Council's Code of Conduct. The Code is available upon request.

### 9.4. Attendance at Committee Meetings

Attendance of Committee Members is required at Committee Meetings. In the instance that Committee Members fail to attend 3 consecutive meetings without an apology, a letter requesting explanation and clarification of Committee Membership may be sent by the Committee.

## 10. CORRESPONDENCE

### 10.1. General

Correspondence from the Committee is effectively correspondence from the Council because the Committee acts on behalf of Council. Therefore stringent conditions are required to ensure the appropriate use of Council's name.



**10.2. Use of Council's Letterhead**

There are some occasions when the Committee needs to send a letter. In these instances the member of staff on the Committee, usually a Director or the General Manager, will type the letter on Council letterhead. Council does not allow the use of a Committee letterhead.

**10.3. Signatures**

All correspondence from Council on letterhead is signed by the General Manager or the Assistant General Manager in the General Manager's absence. The Mayor can only sign on Mayoral Letterhead.

**11. MEETINGS**

**11.1. General**

The Committee will meet on a regular basis to discuss relevant business. An Agenda is to be sent out to all Committee members, including Councillor/s and staff members on the Committee, at least one week prior to the meeting.

Minutes of the meeting discussed will be recorded in Council's Document Management System and a copy forwarded to all Committee members as well as submitted to Council's next Ordinary Meeting of Council. Any items requiring action by Council are to be recommended to Council for resolution and then they are acted upon by the designated Director or the General Manager.

**11.2. Ordinary Meetings**

Each Committee has a role or purpose to it and that is what is required to be addressed at the Meetings.

A quorum will consist of half the total number of voting members plus one. Should this number of members not be in attendance at 15 minutes after the starting time, the meeting will be adjourned to the same time and place as the next scheduled meeting.

**11.3. Annual General Meeting**

Council's Advisory Committees do not have Annual General Meetings. The requirement for an Annual General Meeting will be specified in the terms of reference for each Committee.

**11.4. Quadrennial Meeting**

Committees are reviewed every four years to identify if Committees are still relevant and or suggestions for new Committees to be established. All Committees will be notified of Council's decision.

**11.5. Extraordinary Meeting**

An Extraordinary Meeting may be called to discuss urgent business and matters outside the scope of an ordinary meeting requested by two members of the Committee.

**11.6. Agenda/Minute Format**

The agenda of a meeting will be forwarded to all members giving the notice of the proposed meeting. Minutes will be kept by Council for all meetings of the Committee.

The items will include the following:

1. Apologies
2. Minutes of previous meeting
3. Business arising from previous meeting
4. Financial Report
5. Directors Report
6. General Business
7. Date of Next Meeting



## **12. RELATED LEGISLATION AND POLICIES**

The following are relative to this policy:

- 1) Local Government Act 1993 NSW;
- 2) Local Government (General) Regulations 2005;
- 3) Work Health and Safety Act (NSW);
- 4) Work Health and Safety Regulation (NSW) 2011;
- 5) Walcha Council's Code of Conduct;
- 6) Code of Meeting Practice; and
- 7) Equal Employment Opportunity Policy.

### **12.1. Review**

Council reserves the right to vary, replace or terminate this policy at any time. This policy will be reviewed every two (2) years following the election of Mayor and Deputy Mayor, or earlier if there are relevant statutory or State Government policy changes.