



DIRECTOR CORPORATE SERVICES REPORT

8th March 2005

DCS4 REVIEW OF 355 COMMITTEES
FILE: * PJH

SUMMARY:

To review the delegation of functions to various community committees under section 355 of the Local Government Act.



The Local Government Act (section 380) requires that Council review its delegations during the first 12 months of each term of office. The delegations to the Mayor and General Manager were reviewed at the April 2004 Council meeting. Council also delegates functions to a number of community committees and these are generally referred to as 355 committees.

Council needs to review these delegations and determine whether it wants to withdraw any of these delegations. Council may withdraw such delegations for say non-functioning or obsolete committees or where the function is no longer required.

These delegated functions are generally for functions Council would like to undertake itself but does not have the staff resources. The activities include maintenance of reserves, management of sporting venues such as tennis courts, cultural type facilities and advisory roles. These delegations have been used very successfully by Kempsey Shire Council over a number of years to harness the assistance of voluntary work from the community.

Current list of 355 committees

The following are the current 355 committees showing the activity category, what the delegation is for and the date of the delegation. The last full review was undertaken by Council on 14th May 2002.

	Committee	Delegation	Date of Delegation
1	Australia Day Committee	Organise Aust. Day Functions	14 Aug 1991

2	Macleay Valley Day Care Centre	Manage Parklands Cottage Respite Centre	28 Sep 1992
3	West Kempsey Neighbourhood Improvement Project Committee	Manager West Kempsey Neighbourhood Improvement Project	15 Dec 1998
4	Kempsey Country Music Heritage Week Committee	Organise Country Music Week Festival & Promote Country Music	7 Jun 1993
5	Kempsey District Silver Band	Provide a Town Band	14 Mar 1998
6	Macleay Valley Music Ensemble	Provide an Orchestral Ensemble	9 Nov 2004
7	Kempsey Singers Bandbox Theatre Committee	Manage Bandbox Theatre	14 Jun 1988
8	Kempsey Toy & Leisure Library	Manage Toy Library	11 Nov 1991
9	SWR Maritime Heritage Committee	Manage SWR Maritime Heritage Items	17 Dec 1996
10	Macleay River Historical Society	Manager Museum	14 Jun 1988
11	Kempsey Eisteddfod Society	Organise Kempsey Eisteddfod	6 Aug 1996
12	Kempsey Community Gallery Committee	Manage Community Gallery at Gladstone	11 May 2004
13	Wigay Education Park Management Committee	Manage Wigay Park	14 Jan 1991
14	Smithtown Riverside Park Committee	Planning of Riverside Park	23 May 1998
15	SWR Dune Care Group	Manage Dune Care Program	6 Jul 1992
16	Big Nobby Committee	Manage Dune Care Program	11 May 1999
17	Hat Head Dune Care Group	Manage Dune Care Program	6 Jul 1992
18	Grassy Head Dune Care Group	Manage Dune Care Program	14 Dec 2004
19	Big Hill Dune Care Group	Manage Dune Care Program	14 Dec 2004
20	Macleay Acid Sulphate Soil Local Action Group	Co-ordinate Acid Sulphate Soil Action & Research	15 Dec 1998
21	Clancy's Drain Floodgate Management Committee	Manage Clancy's Drain Floodgate	11 Jul 2000
22	Marriott's Drain Floodgate Management Committee	Manage Marriott's Drain Floodgate	8 Aug 2000
23	Scott's Drain Floodgate Management Committee	Manage Scott's Drain Floodgate	12 Nov 2002
24	Union Drain Floodgate Management Committee	Manage Union Drain Floodgate	12 Nov 2002
25	Birralee Hall Committee	Manage Public Hall	9 Oct 2001
26	Bellbrook Hall Committee	Manage Public Hall	14 May 2002
27	Crescent Head Hall Committee	Manage Public Hall	6 Jul 1992
28	Millbank Hall Committee	Manage Public Hall	6 Jul 1992

29	SWR Naval Reserve Cadet Hall	Manage Public Hall	3 Sep 1990
30	Stuarts Point Hall Committee	Manage Public Hall	8 May 1989
31	Sherwood Hall Committee	Manage Public Hall	17 Aug 1992
32	SWR School of Arts Hall Committee	Manage Public Hall	13 Jan 1998
33	Gladstone Youth & Community Hall Committee	Manage Public Hall	17 Dec 1996
34	Smithtown Hall Committee	Manage Public Hall	9 Jan 2001
35	Willawarrin Hall Committee	Manage Public Hall	12 Mar 2002
36	Frederickton Hall Committee	Manage Public Hall	12 Nov 2002
37	Athletic Eden Sports Association	Manage & Plan Recreation Facilities	1 May 1992
38	Crescent Head Sports Association	Manage & Plan Recreation Facilities	6 Jul 1992
39	Frederickton Sports Association	Manage & Plan Recreation Facilities	16 Oct 1989
40	Gladstone Sports Association	Manage & Plan Recreation Facilities	21 May 1990
41	Kalateenee Recreational Reserve Committee	Manage & Plan Recreation Facilities	28 Mar 1988
42	Kemp Street Sports Association	Manage & Plan Recreation Facilities	6 Oct 1989
43	Kempsey/Crescent Head Surf Club Gear Shed Committee	Manage & Plan Recreation Facilities	20 Jan 1992
44	Kempsey Junior Rugby League Committee	Manage Recreation Facilities	1 May 1992
45	Macleay Valley Rangers Soccer Club	Manage Recreation Facilities	14 Mar 1988
46	Melville High Sports & Entertainment Centre Committee	Management Entertainment Centre	20 Jan 1992
47	Smithtown Junior Rugby League Committee	Manage & Plan Recreation Facilities	14 Jun 1988
48	SWR Sports Association	Manage & Plan Recreation Facilities	21 May 1990
49	Stuarts Point Sports Association	Manage & Plan Recreation Facilities	6 Jul 1992
50	Upper Macleay Sports Association	Manage & Plan Recreation Facilities	16 Oct 1989
51	Verge Street Sports Association	Manage & Plan Recreation Facilities	16 Oct 1989
52	Frederickton Tennis Club	Manage Tennis Courts	3 Jul 1989
53	Gladstone Tennis Club	Manage Tennis Courts	25 Sep 1989
54	Hat Head Tennis Club	Manage Tennis Courts	20 Jan 1992
55	Smithtown Tennis Club	Manage Tennis Courts	20 Jan 1992
56	South Kempsey Tennis Club	Manage Tennis Courts	20 Jan 1992
57	Stuarts Point Tennis Club	Manage Tennis Courts	23 May 1998
58	Willawarrin Tennis Club	Manage Tennis Courts	13 Jul 1987
59	Kempsey Tennis Club	Manage Tennis Courts	20 Jan 1992

60	Bellbrook Tennis Club	Manage Tennis Courts	4 Apr 1995
61	Crescent Head Tidy Towns Committee	Manage Tidy Town Program	26 Oct 1987
62	Frederickton Tidy Town Committee	Manage Tidy Town Program	20 Jan 1992
63	Trial Bay Volunteer Coastal Patrol	Manage Waterways Rescue Program	11 May 1999
64	KSC Rural Fire Service Executive Committee	Manage Rural Fire Service	11 Jul 2000
65	Kempsey Youth Centre Interim Committee	Manage Youth Activities until PCYC commences	11 Sep 2001
66	Airport Grounds Maintenance Committee	Maintain Airport Terminal & Grounds	9 Apr 2002
67	Upper Macleay Unlimited Committee	Promotion & Community Development of the Upper Macleay	8 Apr 2003

355 committees to be deleted

The relevant Directors responsible for these functions have reviewed the above list and the following 355 committees are recommended for deletion for the reasons stated.

No 8 - Kempsey Toy & Leisure Library - now managed by Council's Library Services

No 16 - Big Nobby Dune Group – no longer functioning

No 33 - Gladstone Youth & Community Hall Committee – replaced by newly formed Kempsey Community Gallery Committee (No 12)

No 52 - Frederickton Tennis Club - no longer functioning

No 55 - Smithtown Tennis Club - no longer functioning

No 63 - Trial Bay Volunteer Coastal Patrol - covered by SES

No 64 – KSC Rural Fire Service Executive Committee – superseded by formation of Twin River Zone

No 65 – Kempsey Youth Centre Interim Committee – superseded by PCYC commencing operations.

No 66 - Airport Grounds Maintenance Committee – no longer functioning

REPORT IMPLICATIONS:

▪ *Environmental*

A number of the community committees undertake work to preserve the environment, particularly the dune care groups and floodgate management committees.

▪ *Social*

The support of these committees creates in itself a community well being and Council plays a positive role in its support. Council also needs to be aware of its obligations to these volunteers in the areas of public risk and safety. A formal safety induction process for 355 committee members needs to be addressed to ensure the activities are

undertaken in a way not to put at risk the volunteer or the public. This is a big task but one that cannot be ignored, particularly in the number of volunteers involved with over 60 committees and Council has a duty of care to those volunteers.

- *Economic (Financial)*

As committees of Council, 355 committees are required to provide Council with audited copies of their financial statements each year.

The work undertaken by these community committees has unmeasured value which is hard to estimate unless Council undertook to fund these functions. Council may have to consider funding a person to undertake the OH&S training with the committees if existing Council staff cannot address this within a "reasonable" time.

As Council appointed committees the volunteers are covered under Council's personal accident and public liability insurance policies. Premiums are not greatly affected unless claims occur and there has been only one (1) in the last say 20 years. Council's insurance broker is nevertheless concerned that Council has the number of 355 committees it does compared to other Councils, however this could reflect the community spirit of the Kempsey Shire area.

- *Policy or Statutory*

Section 355 of the Act provides that a function of the Council may be exercised by a committee or delegate of the Council. Section 377 provides for the actual delegation of the function.

Council must review these delegations within 12 months of an election, therefore at least every four (4) years these delegations must be reviewed. The delegations remain in place until withdrawn by the Council.

Council's public liability insurer, Statewide Mutual, has requested that any application for appointment as a 355 committee be referred to them prior to Council resolving the appointment so that they can confirm liability cover. This has resulted from the past where other Councils have appointed 355 committees with functions totally unrelated to normal Council business when what is supposedly delegated under the Act is a function of the Council.

- *Directors Review*

Agree with report.

RECOMMENDATION:

That Council's delegations to various community committees under sections 355 / 377 of the Local Government Act as listed in the report be confirmed subject to the deletion of the following: -

- Kempsey Toy & Leisure Library
- Big Nobby Dune Care Group
- Frederickton Tennis Club
- Smithtown Tennis Club
- Trial Bay Volunteer Coastal Patrol
- Gladstone Youth and Community Hall Committee
- KSC Rural Fire Service Executive Committee
- Kempsey Youth Centre Interim Committee
- Airport Grounds Maintenance Committee

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G B Snape
DIRECTOR CORPORATE SERVICES