

BYRON SHIRE COUNCIL

DELEGATION OF AUTHORITY **[Name]**

Section 355 Management Committee

In order to provide for the expedient exercise and performance of its functions, Byron Shire Council hereby:

- (a) revokes all previous delegations to the **[Name]** (**Committee**);
- (b) delegates to the Committee under Section 377 of the *Local Government Act, 1993*, the exercise of Council's functions specified in Schedule 1 subject to the limitations specified in Schedule 2.

This delegation shall commence on **[insert date]** and remain in force until expressly amended or revoked by the Council by further resolution.

SCHEDULE 1 (Functions)

1. The responsibility for day-to-day care and management of the Facility so as to:
 - i) promote usage of the Facility (as defined herein) to greatest extent possible;
 - ii) ensure, as far as possible, that fees received from usage generates sufficient revenue to meet:
 - a) necessary maintenance of the Facility;
 - b) the costs of future enhancement, expansion or upgrade of the Facility as determined by the Council;
 - iii) ensure the health and safety of persons using the Facility.
2. To make recommendations to the Council on rules which should be applicable to the use of the Facility.
3. The responsibility to ensure that usage of the Facility is in accordance with any Rules adopted by the Council in respect of the Facility (**Rules**).
4. To make recommendations to the Council as to the appropriate fees for usage of the Facility and to levy fees for usage of the Facility as are approved by Council.
5. To expend revenue received from use of the Facility and any other operational funds which may be received, towards day-to-day operational expenses and any minor maintenance referred to in paragraph 6.
6. To expend revenue from use of the Facility towards such minor maintenance of the Facility as the Committee considers necessary and appropriate to a maximum value of \$5000 for each work. To ensure that such minor maintenance works are carried out by licensed contractors with public liability insurance and workers compensation (if not a sole trader) and further to

ensure that contactors can show compliance with WH&S standards and regulations. All works must comply with the Building Code of Australia and relevant Australian Standards.

8. To make recommendations to the Council as to any other maintenance of the Facility that the Committee considers necessary and appropriate and to expend revenue towards any such maintenance as approved and directed by the Council.
9. To make recommendations to the Council as to any enhancement, expansion or upgrade of the Facility that the Committee considers appropriate.
10. To make such other recommendations to the Council in respect of the Facility as the Committee thinks appropriate from time to time.

SCHEDULE 2 (Limitations)

11. The Functions do not include any which are excluded from being delegated to the Committee by s377(1) of the Local Government Act 1993 or any other law as applicable from time to time including, but without limitation:

s377(1)(f) the borrowing of money,

s377(1)(g) the voting of money for expenditure on Council works, services or operations,

s377(1)(i) the acceptance of tenders which are required to be invited by the Council.

12. Without limiting the generality of the above, exercise of the Functions is subject to:

- i) the limitations specified in s2.2 of Council's 'Section 355 Committee Guidelines' as amended from time to time;
- ii) decisions of the Committee being made in accordance with the Meeting Procedures specified in s4 of Council's 'Section 355 Committee Guidelines' as amended from time to time and otherwise according to law;
- iii) compliance by the Committee with the accounting requirements specified in s5 of Council's 'Section 355 Committee Guidelines' as amended from time to time; and
- iv) otherwise according to law.

13. The Committee may not direct Council staff.

Note: Councillors, members of staff and delegates of council must comply with the Council's adopted code of conduct.

In this delegation:

'Facility' means **Name and Address of Facility**