

**C7 Instrument of Delegation  
by CEO to Community Asset Committee**

**Buloke Shire Council**

**Instrument of Delegation**

**by the Chief Executive Officer**

**to the Birchip Housing Community Asset Committee**

In exercise of the power conferred by s 47(1)(b) of the *Local Government Act 2020 (Act)*, I, as Chief Executive Officer of Buloke Shire Council, by this Instrument of Sub-Delegation –

1. delegate to each person who is from time to time appointed as a member of the Community Asset Committee, established by resolution of Council passed on 12 August 2020 and known as “Birchip Housing Community Asset Committee” (**Community Asset Committee**), each power and/or function and/or duty set out in the Schedule;
2. declare that a delegate can only exercise the delegations contained in this Instrument of Sub-Delegation while acting as a member of the Community Asset Committee at a meeting of the Community Asset Committee;
3. declare that this Instrument of Sub-Delegation –
  - 3.1 comes into force immediately upon its execution;
  - 3.2 remains into force until varied or revoked; and
  - 3.3 is subject to the conditions and limitations set out in paragraph 4 and 5, and in the Schedule;
4. declare that the delegate must comply with specified governance requirements to ensure appropriate standards of probity are met and monitor and report on the activities and performance of the Community Asset Committee;
5. declare that the delegate must not determine the issue, take action or do the act or thing if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 47 of the Act or otherwise.

**This Instrument of Sub-Delegation** is dated **25 October 2021** and is made by the Chief Executive Officer.

**Signed** by the Chief Executive Officer of Council  
in the presence of:

Wayne O'Toole



Witness

## SCHEDULE

### Powers and Functions

To manage the following community asset: **George Gould Flats located at 3 Morrison Street, Birchip (George Gould Flats) and Dorothy Jolly Units located at 4 Morrison Street, Birchip (Dorothy Jolly Units).**

And for that purpose:

To assist the Council in the management of the community assets known as the George Gould Flats and Dorothy Jolly Units precinct efficiently, in compliance with legislative requirements and consistent with the community's expectations:

1. to oversee day to day operation of the George Gould Flats and Dorothy Jolly Units in accord with the agreement between the Director of Housing and Buloke Shire Council;
2. to enter into contracts, and to incur expenditure, not exceeding the value of \$30,000 (including GST) and for the specific purpose of maintaining the assets assigned to that Community Asset Committee;
3. by identifying current and potential issues affecting the viability and performance of the George Gould Flats and Dorothy Jolly Units and communicating same to Council;
4. to undertake maintenance and management duties in accord with Council's asset management maintenance requirements as amended from time to time;
5. through managing the usage of the George Gould Flats and Dorothy Jolly Units through the completion of residential tenancy agreements and communicating with Council on this usage, and ensuring all tenants maintain adequate public liability and contents insurance;
6. by advising on and reporting of hazards and/or risks associated with the George Gould Flats and Dorothy Jolly Units, including any incidents that may affect Council's insurance in a timely manner; and
7. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

### Requirements

The members of the Community Asset Committee must, when exercising the powers, functions and duties delegated to them:

8. comply with the following governance requirements:
  - 8.1. to regularly communicate community views to Council;
  - 8.2. to keep Council updated with the Chairperson's current contact details;
  - 8.3. to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Community Asset Committee;
  - 8.4. to meet bi-monthly or as agreed by the Community Asset Committee from time to time;
  - 8.5. that the Chairperson will chair all Community Asset Committee meetings;

- 8.6 that the Chairperson is the authorised spokesperson for the Community Asset Committee;
  - 8.7 to maintain a register of Community Asset Committee members, their date of appointment, reappointment, and official positions held as a Community Asset Committee member, including their eligibility for reappointment as relevant;
  - 8.8 ensure a quorum of the Community Asset Committee as half of the voting members plus one;
  - 8.9 that voting will be by a majority of votes by a show of hands, with only members in attendance entitled to vote. The Chairperson shall have the casting vote;
  - 8.10 that Sub Committees, if required by the Community Asset Committee, may meet between general meetings and as authorised by the full Community Asset Committee;
  - 8.11 ensure any policies developed regarding the use of the George Gould Flats and Dorothy Jolly Units is provided to Council for approval; and
  - 8.12 ensure that any expenditure of funds occurs in accord with Council's Procurement Policy.
9. monitor and report on its activities and performance at least in accordance with the following:
- 9.1 prepare and submit to Council a report of all meeting minutes within 14 days of each meeting;
  - 9.2 provide quarterly bank statements and summary of expenditure to the Council;
  - 9.3 provide any building upgrade plans annually;
  - 9.4 provide a list of small plant and equipment purchased annually; and
  - 9.5 where requested by the Chief Executive Officer, the Community Asset Committee must report its activities and performance to a meeting of the Council or to the Chief Executive Officer.

### **Exceptions, conditions and limitations**

The Community Asset Committee is not authorised by this Instrument to:

- 10. appoint members to the Community Asset Committee unless membership is revised by the Council by resolution;
- 11. enter into contracts, or incur expenditure, for an amount which exceeds the approved budget;
- 12. dispose of council assets; and
- 13. borrow money without a resolution of Council, in accord with Councils Loan Guarantee Policy.