

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

Buloke Shire Council

Instrument of Delegation

by the Chief Executive Officer

to the Charlton Park 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 “Charlton Park 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: **Charlton Park Recreation Reserve precinct.**

And for that purpose:

To assist the Council in the management of the community assets known as the Charlton Park Recreation reserve precinct efficiently, in compliance with legislative requirements and consistent with the community's expectations:

1. to oversee day to day operation of the recreation reserve precinct;
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 an intergenerational asset assigned to that Community Asset Committee;
3. by identifying current and potential issues affecting the viability and performance of the recreation reserve precinct 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 facility through the completion of facility use and hire agreements and communicating with Council on this usage, and ensuring any hirer maintains adequate public liability insurance;
6. by advising on and reporting of hazards and/or risks associated with the recreation reserve precinct, including any incidents that may affect Council's insurance in a timely manner;
7. to work with sporting clubs in ensuring facilities are operating effectively and facilities are provided and resourced equitably; and
8. 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:

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

- 9.5 that the Chairperson is the authorised spokesperson for the Community Asset Committee;
 - 9.6 to maintain a register of Community Asset Committee members, their date of appointment, reappointment, and official positions held as a Committee member, including their eligibility for reappointment as relevant
 - 9.7 ensure a quorum of the Community Asset Committee as half of the voting members plus one;
 - 9.8 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;
 - 9.9 that Sub Committees, if required by the Community Asset Committee, may meet between general meetings and as authorised by the full Community Asset Committee; and
 - 9.10 ensure that any expenditure of funds occurs in accord with Council's Procurement Policy.
10. monitor and report on its activities and performance at least in accordance with the following:
- 10.1 prepare and submit to Council a report of all meeting minutes within 14 days of each meeting;
 - 10.2 provide quarterly bank statements and summary of expenditure to the Council;
 - 10.3 provide updated facility upgrade plans annually;
 - 10.4 provide a list of small plant and equipment purchased annually; and
 - 10.5 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:

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