

Maddocks Delegations and Authorisations

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

Greater Shepparton City Council

Instrument of Delegation

by the Chief Executive Officer

**to the Toolamba Recreation Reserve and Community Centre
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 Greater Shepparton City 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 **18th August 2020** and known as “Toolamba Recreation Reserve and Community Centre 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 in force until varied or revoked; and
 - 3.3 is subject to the conditions and limitations set out in paragraphs 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 the 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 18th June 2021 and is made by the Chief Executive Officer.

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

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Witness



SCHEDULE

Powers and functions

To manage the following community asset: **Toolamba Recreation Reserve and Community Centre (the facility)**.

And for that purpose:

1. to manage the operation of the facility on behalf of Council in the best interests of the community, including:
 - 1.1 overseeing the day to day operation of the facility;
 - 1.2 promoting the facility to the community for its use;
 - 1.3 managing use of the facility, including:
 - 1.3.1 ensuring that the facility is kept in a clean condition at all times;
 - 1.3.2 ensuring that the facility is used only in a reasonable and lawful manner;
 - 1.3.3 making and maintaining hiring and other use arrangements;
 - 1.3.4 setting and collecting fees for hiring and use of the facility; and
 - 1.3.5 managing and maintaining funds collected in connection with the facility;
 - 1.4 supporting the maintenance and development of the facility as a community asset;
2. to enter into contracts, not exceeding the value of \$5,000 and for the specific purpose of operation of the facility;
3. to incur expenditure, not exceeding the value of \$2,000 and for the specific purpose of maintenance and operation of the facility; and
4. 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:

5. comply with the following governance requirements:
 - 5.1 adhere to Council's Community Asset Committee Operations Manual and associated forms;
 - 5.2 adhere to Council's Procurement Policy;
 - 5.3 hold a meeting of the Community Asset Committee at least once each month and with such further frequency as the Community Asset Committee considers necessary from time to time;

- 5.4 hold an Annual General Meeting of the Community Asset Committee no later than the anniversary of its establishment in each year to elect from its members the person who will act as Chairperson;
 - 5.5 observe that a meeting of the Community Asset Committee can only proceed if a quorum, being the number of members which is greater than half the total number of members, is present;
 - 5.6 liaise and consult with relevant Council officers to obtain strategic input into the use and development of the facility, in particular any identified capital works;
 - 5.7 adhere to current safety requirements and Acts and Regulations applicable to the management of the facility;
6. the Community Asset Committee shall monitor and report on its activities and performance at least in accordance with the following:
- 6.1 maintain a volunteer register including the personal details of volunteers as required for insurance purposes;
 - 6.2 promptly report to the Council officer designated for the purpose any property damage that occurs at the facility, or any abnormal damage to playing surfaces or surrounds or any other equipment;
 - 6.3 promptly report to the Council officer designated for the purpose all incidents involving injury, loss or damage which may give rise to a legal claim, and any accidental or deliberate damage to the facility that may result in an insurance claim, and any incidents which result in injuries to staff or contractors;
 - 6.4 provide a copy of the minutes taken at each meeting of the Community Asset Committee to the Council officer designated for the purpose within one month of holding the meeting;
 - 6.5 keep books of accounts recording all financial activities of the Community Asset Committee, noting that such records will form part of the accounts of Council;
 - 6.6 prepare an annual financial statement, covering each financial year beginning 1 July and ending 30 June next, as part of the audit process and provide the statement to the Chief Executive Officer no later than 30 April the following year; and
 - 6.7 prepare an annual performance statement to be provided to the Chief Executive Officer no later than 30 April each year, which is to include highlights, challenges, future opportunities and key activities or projects undertaken during the previous financial year.

Exceptions, conditions and limitations

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

- 7. enter into contracts, or incur expenditure, for an amount which exceeds the approved budget;
- 8. borrow money;
- 9. incur any bank overdraft;

10. carry out, or permit to be carried out, any act which would or would be likely to render Council's insurance policies invalid;
11. make alterations to the facility without written approval from Council; or
12. exercise its powers in a way which is inconsistent with this Instrument of Delegation.