



INSTRUMENT OF DELEGATION

**MADE BY:
THE CHIEF EXECUTIVE OFFICER,
HUME CITY COUNCIL**

**TO THE MEMBERS OF THE
FORESTERS HALL,
WESTMEADOWS COMMUNITY
CENTRE COMMITTEE OF
MANAGEMENT**

**THE FORESTERS HALL, WESTMEADOWS COMMITTEE OF
MANAGEMENT IS A COMMUNITY ASSET COMMITTEE ESTABLISHED BY
A RESOLUTION OF HUME CITY COUNCIL ON 24 AUGUST 2020**

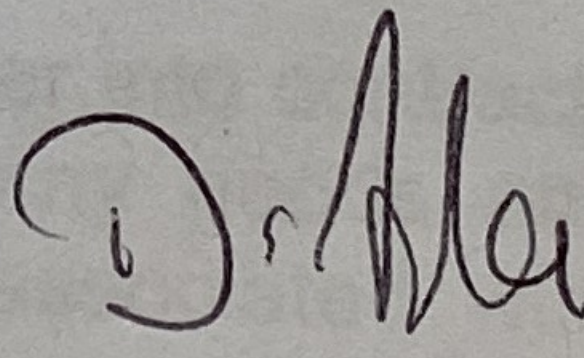
INSTRUMENT OF DELEGATION FROM THE CHIEF EXECUTIVE OFFICER TO THE MEMBERS OF THE
FORESTERS HALL, WESTMEADOWS COMMITTEE OF MANAGEMENT

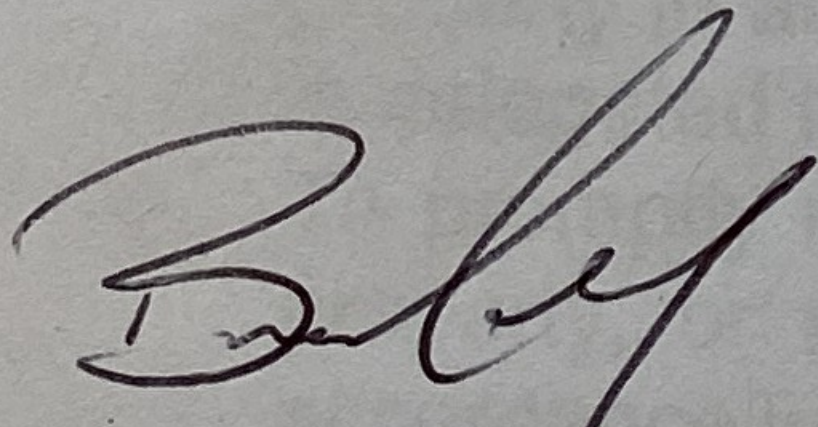
In exercise of the power conferred by s 47(1)(b) of the Local Government Act 2020 (Act),
I, as Chief Executive Officer of Hume City Council, by this Instrument of Delegation –

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 24 August 2020 and known as the **Foresters Hall, Westmeadows Committee of Management** (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 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 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.

This Instrument of Delegation is dated 27 / 08 / 2020 and is made by the Chief Executive Officer.

Signed by the Chief Executive Officer of
Hume City Council in the presence of:

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BRAD MATHIESON

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Witness

SCHEDULE

1. ROLES AND RESPONSIBILITIES

Committee Powers, Duties and Functions

- 1.1 In performing its duties, the committee will maintain effective working relationships with Councillors, Council staff and facility hirers.
- 1.2 To perform their roles effectively, each committee member should have an understanding of their responsibilities and obligations as committee members.

Use of Facility

- 1.3 To receive applications for hire and/or use of the property, and to allocate times and collect hire fees for such use amongst organisations or individuals.
- 1.4 The Committee, in making the allocation, shall give preference to organisations based within the municipality of Hume City Council.
- 1.5 To determine and enforce conditions of hire, including times for the use of the property, subject to the terms of any Lease or vesting order by which Council occupies the property, Council local laws and policies and State and Federal laws.
- 1.6 To be responsible for ensuring that the conditions of use imposed by Council local laws and policies and State and Federal laws are enforced and to report to the Council any breach thereof, and refer to the Council any breach which cannot be appropriately dealt with by the Committee.

Fees

- 1.7 To charge and collect the appropriate fee for facility use, including the collection and return of bond payments.

Facility Maintenance

- 1.8 To ensure that the property and its surrounds under the management of the Committee are maintained at all times in a clean condition and are used in a reasonable and lawful manner.
- 1.9 To take such action as is necessary and enter into contracts with any other body or person for the purposes of arranging any goods and services (including cleaning, removal of rubbish or security) associated with the running of the property in accordance with the financial parameters within which the Committee is delegated to operate.
- 1.10 To promptly report to Council the need for minor maintenance or repairs to the property, or any incidence of vandalism, breakage or damage of buildings in accordance with maintenance reporting procedures.
- 1.11 Council approval must be sought for alterations or the undertaking of works to the property, prior to any alterations or work commencing.
- 1.12 To not cause duplication or copying of keys for the property or to change any locks on the property. Any issuing of additional keys must be made through the Council.

Council Obligations

- 1.13 The Council shall:
 - a) be responsible for the payment of all water and sewerage charges if any are levied on the property;
 - b) provide for all insurances of the property;
 - c) be responsible for the payment of all essential service maintenance of the property;

- d) reserve for itself or any other person or body nominated by Council the right to use all or any of the facilities of the property for Council business, or for a use approved by Council, at any reasonable time without charge, provided that Council provides the Committee with two working days' notice of its intention to use the property, and that this use does not conflict with any other permanent user group booking; and
- e) have the right at all reasonable times to inspect the property and if as a result of any such inspection the Council desires to carry out repairs, improvements or other works on or in respect of the property, all allocations of time made by the Committee for the use of the property shall be suspended or altered.

Financial Obligations

Contracts and Expenditure

- 1.14 The Committee may enter into contracts for goods and service for any one occurrence up to the value of \$1,200 and not exceeding a total amount of \$6,500 per annum. Any expenditure in aggregate over the yearly total of \$6,500 is to be referred to the Chief Executive Officer for approval.
- 1.15 The Committee may make any single purchase of goods or services not costing more than \$1000 and not exceeding a total amount of \$6,000 per annum. Any expenditure in aggregate over the yearly total of \$6,000 is to be referred to the Chief Executive Officer for approval.
- 1.16 In entering into any contract in respect to clause 1.14, the Committee must be able to demonstrate that it has chosen the "best on offer".
- 1.17 No contract entered into is to be for a period of greater than 12 months in duration.
- 1.18 All monies received by the Committee shall be paid within five (5) working days into a bank account in the Committee's name and amounts shall only be drawn from that account on the signature of any two Committee members as resolved by the Committee.
- 1.19 To pay from funds received by the Committee all rates, taxes and other charges (if any) assessed by the Council on the premises, electricity or gas, petty cash, any costs incurred under clause 1.14, and any fees for service and secretarial expenses approved under clause 3.2.

Financial Records and Reporting

- 1.20 The Committee shall provide and keep financial records in accordance with the Act or any other sub-ordinate legislation in force at the time, and shall record all monies received and paid by the Committee and the purposes for which such monies are received and paid.
- 1.21 The Committee shall on or before the 31st day of July in each year cause the accounts of the Committee to be balanced up to the 30th day of June of that year and made ready for audit. The Chairperson of the Committee shall advise the Chief Executive Officer of the Council that the accounts are ready for audit.
- 1.22 The provisions of the Act or any other later equivalent or sub-ordinate legislation in force at the time relating to the auditing and inspection of the accounts of municipalities shall apply with respect to the accounts of the Committee. The accounts of the Committee shall be taken to form part of the accounts of the Council.

Surplus Funds

- 1.23 To invest any surplus funds in accordance with Council's Investment policy.

Fee Setting

- 1.24 To recommend to Council, through Council's annual budget setting process, the Committee's suggested fees and charges associated with the use of the property.
- 1.25 To collect and retain charges or fees for the use of the property, including income received from the sales of any kiosk or other franchises complementary to the operation of the property, subject to any Council policy, and the provisions of the Act.

Bank Account Name and Signatories

- 1.26 All committee bank accounts must be in the name that Council establishes a Community Asset Committee in.
- 1.27 Two Council officers must be included as signatories for all committee bank accounts and be given access to make account enquiries, transfer funds and close accounts, with the following conditions:
- a) that the Council Officers who are signatories to committee bank accounts are Managers;
 - b) that the signatories power to transfer funds can only be used when a committee has been dissolved;
 - c) that the signatories must first obtain permission from Council's Chief Executive Officer to transfer funds out of committee accounts to which they are signatories.

2. MEMBERSHIP

- 2.1 The Committee, unless otherwise approved by Council, shall comprise an odd number of members (a minimum of five up to a maximum of nine) to be appointed by Council resolution.
- 2.2 Committee membership shall be comprised of any combination of the following:
- a) Councillor(s);
 - b) Local residents;
 - c) User club representatives.
- 2.3 Unless otherwise approved by Council, membership on the Committee by user clubs representatives is not to exceed half of the membership of the Committee. Individual user clubs are to have no more than two representatives on the Committee. Where there is difficulty filling the required number of positions in a particular membership category, Council approval can be sought to alter the membership composition. As far as is practicable, all user groups are to be equally represented on the Committee.
- 2.4 The members of the Committee shall at the Annual General Meeting (AGM) of the Committee (see clause 3.2) elect from their number a person to be Chairperson and this person shall hold office until the next AGM or until they cease to be a member of the Committee.
- 2.5 Unless otherwise approved by Council, local resident members must be residents of the Hume City Council and meet the criteria for membership specified in clause 2.8. They will be recommended for appointment by the Committee at a meeting of the Committee. They will be recommended for appointment to the Council at an Ordinary Meeting of Council. Persons such appointed by Council

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- shall hold office until they resign or if they become ineligible for committee membership under clauses 2.8 or 2.9.
- 2.6 The Chairperson shall determine the manner in which persons representing organisations using the property are to be nominated as members. The Chairperson shall nominate the user group representatives for recommendation to Council. User group representatives must meet the membership criteria specified in clause 2.8.
- 2.7 Unless otherwise approved by Council, the qualification to be a local resident member or a user organisation representative shall be those that are applicable from the 'Qualifications to be a Councillor' provisions of the Act.
- 2.8 Specifically, the following criteria will apply in determining the suitability of a person to be a member of the Committee:
- a) the person has attained the age of 18 years; and
 - b) the person is an Australian citizen or an eligible British subject referred to in section 48(1)(a) of the Constitution Act 1975; and
 - c) the person is enrolled on the voters' roll for the Council or would be enrolled on the voters' roll for the Council on a particular day if a voters' roll were to be prepared on that particular day; and
 - d) is not a person to whom subsection 34(2) of the Act applies.
- 2.9 Unless otherwise approved by Council, the disqualification to be a local resident member or a user organisation representative shall be similar to the 'Disqualifications' provisions of the Act.
- 2.10 No person chosen, elected or nominated under clauses 2.5 and 2.6 shall become a member of the Committee until:
- a) the Council has been given advice in writing of the name, postal address, contact phone number and details of membership category of each person;
 - b) the nominated member has signed a Statement of Acceptance of Responsibilities and Obligations as a Special Committee Member; and
 - c) the Council has passed a resolution appointing them as a member.
- 2.11 The Chairperson shall be responsible for ensuring that the requirements of 2.10 (a) and (b) are given to Council immediately following the nomination of a new Committee member.
- 2.12 The Committee may co-opt as many additional members as it sees fit, but no such co-opted member shall have any voting rights at Committee Meetings.
- 2.13 Notwithstanding anything contained herein, a Committee member who is absent from three consecutive Committee Meetings, or who is absent from a majority of meetings within a 12 month period, without approval by the Committee, shall forfeit their membership. The member shall not be eligible for recommendation to Council for reappointment to the Committee unless the member provides just cause to the Council for his or her reappointment.
- 2.14 The Committee shall be responsible for filling any casual vacancy that occurs on the Committee in such a manner as it deems appropriate. The person who fills the casual vacancy must comply with clauses 2.7, 2.8 and 2.9.
- 2.15 The Committee may at any meeting appoint sub-committees for any purpose and the Chairperson shall ex-officio be a member of all such sub-committees.

3. MEETINGS

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- 3.1 The meetings of the Committee shall be conducted in accordance with the provisions of the Act and subject to the Governance Rules and any other applicable resolutions made by Hume City Council.
- 3.2 The Committee shall hold an AGM on a date fixed by the Chairperson no later than 28 February each year. Such meetings shall:
 - a) Receive an annual report from the Chairperson to be presented to the Chief Executive Officer, and which will be included in the Chief Executive Officer's annual report to Council in relation to the activities and performance of the committee;
 - b) Elect the chairperson and other office bearers and advise the Chief Executive Officer of the elections;
 - c) Recommend the fees for service arrangements for office bearers to the Chief Executive Officer; and
 - d) Set meeting dates for the following twelve months.
- 3.3 The Committee shall hold at least two other formal meetings during the year on such dates as set by the Committee at its AGM. The first meeting, to be held no later than 31 July, shall receive and adopt the financial statements and accounts for the previous financial year ending 30 June.
- 3.4 Extra meetings may be scheduled throughout the year if the Committee believes they are required.
- 3.5 The Secretary shall give notice of all meetings to all Committee members in the manner directed by the Committee.
- 3.6 The quorum at any Committee Meeting shall be half of the voting members of the Committee plus one. To facilitate compliance with this clause, meeting minutes shall identify voting and non-voting members present, apologies and non-attendees.
- 3.7 Members of the Committee including the Chairperson, but not including those co-opted pursuant to clause 2.12, present at a meeting of the Committee shall have one vote on each matter before the Chair. In the event that voting on any matter is equal, the Chairperson shall have a second vote.
- 3.8 The Chairperson shall take the chair at all meetings at which they are present. In their absence, the members present may appoint one of their members to chair the meeting.
- 3.9 In accordance with Council's Governance Rules, Committee members shall declare any conflicts of interests in matters being addressed by the Committee.

4. COMPLIANCE WITH GOVERNANCE REQUIREMENTS

- 4.1 The members of the **Foresters Hall, Westmeadows Centre Committee of Management** must, when exercising the powers, functions and duties delegated to them, comply with the following Governance requirements:
 - a) Keeping full and concise minutes of the proceedings at all meetings;
 - b) Forwarding a copy of the unconfirmed minutes of a meeting to the Chief Executive Officer within 14 working days of the meeting;
 - c) After confirmation of the minutes, forwarding a copy of the confirmed minutes signed by the Chairperson of the meeting at which they are confirmed to the Chief Executive Officer within 14 working days of the meeting at which they were confirmed;

- d) Committee members shall declare any conflicts of interests in matters being addressed by the Committee, and these are to be recorded in the minutes of the meeting at which the conflict of interest is declared;
- e) The Committee shall on or before the 31st day of July in each year cause the accounts of the Committee to be balanced up to the 30th day of June of that year and made ready for audit, if required (as per clause 1.21);
- f) Report to the Chief Executive Officer any matter that this instrument of delegation requires to be reported, or which requires an action or decision by the committee that falls outside of the scope of powers, duties or functions that have been delegated to members of the committee in this instrument of delegation.

5. SPECIFIED MONITORING AND REPORTING OF THE ACTIVITIES AND PERFORMANCE OF THE COMMUNITY ASSET COMMITTEE

- 5.1 Under the *Local Government Act 2020*, the Chief Executive Officer must submit an annual report to Council in relation to the activities and performance of a Community Asset Committee in respect of which the members have been given a delegation.
- 5.2 The Chief Executive Officer's annual report to Council will consist of:
 - a) any matters recorded in the minutes of a committee meeting that the Chief Executive Officer determines should be reported to Council;
 - b) a summary of the financial performance of the Foresters Hall, Westmeadows;
 - c) a summary of the user group and hire activity of the Foresters Hall, Westmeadows;
 - d) the Chairpersons annual report presented to the Committee at its AGM.
- e) Any other matter determined by the Chief Executive Officer.
- 5.3 In addition to the above, Committees are required to provide the following information annual to the Chief Executive Officer, or upon request, for inclusion in the Chief Executive Officer's annual report to Council:
 - a) financial reporting as required by clause 1.21 and 3.3 of this instrument of delegation;
 - b) a summary of the user group and hire activity of the Foresters Hall, Westmeadows;
 - c) any other matter determined by the Chief Executive Officer.

6. DISSOLUTION

- 6.1 The Committee may at any meeting, agree to request to disband and hand back their responsibilities to Council.
- 6.2 The Council may for any reason disband the Committee and upon notice to that effect being given by Council to Committee Members, the Committee shall be disbanded.
- 6.3 The Chairperson shall, on the disbanding as provided in clauses 6.1 or 6.2 above, within one month arrange for:
 - a) a financial statement to be prepared, audited and presented to Council in accordance with clause 1.19;

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- b) the Committee's bank account to be closed and the balance paid to Council; and
- c) hand over to Council all keys to pavilions and other buildings formerly under the management of the Committee.