

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

**MANSFIELD SHIRE COUNCIL
Instrument of Delegation
by the Chief Executive Officer
to the Station Precinct Museum Complex 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 Mansfield 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 20 August 2024 and known as “Station Precinct Museum Complex 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 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 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 Delegation is dated _____ and is made by the Chief Executive Officer by Resolution of Council made on 20 August 2024.

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

SCHEDULE

Powers and functions

1. To manage the community assets within the Mansfield Station Precinct Museum Complex (assets detailed in Appendix 1) on behalf of Council in the best interests of the community, including:
 - 1.1 overseeing the day-to-day operation of assets and staffing (both paid and volunteer) within the complex;
 - 1.2 ensuring the partnership and yet-to-be-drafted and agreed MoU between Mansfield Shire Council and Mansfield Historical Society is secure and functional, and that the Society can function financially and effectively carry out its charter of preserving Mansfield's history within the complex;
 - 1.3 promoting the complex and its facilities, activities and events to the community and visitors;
 - 1.4 managing use of the facilities by the community;
 - 1.5 maintaining efficient and effective financial control for the purpose of repairs, maintenance, security, utilities and services including:
 - 1.5.1 entering into contracts, not exceeding the value of \$2,000 and for the specific purpose of operation of the complex, without written approval by the CEO Mansfield Shire Council;
 - 1.5.2 incurring expenditure, not exceeding the value of \$2,000 and for the specific purpose of maintenance and operation of the complex, without written approval by the CEO Mansfield Shire Council;
 - 1.6 ensuring a wide range of community arts, culture, historical and entertainment programs are developed for the complex; and;
 - 1.7 in consultation with Council, preparing funding submissions for projects designed to enhance the complex
2. The Community Asset Committee shall monitor and report on its activities and performance at least in accordance with the following:
 - 2.1 provide a copy of the minutes taken at each meeting of the Community Asset Committee to the Council officer designated for the purpose within two weeks of holding the meeting;
 - 2.2 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;
 - 2.3 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 31 July annually; and
 - 2.4 prepare an annual performance statement to be provided to the Chief Executive Officer no later than 31 July each year, which is to include highlights, challenges, future opportunities and key activities or projects undertaken during the previous financial year.
3. To delegate the management and curation of the exhibits to the Mansfield Historical Society or appointment of third-party curator.

4. Do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

Further details are provided in the Committee's Terms of Reference.

Requirements

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

5. Comply with Council policies and procedures
6. Act in the public interest at all times and in the best interests of managing the Precinct, including;
 - 6.1 act honestly, with integrity, in a financially responsible manner, with a reasonable degree of care, diligence and skill, and in good faith in the best interests of managing the complex
 - 6.2 maintain confidentiality, even after their appointment expires or otherwise terminates and;
 - 6.3 avoid improperly using their position or any information acquired in their role as a Committee member to gain advantage for themselves or another person or to cause detriment to the Committee.

Further details are provided in the Committee's Terms of Reference.

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 assets within the Museum Complex without written approval from Council; or
12. exercise its powers in a way which is inconsistent with this Instrument of Delegation.

APPENDIX 1 – ASSETS



Includes:

- Railway Carriages, Railway Station Buildings and Platform area
- Heritage Museum
- Gadhaba Gathering Place