

**Instrument of Delegation**  
**to the**  
**Chief Executive Officer**  
**(S5)**

**4 August 2020**  
Version 5.02

[ This page left blank intentionally]

## Instrument of Delegation

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the **Whittlesea City Council (Council)** delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 4 August 2020;
2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.

DATED: 7th August 2020

THE COMMON SEAL of )  
WHITTLESEA CITY COUNCIL )  
is affixed in the presence of: )



*Lydia Wilson*

Lydia Wilson  
Chair of Administrators

*Joe Carbone*

Joe Carbone  
Acting Chief Executive Officer

## SCHEDULE

3. The power to determine any issue, take any action or do any act or thing arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing -

4. if it is an issue, action, act or thing which involves:
  - 4.1 awarding or extending a contract involving approval of an amount exceeding \$1M (GST inclusive) except if it is a contract for the supply of Utilities;
  - 4.2 Varying a contract, either in one instance or in aggregate, that was awarded by:
    - 4.2.1 the delegate - if the resulting contract sum will exceed \$1.2M (GST inclusive), or
    - 4.2.2 the Council - if the value of the variation exceeds 20% of the contract sum approved by the Council;
  - 4.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 4.4 election of a Mayor or Deputy Mayor;
  - 4.5 granting of a reasonable request for leave under section 35 of the Act;
  - 4.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 4.7 approval or amendment of the Council Plan;
  - 4.8 adoption or amendment of any policy that Council is required to adopt under the Act;
  - 4.9 adoption or amendment of the Governance Rules;
  - 4.10 appointment of the chair or the members to a delegated committee;
  - 4.11 making, amending or revoking a local law;
  - 4.12 approval of the Budget or Revised Budget;
  - 4.13 borrowing money;
  - 4.14 subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges;

- 4.15 approval of overseas travel by Council officers on Council business; or
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a -
  - 7.1 policy; or
  - 7.2 strategyadopted by Council; or
8. 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 section 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.