

Attachments

Special Council Meeting

Friday 27 March 2020

**3.1.1 Delegation to Chief Executive Officer: COVID19
Pandemic**

Attachment 1 Instrument of Delegation Council to Chief Executive
Officer..... 2

3.1.1 – ATTACHMENT 1. Instrument of Delegation Council to Chief Executive Officer



INSTRUMENT OF DELEGATION

**Council to Chief Executive Officer
under the *Local Government Act 1989***

Authorising Provision

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* ('the Act') and any other Acts conferring a power of delegation on it, the Whitehorse 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.

Conditions

1. This Instrument of Delegation was authorised by a resolution of Council made on **27 March 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;
 - 2.4 replaces any previous Instrument of Delegation delegating powers to the member of Council staff occupying the position of or title of, or acting in the position of Chief Executive Officer, and
 - 2.5 remains in force until Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of, or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by Section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

THE COMMON SEAL of the)
WHITEHORSE CITY COUNCIL)
was hereunto affixed this 27th)
day of March 2020)
in the presence of:)

..... Councillor

..... Chief Executive Officer

3.1.1 – ATTACHMENT 1. Instrument of Delegation Council to Chief Executive Officer



**Instrument of Delegation
Council to Chief Executive Officer**

Schedule of Powers

The power to:

- 1 determine any issue;
- 2 take any action; or
- 3 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

1 Only where:

- 1.1 A quorum of Councillors is attempted and is not achieved; and
- 1.2 the delegate provides seven (7) days or as practicable, notice to all Councillors of his intention to exercise those powers, or fulfil those functions and duties; and
- 1.3 the delegate considers and takes into account the views of Councillors expressed in response to the notice provided under paragraph 2 (noting that Councillors cannot direct the Chief Executive Officer with respect to his exercise of delegation, and that the Chief Executive Officer is not bound to exercise his delegation consistently with those views); and
- 1.4 the delegate considers and takes into account any views expressed by residents, ratepayers and/or stakeholders responding to reports and issues (noting that the Chief Executive Officer is not bound to exercise his delegation consistently with those views); and
- 1.5 the delegate having exercised his delegation, records and publishes on Council's website the exercise of delegation so that decision-making continues to be as accessible, transparent and visible to the community, and consistent with what it would be if these decisions were made by Council at a formal public Council meeting, as possible.

This instrument of Delegation will lapse once the State of Emergency is lifted.

May the delegate:

- 1.6 award a contract having a value of over \$750,000 (including GST);
- 1.7 purchase or dispose of land with the exception of:
 - a) land compulsorily acquired; or
 - b) where the area of land to be acquired or transferred is:
 - i. less than 10% of the total allotment area; or
 - ii. is less than 10% of the unencumbered freehold value of the total allotment; or
 - iii. is for an easement and the value of the proposed easement does not reduce the unencumbered freehold value of the total allotment by more than 10%;

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- 1.8 make a local law under part 5 of the Act
- 1.9 approve the Council Plan under section 125 of the Act;
- 1.10 adopt the Strategic Resource Plan under section 126 of the Act;
- 1.11 prepare or adopt the Budget or Revised Budget under Part 6 of the Act
- 1.12 adopt the Auditor's report and annual Financial Statements, Standard Statements and performance statement under Part 6 of the Act;
- 1.13 determine pursuant to section 37 of the Act that an extraordinary vacancy of the Council not be filled;
- 1.14 exempt a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;
- 1.15 appoint Councillor or community delegates or representatives to external organisations;
- 1.16 return the general valuation and any supplementary valuations;
- 1.17 determine an issue, take action or do an act or thing which would, or would be likely to involve a decision which is inconsistent with a:
 - a) policy; or
 - b) strategyadopted by Council
- 2 The delegate must not determine the issue, take the action or do the act or thing, if:
 - 2.1 the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council Resolution;
 - 2.2 the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 2.3 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 98(1)(a)-(f) (inclusive) of the Act or otherwise;
 - 2.4 the issue relates to resort and recreation and cash in lieu of car parking contributions, where either of the matters will be inconsistent with Council policy;
 - 2.5 it relates to liquor licensing or gaming licensing applications contrary to Council policy; or
 - 2.6 major policy or strategic matters which will have a significant impact on the operation of Council.
