



## INSTRUMENT OF DELEGATION

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

#### Authorising Provision

This delegation is made under section 98(1) of the *Local Government Act 1989* ('the Act').

#### Delegate

Council delegates to the member of Council staff occupying the position or title of, or acting in the position of Chief Executive Officer, the powers 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 ~~21 August 2017~~ 16 July 2018.
2. The delegation:
  - 2.1 comes into force immediately it is adopted by Council;
  - 2.2 remains in force until Council resolves to vary or revoke it;
  - 2.3 is subject to any conditions and limitations set out in the schedule;
  - 2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.5 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.
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) which this Instrument delegates to him or her.

THE COMMON SEAL of the )  
WHITEHORSE CITY COUNCIL )  
was hereunto affixed this )  
day of ~~24 August 2017~~ 16 July 2018 )  
in the presence of: )

..... Councillor

..... Chief Executive Officer



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

### **Schedule of Powers**

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.

1. The delegate must not determine the issue, take the action or do the act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 1.1 awarding a contract having a value of over ~~\$500~~750,000 (including GST);
  - 1.2 the purchase or disposal 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%;
  - 1.3 making a local law under Part 5 of the Act;
  - 1.4 adoption of the Council Plan under section 125 of the Act;
  - 1.5 adoption of the Strategic Resource Plan under section 126 of the Act;
  - 1.6 preparation or adoption of the Budget or Revised Budget under Part 6 of the Act;
  - 1.7 adoption of the Auditor's report and Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 1.8 determining pursuant to section 37 of the Act that an extraordinary vacancy on the Council not be filled;
  - 1.9 exempting a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;

- 1.10 appointment of Councillor or community delegates or representatives to external organisations;
- 1.11 the return of the general valuation and any supplementary valuations;
- 1.12 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;
- 1.13 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:
  - a) policy; or
  - b) strategyadopted by Council;
- 1.14 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; or
- 1.15 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;
- 1.16 resort and recreation and cash in lieu of car parking contributions where either of the matters will be inconsistent with Council policy;
- 1.17 liquor licensing or gaming licensing applications contrary to Council policy;
- 1.18 adoption of Council policy other than policy relevant to the day to day administration of Council; and
- 1.19 major policy or strategic matters which will have a significant impact on the operation of Council.

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