

PROPOSED INSTRUMENT OF DELEGATION



INSTRUMENT OF DELEGATION

CHIEF EXECUTIVE OFFICER

In exercise of the power conferred by Section 98(1) of the *Local Government Act 1989* (the Act), and all other powers enabling it, the Darebin 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 [date]
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 the 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.

DATED: XX September 2010

The COMMON SEAL of)
DAREBIN CITY COUNCIL)
was affixed on)
with the authority of the Council:)

.....
Chief Executive Officer

PROPOSED INSTRUMENT OF DELEGATION

SCHEDULE

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

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

1. If the issue, action, act or thing is an issue, action, act or thing which involves:
 - 1.1 awarding a contract for the purchase of goods and services or for the carrying out of works exceeding the value of \$500,000;
 - 1.2 awarding a contract for the purchase of goods and services or for the carrying out of works that has been requested through the Mayor to be determined by Council;
 - 1.3 making a local law under Part 5 of the Act;
 - 1.4 approval 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 a Revised Budget under Part 6 of the Act;
 - 1.7 adoption of the Auditor's report, Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 1.8 noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the Valuation of Land Act 1960;
 - 1.9 determining pursuant to section 37 of the Act that an extraordinary vacancy on Council not be filled;
 - 1.10 exempting a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;
 - 1.11 appointment of Councillor or community delegates or representatives to external organisations; or
 - 1.12 the return of the general valuation and any supplementary valuations;

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2. If 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;
3. 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
 - 3.1 policy; or
 - 3.2 strategyadopted by Council;
4. If the issue, action, act or thing would involve major policy or strategic matters which would have an impact on the operation of the Council;
5. 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
6. If 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.