



Instrument of Delegation to Chief Executive Officer

Darebin City Council

Instrument of Delegation

to

The Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, 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 20 July 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.
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 11(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

DATED: 20 July 2020

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

Councillor

Chief Executive Officer

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.

Part 1 - Conditions and Limitations

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

4. If the issue, action, act or thing is an issue, action, act or thing which involves:
 - 4.1 awarding a contract for the purchase of goods and services or for the carrying out of works exceeding the value of \$1,000,000 (including GST) ;
 - 4.2 appointing an Acting Chief Executive Officer for a period exceeding 28 days.
 - 4.3 election of a Mayor or Deputy Mayor.
 - 4.4 granting of a reasonable request for leave under section 35 of the Act.
 - 4.5 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer.
 - 4.6 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;
 - 4.7 making, amending or revoking a local law.
 - 4.8 approval or amendment of the Council Plan under Part 4 of the Act;
 - 4.9 adoption or amendment of any policy that Council is required to adopt under the Act.
 - 4.10 adoption or amendment of the Governance Rules.
 - 4.11 appointment of the chair or the members to a delegated committee.
 - 4.12 borrowing money.
 - 4.13 subject to 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
 - 4.14 approval of the Budget or Revised Budget and Strategic Resource Plan
 - 4.15 adoption of the Auditor's report, Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.16 appointment of Councillor or community delegates or representatives to external organisations; or
 - 4.17 the return of the general valuation and any supplementary valuations
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 s11(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.

Part 2 – Emergency Powers

10. Where a State of Emergency is in force after having been declared by the Premier of Victoria under the provisions of the Emergency Management Act 2013 or other relevant legislation and a quorum of Council or the Planning Committee cannot be formed or the convening of a meeting represents in the view of the Chief Executive Officer an unacceptable risk to public health and safety, the Chief Executive Officer in consultation with the Mayor may make any decision on any matter, (with the exception of those matters they are explicitly prevented from determining under the Act) as required to continue the good governance and operation of Council, which would normally be subject of a resolution of Council.
11. The Chief Executive Officer may only exercise the power as referred to in clause 10 if, they believe that the powers they are exercising are in the best interests of the City of Darebin.
12. Any decision taken by the Chief Executive Officer under this Part will in a timely manner be communicated to Councillors and is required to be subject of a report to the next available Council Meeting.