

**South Gippsland Shire Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**

## Instrument of Delegation

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 South Gippsland Shire 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 22 February 2017;
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 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 South Gippsland Shire Council was affixed in the presence of Tim Tamlin, Chief Executive Officer.

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Date: 22 February 2017

## **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.

In addition Council also delegates to the Chief Executive Officer the power to undertake the following functions, which must remain a delegation to the Chief Executive Officer:

- Endorse the appointment of members to fill casual vacancies in Advisory Committees subject to appointments being advised to Council;
- Appoint / remove members to a Special Committee established under section 86 of the Act subject to appointments and removals being advised to Council;
- The power to declare that a contract must be entered into because of an emergency under section 186(5)(a) of the Act subject to that contract being within the Chief Executive Officer's financial delegation outlined in section 4.1 below and this being reported to the next Council meeting;
- Use the Common Seal of Council subject to that use being reported to Council; and
- Payment of annual WorkCover and Council Insurance premiums subject to payments being reported to the next Council meeting immediately after payment is made.

### **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 equal to or exceeding the value of \$250,000 (inclusive of GST) with the exception of:
    - annual WorkCover and Council insurance premiums; and
    - any other contract which complies with Council's procurement policy and is delegated to the Chief Executive Officer to award by a resolution of Council;
  - 4.2 making a local law under Part 5 of the Act;

- 4.3 approval of the Council Plan under s.125 of the Act;
- 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
- 4.5 adoption of the Budget or a Revised Budget under Part 6 of the Act;
- 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
- 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
- 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
- 4.9 appointment of councillor or community delegates or representatives to external organisations; or
- 4.10 the return of the general valuation and any supplementary valuations; or
- 4.11 the ending of agreements made pursuant to section 173 of the Planning and Environment Act 1987 as provided for under section 177(2) of the Planning and Environment Act 1987;
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, 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;
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 strategy; or
  - 7.3 annual budget or compromise the long term financial plan adopted 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 98(1)(a)-(f) (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.