

S5. Instrument of Delegation to Chief Executive Officer



Mildura Rural City Council

Instrument of Delegation

to

The Chief Executive Officer

Document Control Page

Document Information

	Information
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Document History

Version	Issue Date	Changes
0.1	27 May 2010	Minor wording change to include 'or future Act'.
0.2	March 2013	No changes – reviewed in accordance with Section 98(6) of the <i>Local Government Act 1989</i>
1.0	June 2013	Removal of reference to impartiality by Valuers as no longer relevant
2.0	February 2014	Insertion of Condition 5
3.0	February 2015	Insertion of word 'act" in condition 5
4.0	September 2015	Amendments to section 4.1 to reflect change to financial delegation
5.0	March 2016	Reference to appointment of Acting 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 Mildura Rural 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 Thursday 24 March 2016.
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 **MILDURA RURAL CITY**)

COUNCIL was affixed hereto by authority of the)

Council in the presence of:)



.....
John Arnold

COUNCILLOR John Arnold

.....
Glenn Milne

COUNCILLOR Glenn Milne

.....
Gerard J. [Signature]

CHIEF EXECUTIVE OFFICER

24 MARCH 2016

DATE

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 or future Act.

Conditions and Limitations

4. in their absence, the Chief Executive Officer must not appoint a person to be acting Chief Executive Officer for a continuous period of more than four weeks.

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

5. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 5.1 awarding a contract exceeding the value of \$500,000.00;
 - 5.2 making a local law under Part 5 of the Act;
 - 5.3 approval of the Council Plan under s.125 of the Act;
 - 5.4 adoption of the Strategic Resource Plan under s.126 of the Act;
 - 5.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 5.6 adoption of the Auditor's report , Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 5.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 5.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 5.9 appointment of Councillor or community delegates or representatives to external organisations; or
 - 5.10 the return of the general valuation and any supplementary valuations;
6. 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;
7. 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;

8. 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
 - 8.1 policy; or
 - 8.2 strategyadopted by Council; or
9. 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
10. 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.

