



WARRNAMBOOL
CITY COUNCIL

S5 Instrument of Delegation

Council to the Chief Executive Officer



Instrument of Delegation

In exercise of the power conferred by s11(1) of the Local Government Act 2020 (the Act) and all other powers enabling it, the Warrnambool City Council (Council) delegates to the member of Council staff holding, acting or performing the position of Chief Executive Officer (CEO) 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 Resolution of Council passed on 4 October 2021;
2. The delegation:
 - 2.1. Comes into force immediately upon signing of 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.

Signed on behalf of Warrnambool City Council by:

A handwritten signature in black ink, appearing to read "Vicki Jellie", written over a horizontal line.

Mayor – Cr. Vicki Jellie

A handwritten signature in black ink, written over a horizontal line.

Chief Executive Officer

Date: 19-10-21



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 the 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. Entering into a contract exceeding the value of \$400,000.00 (excluding GST);
 - 1.2. Making any expenditure that exceeds \$400,000.00 (excluding GST) unless it is:
 - 1.2.1. Expenditure made under a contract already entered into; or
 - 1.2.2. Expenditure which is, by or under legislation, required to make including insurance premiums, WorkCover premiums and employee superannuation payments, in which case it must not exceed \$2,000,000.00 (excluding GST);
 - 1.3. Appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.4. Electing a Mayor or Deputy Mayor;
 - 1.5. Granting a reasonable request for leave under s35 of the Act
 - 1.6. Making any decision in relation to the employment, dismissal, or removal of the Chief Executive Officer;
 - 1.7. Approving or amending the Council Plan;
 - 1.8. Adopting or amending any policy that Council is required to adopt under the Act;
 - 1.9. Adopting or amending the Governance Rules;
 - 1.10. Appointing the chair or the members of a delegated committee;
 - 1.11. Making, amending or revoking a local law;
 - 1.12. Approving the Budget or Revised Budget;
 - 1.13. Approving the borrowing of money; or
 - 1.14. Subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. If the issues, action, act or thing is an issue, action, act or thing which is required by law to be done by Council Resolution;
3. 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 subject of a Resolution of Council;



4. 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 policy or strategy adopted by Council;
5. If the determining of the issues, 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
6. 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.