



Maddocks

Maddocks Delegations and Authorisations

S5 Instrument of Delegation to Chief Executive Officer

West Wimmera Shire Council

Instrument of Delegation

to

The Chief Executive Officer

Adopted by Council: 15 September 2021

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020* (the Act) and all other powers enabling it, the West Wimmera 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,

1. this Instrument of Delegation is authorised by a resolution of Council passed on 15 September 2021;
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;
 - 2.4 revokes the previous delegation dated 19 August 2020 to the Chief Executive Officer;
 - 2.5 remains in force until Council resolves to vary or revoke it.

was affixed in the presence of:

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.

Conditions and Limitations

Part A

Only if there is a state of emergency declared under the *Public Health and Wellbeing Act* 2008 or state of disaster under the *Emergency Management Act* 1986, the delegate forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum and the delegate consults with the Mayor and Councillors where practicable and has regard to any views that they express, the delegate may:

1. perform any function or exercise any power that does not relate to the day to day management of Council's operations;
2. determine an issue, take action or do an act or thing which would or would be likely to involve a decision which is consistent with a:
 - a) policy; or
 - b) strategyadopted by Council.

Part B

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 or approving a purchase or payment exceeding the value of \$250,000 (including GST) unless the contract, purchase or payment relates to statutory charges such as superannuation, taxation, the fire services property levy and insurance charges generally consistent with the approved or revised or budget;
 - 1.2 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.3 electing a Mayor or Deputy Mayor;
 - 1.4 granting a reasonable request for leave under section 35 of the Act;
 - 1.5 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.6 approving or amending the Council Plan;

- 1.7 adopting or amending any policy that Council is required to adopt under the Act;
 - 1.8 adopting or amending the Governance Rules;
 - 1.9 appointing the chair or the members to a delegated committee;
 - 1.10 making, amending or revoking a local law;
 - 1.11 approving the Budget or Revised Budget;
 - 1.12 approving the borrowing of money;
 - 1.13 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; or
- 2. 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;
 - 3. 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;
 - 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
 - 4.1 policy; or
 - 4.2 strategyadopted by Council; or
 - 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 11(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.
