



Greater Dandenong City Council

Instrument of Delegation

to the Chief Executive Officer

10 August 2020

# 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, the Greater Dandenong 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,

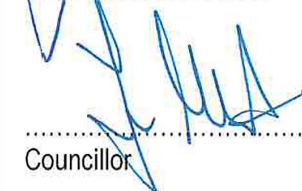
AND declares that

1. this Instrument of Delegation is authorised by a resolution of Council passed on 10 August 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.

The Common Seal of the Greater Dandenong )  
City Council was hereunto affixed in the presence of:)



John Bennie PSM  
Chief Executive Officer



Councillor



10 August 2020

## SCHEDULE

The delegate (Chief Executive Officer) has 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, subject to the following conditions and limitations:

### 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 \$500,000 (noting that contracts between \$200,000 and \$500,000 are considered and approved by the Tender Board which consists of the Executive Management Team and is chaired by the Chief Executive Officer);
  - 1.2 making any expenditure that exceeds \$500,000, unless it is expenditure;
    - (a) made under a contract already entered into; or
    - (b) is part payment of a contract that Council has resolved to enter into; or
    - (c) is expenditure which Council is, by or under legislation, required to make (such as, but not limited to, payment of insurance premiums or fire services levies); or
    - (d) expenditure required for the purchase of property on behalf of Greater Dandenong City Council;in which case, there is no financial limit. (Note: due discussion will be held with Councillors prior to such financial transactions.);
  - 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 section 35 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 to 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;

- 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 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 adopted by Council; or a
  - 4.2 strategy adopted by Council;
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.