

STONNINGTON CITY COUNCIL

Instrument of Delegation

to

The Chief Executive Officer

INSTRUMENT OF DELEGATION

CHIEF EXECUTIVE OFFICER

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 **Stonnington 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 6 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;
 - 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; and
4. the Instrument of Delegation dated 4 March 2013 from Council to the Chief Executive Officer is hereby revoked.

THE COMMON SEAL OF THE STONNINGTON CITY COUNCIL
was hereunto affixed in the presence of:

Councillor

~~Chief Executive Officer/General Manager~~

Corporate Services



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

1. The delegate must not determine the issue, take the action or do the act or thing
 - a) without the concurrence of the Mayor communicated to the delegate at a meeting or conference convened by him or the Mayor for the purpose of informal discussion;
 - b) if the issue, action, act or thing is an issue, action, act or thing which
 - i) Council;
 - ii) a Councillor of Council;
 - iii) the delegate;has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - c) 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
 - i) policy; or
 - ii) strategyadopted by Council; or
 - d) if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
 - e) 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.
2. The condition/limitation in paragraph 1(a) will not apply if the determining of the issue, taking of the action or doing of the act or thing is necessary for the day to day management of Council's operations.