# Bass Coast Shire Council

# Instrument of Delegation

# to

# The Chief Executive Officer

# 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 Bass Coast 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,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 15 June 2022;
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 )
BASS COAST SHIRE COUNCIL )
was affixed on )
in the presence of: )

……..
Chief Executive Officer/Authorised 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

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 making an expenditure exceeding the value of $1,000,000 (GST inclusive) and within the lesser of 20% or $100,000 of the budget allocation;
   - 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 s 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;
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 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 s 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.