



# Special Council Meeting Appendices

Tuesday 31 March 2020  
Commencing at 6.00pm

Council Chamber  
Hobsons Bay Civic Centre  
115 Civic Parade, Altona

**HOBSONS  
BAY CITY  
COUNCIL**



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**Hobsons Bay City Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**

## Instrument of Delegation

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 Hobsons Bay 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 the Council passed on 31 March 2020;
2. The delegation
  - 2.1 comes into force immediately the common seal of the 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 the Council from time to time adopts;
  - 2.4 that the Chief Executive Officer has the delegated authority to make decisions on any matter to be dealt with by the Special Planning Committee;
  - 2.5 that the Chief Executive Officer has the delegated authority to make any decision that supports the Community Support Packages that are put in place as a result of the declared State of Emergency despite any conflict with any existing Council Policies and or Strategies; and
  - 2.6 remains in force until the Victorian Premier declares the cessation of the State of Emergency and a report revoking this delegation is taken to the next available Ordinary Meeting of Council.
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.

**THE COMMON SEAL of the  
HOBSONS BAY CITY COUNCIL  
was hereunto 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 the Council by or under any Act.

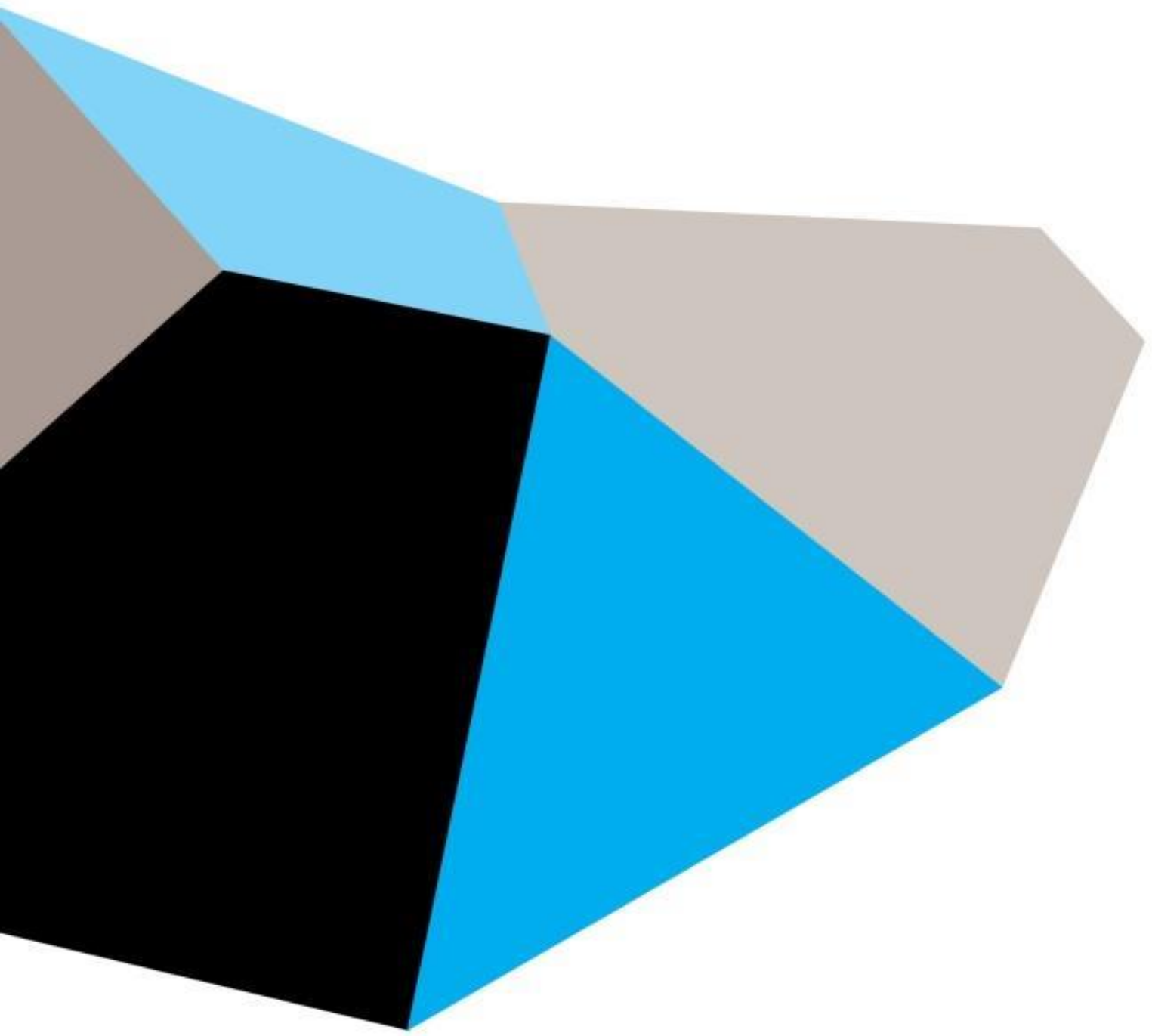
### Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 4.1 awarding a contract or the expenditure of council funds exceeding the value of \$3,500,000 (inclusive of GST), with the exception of insurance premiums, Workcover premiums and employee superannuation payments;
  - 4.2 approval to write off, cancel or set aside outstanding debts to Council not exceeding the value of \$100,000 for each occurrence;
  - 4.3 making a local law under Part 5 of the Act;
  - 4.4 approval of the Council Plan under s.125 of the Act;
  - 4.5 adoption of the Strategic Resource Plan under s.126 of the Act;
  - 4.6 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 4.7 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.8 determining pursuant to s.37 of the Act that an extraordinary vacancy on the Council not be filled;
  - 4.9 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
  - 4.10 appointment of councillor or community delegates or representatives to external organisations; or
  - 4.11 the return of the general valuation and any supplementary valuations.
5. 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;
6. if the issue, action, act or thing is an issue, action or thing which the Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

7. 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 the Council with the exception of publicly announced Council response initiatives to the State of Emergency; or
8. 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 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. 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.





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**HOBSONS BAY CITY COUNCIL**

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