

***Instrument of Delegation***  
***to the***  
***Management Performance Review***  
***Special Committee***

**Boroondara City Council** delegates to the special committee established by resolution of Council passed on 11 May 2009 and known as the "**Management Performance Review Special Committee**" (the **Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 27 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 remains in force until Council resolves to vary or revoke it; and
  - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts.

The Common Seal of the Boroondara City Council was hereunto affixed in the presence of:

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Chief Executive Officer)

\_\_\_\_\_  
(Date)

## **SCHEDULE**

### **Powers and functions**

The Management Performance Review Special Committee has the following powers and functions:

1. To exercise Council's powers and functions and to perform Council's duties in relation to the management of the Chief Executive Officer's Contract of Employment and to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers, including but not limited to:
  - a. determining arrangements for conduct of the Chief Executive Officer's performance review;
  - b. undertaking the annual review Chief Executive Officer's performance; and
  - c. undertaking the annual review Chief Executive Officer's total remuneration package.
2. To act as an advisory body for the Chief Executive Officer regarding organisational performance, management and good governance.

### **Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

1. exercise the powers which, by force of section 86 of the Act, cannot be delegated, namely:
  - 1.1 the power of delegation;
  - 1.2 the power to declare a rate or charge;
  - 1.3 the power to borrow money;
  - 1.4 the power to enter into contracts for an amount exceeding an amount previously determined by the Council;
  - 1.5 the power to incur any expenditure exceeding an amount previously determined by the Council;
  - 1.6 any other prescribed power which cannot lawfully be delegated.
2. appoint, reappoint or dismiss a Chief Executive Officer.