

# Policy – PP005 Delegations of Authority Register



# Policy - Delegations of Authority Register

## Policy No. P005

### 1. INFORMATION ABOUT THIS POLICY

Date Adopted By Board	27 October 2016	Resolution No.	16/098
Policy Responsibility	General Manager		
Review Timeframe	4 yearly		
Last Review Date	n/a	Next Scheduled Review Date	October 2020

#### Document History

Doc No.	Date Amended	Summary of Changes

#### Further Document Information and Relationships

Related Legislation	Local Government Act 1993
Related Policies	
Related Procedures / Protocols, Statements, Documents	Procurement of Goods, Services & Materials

# Policy - Delegations of Authority Register

## Policy No. P005

### 2. TABLE OF CONTENTS

1. INFORMATION ABOUT THIS POLICY .....	1
2. TABLE OF CONTENTS.....	2
3. DELEGATIONS.....	3
4. GENERAL POWER OF THE COUNCIL TO DELEGATE.....	4
5. CHAIRPERSON .....	6
6. DEPUTY CHAIRPERSON .....	9
7. GENERAL MANAGER .....	10

### 3. DELEGATIONS

In accordance with Section 377 of the Local Government Act 1993 (as amended) the Council, at its meeting of 27 October 2016, granted the delegations as set out in this register, to the Chairperson, General Manager, Deputy Chairperson and Committees of Council.

#### Terms of Delegation

Delegations will remain in force until otherwise revised or revoked by resolution of Council in accordance with the Local Government Act 1993 (as amended).

Delegations will be reviewed within twelve months of a new Council term.

#### General

Council recognises that it cannot delegate those powers, authorities, duties and functions:

- a) contained in Section 377 (1) of the Local Government Act 1993 (as amended), and
- b) that are required by legislation to be exercised by a resolution of Council.

Any function that is delegated by the Council may, notwithstanding the delegation, still be exercised by the Council.

Council may, by resolution, supervise, control and direct the Chairperson, General Manager, Deputy Chairperson or relevant Committee in the exercise of any delegated function.

The Chairperson, General Manager, Deputy Chairperson or relevant Committee will exercise the powers, authorities, duties and functions delegated, in accordance with and subject to the provisions of any relevant legislation and in accordance with relevant policies of Council.

### 4. GENERAL POWER OF THE COUNCIL TO DELEGATE

#### Section 377

#### General power of the council to delegate

A Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

- a) the appointment of a general manager,
- b) the making of a rate,
- c) a determination under section 549 as to the levying of a rate,
- d) the making of a charge,
- e) the fixing of a fee,
- f) the borrowing of money,
- g) the voting of money for expenditure on its works, services or operations,
- h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)
- i) the acceptance of tenders which are required under this Act to be invited by the council,
- j) the adoption of an operational plan under section 405,
- k) the adoption of a financial statement included in an annual financial report,
- l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- m) the fixing of an amount or rate for the carrying out by the council of work on private land,
- n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979 ,
- p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,

# Policy - Delegations of Authority Register

---

## Policy No. P005

- q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- s) the making of an application, or the giving of a notice, to the Governor or Minister,
- t) this power of delegation,
- u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

A Council may, by resolution, sub-delegate to the General Manager or any other person or body (not including another employee of the Council) any function delegated to the Council by the Director-General except as provided by the instrument of delegation to the Council.

### 5. CHAIRPERSON

#### Section 226

Section 226 of the Local Government Act 1993 outlines the authority of delegations to the Chairperson as the following:-

#### The role of the Chairperson

The role of the Chairperson is:

- a) to be the leader of the council and a leader in the local community,
- b) (to advance community cohesion and promote civic awareness,
- c) (to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- e) to preside at meetings of the council,
- f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- i) to promote partnerships between the council and key stakeholders,
- j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- l) to carry out the civic and ceremonial functions of the Chairperson's office,
- m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- n) in consultation with the councillors, to lead performance appraisals of the general manager,
- o) to exercise any other functions of the council that the council determines

Pursuant to Section 377 and 379 of the Local Government Act 1993 (as amended), and subject to the limitations and stipulations which these Sections impose, Council authorises the Chairperson to exercise on behalf of the Council, the powers, authorities, duties and functions of the Council as specified hereunder:

# Policy - Delegations of Authority Register

## Policy No. P005

- a) Authority to deal, in cases of emergency, with any matter not precluded by Section 377 of the Local Government Act and not being otherwise delegated or development/building applications.
- b) Other powers of delegation as specifically provided for in adopted Council policies.
- c) Authority in accordance with the Procurement of Goods, Services & Materials Procedure to determine all claims submitted by the General Manager seeking payment or reimbursement of legitimate and reasonable expenses incurred by the General Manager whilst attending to the formal business of the Council.
- d) Authority to approve annual leave for the General Manager.
- e) Authority to authorise press releases and the like in furthering the objectives and fostering the image of the Council and to make public statements on matters of official Council attitude or interpretation of Council policy or concerning Council's resolutions and proposals.
- f) The Chairperson has the following authority with respect to Council's Christmas Break/Recess during the period between the last Council meeting of the year to the first Council meeting of the new calendar year when Council resumes:-
  - (i) That in respect of matters that are not excluded by Section 377 of the Local Government Act 1993 and normally referred to Council or other Committees that the Chairperson or Deputy Chairperson or in the absence of both, the General Manager or Acting General Manager as the case may be, are authorised and delegated authority to determine matters deemed by them to be matters of urgency.
  - (ii) The Chairperson or Deputy Chairperson or in the absence of both, the General Manager or Acting General Manager as the case may be are hereby authorised and delegated authority pursuant to Section 377 of the Local Government Act 1993 to approve, with or without amendment, or disapprove, applications for Development Consent or activity under section 68 of the local Government Act 1993, where such delegation has not been given by Council to the General Manager to sub-delegate.
  - (iii) A minimum of three (3) days written notice of business be given to all Councillors prior to exercise of these delegations and that all Councillors are invited to participate in consideration of the agenda items.
  - (iv) All matters dealt with under delegation during this recess period shall be reported to the next available meeting of the Council.
- g) Power to expel any person (whether a Councillor or another person), under clause 10 of the Local Government Act, from a Council or Committee meeting if that person commits an act of disorder or engages in disorderly conduct at the meeting, pursuant to Clause 258 of the Local Government (General) Regulation, 2005.



# Policy - Delegations of Authority Register

---

## Policy No. P005

- h) Approval to host minor functions within the overall budget set by Council, and named major functions that have a specific budget allocation.
- i) Authority to make Council corporate gifts available for presentation to visitors on appropriate occasions.
- j) The Chairperson and General Manager have delegation to determine specific development applications under certain circumstances. This delegation applies where there are extenuating circumstances e.g. emergency repair work required, work required to make a building safe in response to Council order, etc and allows such applications to bypass notification requirements.
- k) To authorise the invitation of tenders for urgent works involving security and/or public safety which have not been provided for in the adopted budget.
- l) To have the authority to sign correspondence on Chairperson letterhead as determined by Council resolution or as determined to be deemed appropriate

### **6. DEPUTY CHAIRPERSON**

The Deputy Chairperson may exercise any function, power, duty and authority of the Chairperson at the request of the Chairperson or if the Chairperson is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the Chairperson.

The Deputy Chairperson shall exercise the Delegation of Authority of the Chairperson in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Chairperson.

### 7. GENERAL MANAGER

Under Section 335 of the Local Government Act 1993 (as amended), the functions of the General Manager are as follows:

- a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- b) to implement, without undue delay, lawful decisions of the council,
- c) to advise the Chairperson and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- d) to advise the Chairperson and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- e) to prepare, in consultation with the Chairperson and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- f) to ensure that the Chairperson and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- i) to direct and dismiss staff,
- j) to implement the council's workforce management strategy,
- k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

#### Delegations to the General Manager

The following delegations to the General Manager will remain in force until otherwise revised or revoked by resolution of Council in accordance with the Local Government Act 1993 (as amended).

The Council delegates to the General Manager the powers, authorities, duties and functions specified in:

- a) The Local Government Act 1993 (as amended), subject to Section 377 of the Local Government Act 1993.
- b) All other Acts and subordinate legislation (as amended) under which Council has powers, authorities, duties and functions, subject to Section 381 of the The Local Government Act 1993 (as amended).

# Policy - Delegations of Authority Register

---

## Policy No. P005

The Chairperson and General Manager have delegation to determine specific development applications under certain circumstances. This delegation applies where there are extenuating circumstances e.g. emergency repair work required, work required to make a building safe in response to Council order, etc and allows such applications to bypass notification requirements.

- a) The powers, authorities, duties and functions related to the following additional matters are not delegated to the General Manager.
- b) adoption of new policies or variation of existing Council policies outside of operational issues
- c) those matters delegated to Committees
- d) approval for commercial use of parks and reserves
- e) review and determination of Ward Boundaries
- f) adoption of Council's Code of Meeting Practice, Code of Conduct, Policy for Payment of Expenses and Facilities to Councillors, and Organisational Structure
- g) those matters delegated to the Chairperson
- h) adoption of Plans of Management for Community Land
- i) the appointment or dismissal of a "senior officer" without first referring the matter to the Council
- j) The permanent closure of roads

Under Section 378 of the Local Government Act, the General Manager may delegate any of the powers or authority given to the officer by the Act or Regulations or Council resolution except the power to delegate.

Under Sections 379 and 381 further delegations of regulatory functions and exercise of functions conferred or imposed on Council employees under other Acts may be delegated.

The General Manager has delegated those matters set out in the document 'Staff Delegations'.