

**SUTHERLAND SHIRE COUNCIL**  
**INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER**

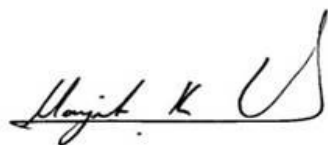
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

**Chief Financial Officer**

and to those people who may act in that position from time to time, the following functions subject to the limitations stated in this Instrument of Delegation and any subsequent written direction made by the Chief Executive Officer or the Mayor; and

2. Revoke any previous Instrument of Delegation to that position.



**M Grewal**

**Chief Executive Officer**

**15 July 2019**

**DELEGATIONS**

**02 BUSINESS OF COUNCIL**

**02.05 Correspondence**

**02.05.05 Manager**

Sign and send correspondence that, in the opinion of the delegate, does not require the consideration of the Council or the signature of the General Manager or the Mayor, except correspondence addressed to:

- The Governors General of any State
- Mayors and councillors of other councils
- Members of Parliament
- The New South Wales Ombudsman
- Heads of Statutory Authorities and Government Departments
- The Independent Commission Against Corruption
- The Local Government Association
- Council's insurers

and any other correspondence which, in the opinion of the delegate:

- (a) will, in any significant way, bind or commit Council, or
  - (b) concerns a matter which the Council or the community are likely to deem to be of a sensitive nature,
- other than correspondence conveying a decision of the Council.

## **02.07 Execution of Documents**

### **02.07.03 General**

#### **02.07.03.08 Procurement Coordinator**

Execute agreements, contracts and other documents provided any relevant condition in the authorities 'Disposal of plant, equipment and goods etc' or 'Procurement' is satisfied and Council has resolved to do so.

## **02.12 Operations and Services**

Exercise the functions of the position to which the delegate is appointed or acting, generally in accordance with the position description and responsibilities for that position and if applicable, the sums voted by the Council and Budget allocation.

## **03 CERTIFICATES**

### **03.04 Local Government Act 1993**

#### **03.04.03 Local Government Act 1993 (section 603)**

Issue a certificate as to rates and charges, pursuant to section 603 of the *Local Government Act 1993*.

## **05 FINANCE**

### **05.01 Accounts**

#### **05.01.01 Tax Invoices**

Issue tax invoices.

#### **05.01.02 Authorise Payment - Procurement**

Determine whether the amounts and calculations in accounts, invoices and tax invoices comply with any relevant agreement or are, in the opinion of the delegate, otherwise fair and reasonable and, if found to be so, authorise payment or so much as is found to be fair and reasonable, up to the amount(s) shown in the authority 'Procurement'.

#### **05.01.03 Authorised Payments**

Pay accounts, invoices and tax invoices which have been authorised for payment by an appropriately authorised officer.

#### **05.01.04 Transfer Money**

Transfer money to organisations in accordance with any relevant agreement where Council is the transmitting agency.

#### **05.01.05 Recipient Created Tax Invoices**

Issue Recipient Created Tax Invoices as per Council agreements

### **05.02 Amounts Due to Council**

#### **05.02.01 Collection**

Collect amounts due to Council and issue a receipt for the payment.

#### **05.02.02 Repayment Agreements**

Determine applications to pay by instalments amounts due to Council and vary repayment agreements.

## **05.04 Council's functions**

Exercise Council's functions under Chapter 15 (How are Councils financed?) (except Parts 1, 2 and 4) of the *Local Government Act 1993* and regulation.

### **05.04.01 Responsible Accounting Officer**

Appointed as, and to perform the functions of Council's Responsible Accounting Officer

## **05.05 Declarations (Tax)**

Sign declarations for Fringe Benefits Tax, GST, Business Activity Statements and Payroll Tax on behalf of Council.

## **05.07 Fees, Charges and Quotations**

### **05.07.03 Refunds and Overpayments**

Approve refunds for all overpayments and credit adjustments to fees and charges that, in the opinion of the delegate, are not legitimately due to Council.

### **05.07.07 Refund of Trust Fund Deposits**

Authorise the refund of trust fund deposits provided the delegate is of the opinion that the purpose for which the deposit is held has been satisfied or the deposit is no longer required.

## **05.08 Investment of funds**

Invest funds for Council in accordance with Council's policy titled "Policy for Investment of Cash Balances" or other relevant policy as determined by the Council.

## **05.09 Loan repayments**

Authorise loan repayments.

## **05.10 Petty Cash**

### **05.10.01 < \$200**

Authorise petty cash up to \$200 in any one instance.

### **05.10.02 Cash Advances**

#### **05.10.02.03 < \$1000**

Approve cash advances to staff who control a petty cash float where the advance is considered necessary, up to \$1,000 in any one instance.

#### **05.10.03 Reimburse shortages < \$200**

Reimburse shortages in a petty cash float up to \$200 in any one instance, provided the delegate is of the opinion that a satisfactory reason for the shortfall has been provided.

#### **05.10.04 Reimburse Expenditure**

##### **05.10.04.01 Unlimited**

Reimburse expenditure from a petty cash float.

## **05.12 Procurement**

### **05.12.01 Expressions of Interest**

Prepare and call for the submission of expressions of interest and tenders, including deciding whether the tender process is to be by way of open tendering or selective tendering, pursuant to clause 166 of the *Local Government (General) Regulation 2005*.

## **05.12.02 Receive Tenders**

Act as an appropriate person, within the meaning of clause 164 of the *Local Government (General) Regulation 2005*, to receive and deal with tenders submitted to Council.

## **05.12.06 Obtain Quotes and Authorise Expenditure**

### **05.12.06.02 < \$100,000**

Obtain quotations and authorise expenditure for the supply, purchase, lease or hire of goods, works, services (including consultants engaged by the General Manager or Director), plant, equipment and the like subject to:

- (a) expenditure not exceeding \$100,000 for any one transaction; and
- (b) funds for such expenditure having been allocated in the Budget (where relevant); and
- (c) compliance with any limit on incurring such expenditure which the Council may have fixed (where relevant),

unless authorised by a resolution of the Council.

Note:

1. This authority extends to the execution of procurement type contracts and agreements only associated and consistent with the delegate's authorised Position Description. All other documents and agreements may only be executed if this delegation includes an authority under item 02.07.
2. This authority does not extend to authorising petty cash claims.

## **05.14 Signing financial documents**

### **05.14.01 Making Payment**

Make payment disbursements for Council including signing or counter signing cheques.

### **05.14.02 Signatory**

Act as a signatory to Council's bank account.

## **05.15 Statutory payments etc**

Authorise the payment of statutory levies, charges and the like.

## **05.16 Valuation**

### **05.16.01 Make Applications**

Make applications for the valuation of land within the Sutherland Shire Council local government area, pursuant to section 14A of the *Valuation of Land Act 1916*.

### **05.16.02 Make Objections**

Make an objection to a valuation of the Valuer General, pursuant to section 31 of the *Valuation of Land Act 1916*.

## **06 LEGAL PROCEEDINGS AND CLAIMS**

### **06.03 Legal**

#### **06.03.04 Proceedings**

Commence, prosecute, settle, discontinue and withdraw any proceedings or actions and issue and serve any notice, complaint or claim for the recovery of any penalty or debt owing to Council and, where necessary, instruct lawyers to do so. However, proceedings can only be settled if the delegate is of the opinion, in collaboration with the Mayor, that this course of action is appropriate or it is in accordance with a decision of the Development Assessment and Planning Committee or the Council.

## **07 PERSONNEL**

## **07.02 Personnel and Organisational Matters**

### **07.02.03 Category 3**

Attend to the following matters:

- Appoint permanent or temporary staff up to Grade 6 in the Council Salary Structure, but only after consultation with the Manager – People & Culture
- Appoint casual staff, but only after consultation with the Manager – People & Culture
- Determine staff permanency following the completion of the probation period
- Appraise staff performance
- Determine change of hours arrangements for staff
- Determine variations to span of hours by work groups and individuals
- Determine requests for overtime and time in lieu
- Carry out disciplinary actions (other than the termination of employment) in consultation with the Manager – People & Culture
- Represent Council in industrial matters, including at the Industrial Relations Commission and Anti Discrimination Board
- Recommend remuneration levels and the allocation of positions within Council's salary system
- Determine leave applications excluding Leave Without Pay of greater than one week.
- Direct staff to take leave
- Determine higher grade pay for staff
- Issue references on Council letterhead
- Authorise timesheets for payment
- Responsibilities under any Work Health and Safety legislation and any other applicable law or Policy

## **10 REGULATION AND ENFORCEMENT**

### **10.02 Functions**

#### **10.02.13 Local Government Act 1993**

##### **10.02.13.02 Inspection Functions**

Exercise Council's inspection functions under the *Local Government Act 1993* and regulation.

## **INTERPRETATION**

Where appearing in this Instrument of Delegation:

- Headings are for convenience only and do not affect interpretation.
- Monetary amounts are inclusive of GST, unless the contrary is expressly stated.
- *Law* includes an Act, regulation, instrument and the like and any amendment, re-enactment, consolidation or replacement of that law by a similar provision in that law or any other law.
- A reference to a policy means a policy adopted by resolution of the Council and includes an amendment or replacement of that policy where adopted by resolution of the Council.
- A reference to "written objections" or "public submission" refers to objections or submissions received from the general public and not from a Commonwealth or State Government department, authority, agency and the like.
- A petition, objection or submission that is signed by or contains the names of more than one person is taken to be one objection or submission as the case may be.
- A reference to a Commonwealth or State Government department, authority, agency and the like includes any successor to it.
- A reference to a concurrence includes any later or amended concurrence.
- A reference to a function includes a reference to a power, authority, duty and the like and to the exercise or performance of such.
- Where the exercise or performance of a function requires other functions to be exercised or performed or requires the delegate to do other things to exercise or perform that function, the delegate is authorised to

exercise or perform those other functions and to do those other things.

- A word which denotes the singular denotes the plural and vice versa.
- An authority to 'approve' includes approve with conditions or to refuse.