

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER

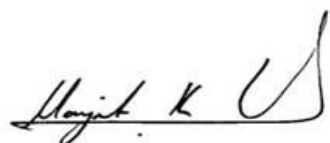
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

Director Corporate Support

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.



Manjeet Grewal

Chief Executive Officer

24 June 2020

DELEGATIONS

02 BUSINESS OF COUNCIL

02.01 Appointment of staff to Committees

Appoint staff to the membership of Council Committees, external committees, working parties and the like.

02.02 Business papers

Determine matters to be included in the business papers of the Council and its Committees. However, the following items must be included when they arise:

- Reports on matters which cannot be determined under delegated authority
- Reports required to be submitted under any law

- Matters requiring a determination of policy
- Reports directed by the Council or the relevant Committee to be submitted
- Matters essential for the information of the Council or its Committees
- Matters requiring the voting of funds

02.04 Consultants

02.04.04 < \$20,000

Engage, and authorise the payment of, consultants but only where, in the opinion of the delegate, Council does not have the capacity or the expertise to undertake the project through its own staff. Further, other than in an emergency, the engagement must be in accordance with a specific decision of the Council, or a general budgetary provision and not exceed \$20,000.

02.05 Correspondence

02.05.01 Sign

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.

02.07 Execution of Documents

02.07.01 Applications

02.07.01.01 Owners consent

Provide owner's consent on behalf of Council authorising the lodgement of applications and the like under any law under which Council has functions, for land owned by Council and land under Council's care, control and management.

02.07.02 Easements, covenants etc

For the purpose of enabling registration at the NSW Land and Property Information, execute documents, dealings and the like (for example, plans and those that create, vary, modify, release or extinguish, easements, restrictions and covenants). However, the delegate is not authorised to do so where Council is the beneficiary or the document or dealing concerns land owned by Council or land under Council's care control and management.

02.07.03 General

02.07.03.02 < \$250,000

Execute agreements, contracts and other documents provided expenditure does not exceed \$250,000 and any relevant condition in the authorities 'Disposal of plant, equipment and goods etc' or 'Procurement' is satisfied.

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.

02.07.04 Grants

Execute agreements, contracts and other documents concerning grants and the acceptance of funding provided any contribution by Council is budgeted for.

02.08 Insurance

Arrange, enter into and manage Council's insurance required by Part 4 (Insurance) of Chapter 12 of the *Local Government Act 1993* as well as any other insurance that, in the opinion of the delegate, is considered appropriate.

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.

02.13 Privacy and Personal Information

Exercise Council's functions under the *Privacy and Personal Information Protection Act 1998* and regulation.

02.14 Protected Disclosures

Exercise Council's functions under the *Protected Disclosures Act 1994*.

02.16 Records

02.16.01 GIPA

Exercise Council's functions under the *Government Information (Public Access) Act 2009* and regulation.

02.16.02 SRA

Exercise Council's functions under the *State Records Act 1998* and regulation.

02.16.03 Subpoenas

Respond to subpoenas, notices to produce and the like.

03 CERTIFICATES

03.01 Companion Animals Act 1998

03.01.02 Companion Animals Act 1998- Release of Information

Exercise Council's functions relating to release of information in accordance with Section 89 of the Companion Animals Act 1998.

03.02 Conveyancing Act 1919

Issue a certificate of amount due, pursuant to section 88G of the *Conveyancing Act 1919*.

03.03 Environmental Planning and Assessment Act 1979

03.03.03 Section 150

Issue a certified copy or extract of a document, pursuant to section 150 of the *Environmental Planning and Assessment Act 1979*.

03.04 Local Government Act 1993

03.04.01 Local Government Act 1993 (section 54)

Issue a certificate as to the classification of public land, pursuant to section 54 of the *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.

05.03 Councillor expenses

Approve the payment and reimbursement of expenses and provision of facilities for Councillors in accordance with Council's Policy adopted pursuant to section 252 of the *Local Government Act 1993*.

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.

05.05 Declarations (Tax)

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

05.06 Disposal of Plant, Equipment and Goods etc

05.06.04 < \$5,000

Sell, exchange or surrender plant, equipment, goods and the like as recorded in Council's Asset Register at a written down book value not exceeding \$5,000.

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

05.10.02.01 < \$6,000

Approve cash advances to staff who control a petty cash float where the advance is considered necessary, up to \$6,000 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.

05.12.04 Submit Tenders and Quotations

Submit tenders and quotations to external bodies, organisations, authorities and the like to provide works and services to them.

05.12.05 Submit Tenders to External Bodies

Submit tenders and quotations to external bodies, organisations, authorities and the like to provide works and services to them provided that there is no reliance on Working Funds.

05.12.06 Obtain Quotes and Authorise Expenditure

05.12.06.15 < \$250,000

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 being less than \$250,000 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.

05.13 Security

05.13.01 Accept Guarantees

Accept security in the form of monetary deposits, guarantees, certificates, bonds and the like in respect of a condition of development consent under the *Environmental Planning and Assessment Act 1979*, an approval under the *Local Government Act 1993*, a consent under the *Roads Act 1993*, an order of a court or otherwise relating to the business of Council.

05.13.02 Draw On or Release

Draw on or release any security provided the delegate is of the opinion that it is appropriate to do so having regard to the reason why the security is held.

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*.

05.17 Writing off debts

05.17.01 Max of \$2,000

Write off debts (other than rates and charges) to a maximum of \$2,000 in any one instance, but only where the debt is not lawfully recoverable, it is the result of a decision of a court, or the delegate believes on reasonable grounds that an attempt to recover the amount would not be cost effective, pursuant to the *Local Government Act 1993* and regulation.

Note: Clause 213(2) of the *Local Government (General) Regulation 2005* provides that a council must, from time to time, by resolution, fix the amount above which debts to the council may be written off only by resolution of the council. Clause 213 also requires the decision to write off a debt to be in writing and to contain certain information.

05.18 Writing off rates and charges

05.18.01 Max. of \$10,000

Write off amounts for rates, charges and accrued interest which are no longer due to Council in accordance with Chapter 15 of the *Local Government Act 1993* up to a maximum of \$10,000 in any one assessment, but only where there is an error in the assessment, the amount is not lawfully recoverable, it is the result of a decision of a court, or the delegate believes on reasonable grounds that an attempt to recover the amount would not be cost effective, pursuant to the *Local Government Act 1993* and regulation.

Note: Clause 131(1) of the *Local Government (General) Regulation 2005* provides that a council must, from time to time, by resolution, fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of the council. Clause 131 also requires the decision to write off a debt to be in writing and to contain certain information.

05.18.03 Max. of \$500,000

Adjust an account for rates and charges reversed or re-issued as part of a supplementary rate issue to a maximum amount of \$500,000, pursuant to clause 127 of the *Local Government (General) Regulation 2005*.

06 LEGAL PROCEEDINGS AND CLAIMS

06.01 Bankruptcy and winding up

Represent Council and act on its behalf pursuant to section 688 of the *Local Government Act 1993* (bankruptcy and winding up).

06.02 Claims

06.02.04 instruct Lawyers

Instruct lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings in relation to claims brought against Council.

06.02.06 Settlement - Director Corporate Support < \$100,000

Notwithstanding any other provision of this delegation, settle claims and any associated legal proceedings brought by or against Council and execute agreements, deeds and other documents provided the cost of the claim to Council does not exceed \$100,000 and the delegate is of the opinion that Council's interests would best be served by such settlement.

06.03 Legal

06.03.01 Statements

Sign Statements of Facts and Contentions.

06.03.02 Witness

Appear as a witness or delegate of Council in any court or forum.

06.03.03 Represent Council

In proceedings in the Local Court, represent Council in all respects as though a party concerned, and institute and carry on proceedings which the Council is authorised to institute and carry on under the *Local Government Act 1993*, pursuant to section 687 of that Act.

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.

06.03.06 Instruct Lawyers

Instruct lawyers in any matter and in any proceedings or actions in any court, tribunal and the like. This includes to provide advice; engage experts, and to commence, defend, prosecute, settle, discontinue and withdraw proceedings. 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.

06.04 Replacement of staff personal property

Determine claims for the replacement of, or compensation for, lost or damaged personal property up to \$1,500, but only if the delegate is of the opinion that it is appropriate to do so.

07 PERSONNEL

07.02 Personnel and Organisational Matters

07.02.02 Category 2

Attend to the following matters:

- With the prior concurrence of the Manager – Personnel, appoint persons to a vacant position

- With the prior concurrence of the Manager – Personnel, authorise staff requisition forms for staff
- Appoint and terminate temporary and casual staff
- 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 including termination of employment in consultation with the Manager Personnel
- Sign and issue disciplinary letters in accordance with the provisions of the Local Government (State) Award
- Represent Council in industrial matters, including at the Industrial Relations Commission and Anti Discrimination Board
- Recommend and determine remuneration levels and the allocation of positions within Council's salary system
- Determine higher grade pay for staff
- Determine leave applications
- Direct staff to take leave
- Authorise staff attendance at conferences, seminars, meetings, courses and the like and the payment of all associated expenses provided:
 - attendance does not exceed 2 days duration
 - attendance does not involve a professional association conference
 - attendance does not involve overnight accommodation
 - attendance does not involve air travel
- Issue references on Council letterhead
- Determine the Organisational Structure below the level of Director subject to any consultation required under any relevant Enterprise Agreement, Award and Council Policy
- Authorise timesheets for payment
- Responsibilities under any Work Health and Safety legislation and any other applicable law or Policy

07.03 Training strategy

Approve a training strategy (long term) and an annual program as recommended by the Manager Personnel.

10 REGULATION AND ENFORCEMENT

10.04 Code of Conduct

To act as Council's Code of Conduct Coordinator as required under the model Procedures

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.