

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 Shire Services

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

02.03 Child care

Perform the functions under any licence or authority pertaining to Council's child care service.

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.

02.07.04 Grants

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

02.07.05 Performing Artists

02.07.05.01 < \$50,000

Execute licence agreements and other documents for the engagement of performing artists and small contractors where the hire period does not exceed one year and the consideration does not exceed \$50,000.

02.11 Media and Public Relations

02.11.01 Advise and Respond

Advise and respond to enquires from the media on matters relevant to Council and the Sutherland Shire generally.

02.11.02 Media Release

Issue media releases on behalf of Council.

02.11.03 Approve Material

Approve the production and release of Council's publicity material, including reports to ratepayers, community directories, brochures, information sheets and the like.

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.

05 FINANCE

05.01 Accounts

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'.

05.02 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.

05.06 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

05.07.02.01 Reduce or Waive up to \$1,500

Reduce or waive the payment of fees and charges up to \$1,500 in any one instance, but only where the delegate is of the opinion that it is appropriate to do so.

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.

05.10 Petty Cash

05.10.01 < \$200

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

05.10.02 Cash Advances

05.10.02.02 < \$500

Approve cash advances to staff who control a petty cash float where the advance is considered necessary, up to \$500 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

05.10.04.02 < \$200

Reimburse expenditure from a petty cash float up to \$200 in any one instance.

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*.

05.12.04 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.

05.17 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.

06 LEGAL PROCEEDINGS AND CLAIMS

06.03 Legal

06.03.02 Witness

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

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.

08 PROPERTY MANAGEMENT

08.01 Leases, Licences, Hire Agreements etc

08.01.01 < 5yrs or \$25,000

Enter into and execute licence and hire agreements for the use of public land, Crown land for which Council is Reserve Trust manager, and public roads provided:

- (a) the term does not exceed five years; and
- (b) the consideration does not exceed \$25,000 per annum; and
- (c) the transaction is authorised by the relevant Plan of Management (where applicable); and
- (d) the fee or charge is in accordance with Council's Schedule of Fees and Charges (where applicable); and

(e) the transaction complies with the relevant statutory procedures.

08.02 Rent reviews

Implement rent reviews in accordance with the provisions of the relevant lease.

08.03 Rental Bonds and Security

08.03.01 Receive and Refund

Receive and refund rental bonds and security.

08.03.02 Execute Lodgements

Execute bond lodgements with the appropriate statutory body.

08.03.03 Release or Claim

Release or claim upon lodged bonds.

08.04 Represent Council on owners' corporations

Represent Council on owners' corporations under the *Strata Schemes Management Act 1996* and vote on Council's behalf in meetings of the owners' corporation. However, the delegate is not authorised to dispose of or lease Council's interests unless authorised by a resolution of the Council or the lease is not a residential lease and it complies with the authority 'Leases, licences, hire agreements etc'.

08.06 Termination of leases and licences

08.06.01 Excluding Residential

Terminate leases and licences, but not residential leases and licences.

08.06.02 Resolution of Council

Terminate leases and licences. However, residential leases and licences can only be terminated where demolition of a structure the subject of the lease or licence is necessary or the economic return on the premises does not justify continuation or, regardless of the circumstances, termination has been authorised by a resolution of the Council.

08.06.03 Make Application

Make application to the appropriate statutory body to allow termination and vacant possession to be obtained.

09 PUBLIC LAND AND WORKS

09.06 Risk management

09.06.01 Public bathing reserves, public baths, public swimming pools and Council's leisure centres

Attend to the following matters in relation to bathing reserves, public baths, public swimming pools, Council's leisure centres and the like, as and when necessary in the opinion of the delegate:

1. Approve any change, alteration or addition to the level, type, style and quality of lighting.
2. Approve the erection of all signs, including general or specific information, hazard, safety, caution and prohibition signs in English only and, where considered necessary, approve the support of such signs by pictogram symbol signs adopted by the relevant Australian Standard.
3. Approve the replacement of all existing signs irrespective of type in accordance with paragraph (2) above over time, or a progressive basis as and when existing signs require replacement due to physical deterioration, vandalism or damage.
4. Approve the inspection of all existing signs, but subject to paragraph (6) below.
5. Approve the installation of new signs.

6. Approve the variation of supervision, inspection, maintenance and prohibition enforcement activities.

7. Approve the erection of fencing.

09.06.02 Parks and reserves

Attend to the following matters in relation to parks, reserves and the like, as and when necessary in the opinion of the delegate:

1. Approve any change, alteration or addition to the level, type, style and quality of lighting.
2. Approve the erection of all signs, including general or specific information, hazard, safety, caution and prohibition signs in English only and, where necessary considered necessary, approve the support of such signs by pictogram symbol signs adopted by the relevant Australian Standard.
3. Approve the replacement of all existing signs irrespective of type in accordance with paragraph (2) above over time, or a progressive basis as and when existing signs require replacement due to physical deterioration, vandalism or damage.
4. Approve the inspection of all existing signs, but subject to paragraph (6) below.
5. Approve the installation of new signs.
6. Approve the variation of supervision, inspection, maintenance and prohibition enforcement activities.
7. Approve the erection of fencing.

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.