

**SUTHERLAND SHIRE COUNCIL**  
**INSTRUMENT OF DELEGATION BY THE GENERAL MANAGER**

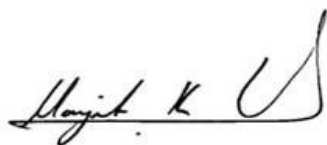
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

**Manager Governance Risk & Compliance**

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 General Manager or the Mayor; and

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



**M Grewal**

**Acting General Manager**

**6 March 2019**

**DELEGATIONS**

**02 BUSINESS OF COUNCIL**

**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

**02.05 Correspondence**

**02.05.03 Legal**

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 Mayor and Councillors
- 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 and Shires Association

other than correspondence conveying a decision of the Council.

## **02.07 Execution of Documents**

### **02.07.03 General**

#### **02.07.03.03 < \$100,000**

Execute agreements, contracts and other documents provided expenditure does not exceed \$100,000 and any relevant condition in the authorities 'Disposal of plant, equipment and goods etc' or 'Procurement' is satisfied.

### **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.

### **02.14 Protected Disclosures**

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

### **02.15 Public Officer**

Appointed as, and to perform the functions of, Council's Public Officer pursuant to Part 3 (The Public Officer) of Chapter 11 of the *Local Government Act 1993*.

### **02.16 Records**

#### **02.16.03 Subpoenas**

Respond to subpoenas, notices to produce and the like.

## **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'.

#### **05.03 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*.

#### **05.10 Petty Cash**

## **05.10.01 < \$200**

Authorise petty cash 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.

### **05.12.06 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.

## **06 LEGAL PROCEEDINGS AND CLAIMS**

### **06.02 Claims**

#### **06.02.01 Settlement < \$100,000**

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.

#### **06.02.04 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.

### **06.03 Legal**

#### **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.

## **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**

### **10.04 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.

