

**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:

**Team Leader Legal & Procurement**

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.



**S Phillips**

**General Manager**

**11 July 2018**

**DELEGATIONS**

**02 BUSINESS OF COUNCIL**

**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**

#### **02.07.03.08 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.

## **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'.

#### **05.01.03 Authorised Payments**

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

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

Issue Recipient Created Tax Invoices as per Council agreements

### **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*.

### **05.12.02 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**

##### **05.12.06.03 < \$50,000**

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 \$50,000 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.

#### **05.12.06.14 < \$150,000 (quote only no expenditure)**

Obtain quotations for the supply, purchase, lease or hire of goods, works, services, plant, equipment and the like up to a value of \$150,000. This does not give the authorised officer the authority to approve expenditure.

#### **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.

### **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.

##### **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**

##### **07.02.05 Category 5**

Attend to the following matters:

- Supervise staff including performance review
- Appraise staff performance
- Recommend remuneration levels and the allocation of positions within Council's salary system
- Recommend staff permanency following the completion of the probation period
- Recommend change of hours arrangements for staff
- Recommend variations to span of hours by work groups and individuals
- Recommend requests for overtime and time in lieu
- Represent Council in industrial matters, including at the Industrial Relations Commission and Anti Discrimination Board
- Authorise timesheets for payment
- Determine higher grade pay for staff

- Determine leave applications excluding Leave Without Pay of greater than one week.
- Direct staff to take leave.
- Responsibilities under any Work Health and Safety legislation and any other applicable law or Policy

## 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.