

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER

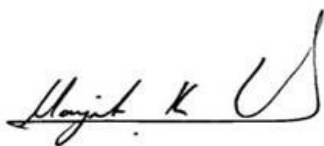
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

Manager Corporate Governance

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; and

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



Chief Executive Officer

08 September 2022

DELEGATIONS

FS Finance Functions

FS01 Bank Guarantees

Approve the acceptance and release of bank guarantees on behalf of Sutherland Shire Council.

FS06 Approve the Reimbursement of Councillor Expenses

Approve the payment and reimbursement of expenses and provision of facilities for Councillors in accordance with Council's Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy

FS09 Write off debts (other than rates and charges) up to \$25

Write-off debts for unpaid fees due to maximum \$25 in any one instance

FS13 Waive or Amend Fees and Charges up to \$2,000

The position holder is delegated authority to waive or amend or determine various fees as detailed in Council's Schedule of Fees and Charges in accordance with Section 610E of the *Local Government Act 1993*.

FS17 Council Timesheets Approval

Approve and certify staff timesheets within the position holder's area of responsibility.

FS27 Refunds – approve Refund of Security Bonds and Deposits

Draw on, release or authorise the refund of security fund deposits provided that the purpose for which the deposit is held has been satisfied or the deposit is no longer required.

FS32 Hold Corporate Credit Card \$5000

Hold a Corporate Credit Card for the supply, purchase, or hire of goods, works, services, plant, equipment in accordance with the Credit Card Determination and Procurement Policy and Guidelines to the value of \$5000

CN Contract Functions

CN01 Enter in to and manage Insurance Agreement

Authority to arrange, enter into and manage Council's insurance required by Section 382 of the *Local Government Act 1993*, together with other insurance arrangements as required by Council's Enterprise Risk Management framework.

CN06 Execute contracts up to the value of \$100,000

Execute contracts, on behalf of Council, in accordance with the Delegations of Authority Determination and Guidelines, provided the expenditure does not exceed \$100,000 over the life of the contract.

CN09 Terminate contracts up to the value of \$100,000 (to align with existing execute delegation function provision)

Terminate contracts, on behalf of Council, in accordance with the Delegations of Authority Determination and Guidelines, provided the contract value does not exceed \$100,000 (to align with existing execute delegation function provision)

LE Legislative Functions

LE02 Appointed as Complaints Coordinator

Appointed as Council's Complaints Coordinator as required under Council's *Procedures for the Administration of the Code of Conduct*.

In the absence of the incumbent Complaints Coordinator this function is afforded to the Manager People & Culture in the first instance and if and only if that position is not occupied by the substantive incumbent – the Director Corporate Support.

LE05 Appointed as Public Officer under the Local Government Act 1993

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*.

LE08 Appointed as Public Interest Disclosure Officer in order to Accept and Determine Public Interest Disclosures under the Public Interest Disclosures Act 2013

Appointed as Public Interest Disclosure Officer in order to Accept and determine public interest disclosures under the *Public Interest Disclosures Act 2013*.

In the absence of the incumbent Disclosures Coordinator this function is afforded to the Manager People & Culture in the first instance and if and only if that position is not occupied by the substantive incumbent – the Director Corporate Support.

PC People and Culture Functions

PC05 Determine Overtime and Time in Lieu Requests

Determine requests for the accrual of overtime and time in lieu

PC08 Authorise Disciplinary Actions; verbal warnings and performance improvement plans

Issue verbal warnings and Performance Improvement Plans.

PC18 Authorise the Engagement of Temporary Staff

Authorise the engagement of temporary staff.

PC21 Approve Allowances - Operational

Approve operational allowances in accordance with requirements under any relevant Enterprise Agreement, Industrial Agreements, Award, Council Agreements, Industrial Instruments and Council policy.

PR Procurement Functions

PR07 Authorise Expenditure < \$100,000

Authorise expenditure for the procurement of goods, works and services, in accordance with the Procurement Policy and Guidelines to the value of \$100,000 including;

- Council Stores issued goods and materials,
- prescribed contracts (within the meaning of clause 163 of the *Local Government (General) Regulation 2021*),
- endorsed Preferred Supplier Agreement, or
- where Council has resolved to do so.

CF Correspondence Functions

CF02 Authorise Correspondence of a Non-standard Nature

Authorise correspondence of a non-standard nature such as interpretation of Council policy or position in accordance with other delegations granted to the position or in accordance with the responsibilities of the position

CF03 Respond with Council's Position

Correspondence that is making a submission in relation to draft legislation or government position, on behalf of Council, in accordance with the responsibilities of the position

LG Legal Functions

LG05 Authorise Settlement of General or Worker's Compensation Claims up to \$100,000

Authorise the settlement of general or Worker's Compensation insurance 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.

LG06 Instruct External Lawyer - Administrative Law Matters

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to administrative law matters brought against Council.

LG07 Instruct External Lawyer - Commercial and Property Matters

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to commercial and property matters brought against Council.

LG08 Instruct External Lawyer - Employment Disputes

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to Employment Disputes brought against Council.

LG09 Instruct External Lawyer – Regulatory Enforcement

Instruct external lawyers to provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any proceedings or other matters or actions in relation to matters under the relevant legislation or Regulation governing enforcement action associated with the responsibilities of the Delegate.

LG10 Instruct External Lawyer - General Insurance Claims

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to general insurance claims brought against Council.

LG11 Instruct External Lawyer - Local Court

Instruct external lawyers to provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any proceedings or actions in the Local Court.

LG12 Instruct External Lawyer - Worker's Compensation Claims

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to Worker's Compensation claims brought against Council.

LG13 Replacement of Staff Personal Property

Determine claims for the replacement of, or compensation for, lost or damaged personal property up to \$1500.

LG 15 Authorise the Issue of Temporary Parking Permits

Authorise the issue of temporary (time limited) car parking permits to employees who have an accepted workers compensation claim with Council and require the permit to facilitate a return to work plan.

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.