



DELEGATIONS OF AUTHORITY

Mayor, Deputy Mayor and General Manager

As at 15 August 2017



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I. DELEGATION OF FUNCTIONS

The relevant provisions of the Local Government Act 1993 are set out below:

Section 377 General power of the council to delegate

- I. A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:
 - a. the appointment of a general manager,
 - b. the making of a rate,
 - c. a determination under section 549 as to the levying of a rate,
 - d. the making of a charge,
 - e. the fixing of a fee,
 - f. the borrowing of money,
 - g. the voting of money for expenditure on its works, services or operations,
 - h. the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - i. the acceptance of tenders to provide services currently provided by members of staff of the council,
 - j. the adoption of an operational plan under section 405,
 - k. the adoption of a financial statement included in an annual financial report,
 - l. a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - m. the fixing of an amount or rate for the carrying out by the council of work on private land,
 - n. the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - o. the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
 - p. the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - q. a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - r. a decision under section 234 to grant leave of absence to the holder of a civic office,
 - s. the making of an application, or the giving of a notice, to the Governor or Minister,
 - t. this power of delegation,
 - u. any function under this or any other Act that is expressly required to be exercised by resolution of the council.

- 1(A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:
- a. the financial assistance is part of a specified program, and
 - b. the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - c. the program's proposed budget for that year does not exceed five per cent of the council's proposed income from the ordinary rates levied for that year, and
 - d. the program applies uniformly to all persons within the council's area or to a
 - e. significant proportion of all the persons within the council's area.
2. A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

378 Delegations by the general manager

1. The general manager may delegate any of the functions of the general manager, other than this power of delegation.
2. The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
3. Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2).

379 Delegation of regulatory functions

1. A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:
 - a. a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or
 - b. an employee of the council, or
 - c. a county council.
2. A regulatory function of a county council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:
 - a. a committee of the county council of which all the members are members of the county council or of which all the members are either members of the county council or employees of the county council, or
 - b. an employee of the county council, or
 - c. a council.

3. However, if:
 - a. a regulatory function is delegated to a county council, the function may be delegated to the general manager and by the general manager to an employee of the county council, or
 - b. a regulatory function is delegated to a council, the function may be delegated to the general manager and by the general manager to an employee of the council.

2. THE MAYOR

A. ROLE OF THE MAYOR

The role of the Mayor is set out in s226 of the Local Government Act 1993.

The role of the mayor is:

- a. to be the leader of the council and a leader in the local community,
- b. to advance community cohesion and promote civic awareness,
- c. to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- d. to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- e. to preside at meetings of the council,
- f. to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- g. to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- h. to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- i. to promote partnerships between the council and key stakeholders,
- j. to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- k. in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- l. to carry out the civic and ceremonial functions of the mayoral office,
- m. to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- n. in consultation with the councillors, to lead performance appraisals of the general manager,
- o. to exercise any other functions of the council that the council determines.

B. DELEGATION OF AUTHORITY TO THE MAYOR

- a. That the Mayor of the Junee Shire Council be delegated authority under Section 377 of the Local Government Act, 1993, to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed for the position of Mayor under the Local Government Act, 1993, Schedules, Regulations, Cognate Legislation and Related Legislation and generally as listed in the Register of Delegations attached hereto, provided that such delegations are not to be sub-delegated without specific approval by Council or as prescribed under the Local Government Act, 1993.
- b. If, under any other Act, a function is conferred or imposed on the Mayor of Junee Shire Council, the function is taken to be conferred or imposed on the Council and the Mayor of

the Council will exercise and or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that other Act, pursuant to Section 381 of the Local Government Act, 1993

C. DELEGATIONS TO THE MAYOR

1. Conferring Powers or Duties

To give effect to the provisions of the Local Government Act, 1993, and any other Act conferring powers or duties upon the Mayor; and to any resolution of direction given to the Mayor by the Council.

2. Direct General Manager - Implementation of Council Policies

To direct the General Manager, where necessary, in the interpretation and implementation of each and every policy of the Council which is current and has been adopted by the Council.

3. Preside at Meetings of Council and Civic Functions

- a. Preside at all meetings of the Council, Committees, Working Parties, Community Committees and Public Meetings convened by the Council at which the Mayor is present, unless the Committee or working party has a composition and chairperson decided by Council or unless the Mayor otherwise appoints another Councillor or person to perform this function;
- b. approve and tender Civic Receptions where the Mayor considers it appropriate and the period for arranging the reception does not permit time for a decision to be made by the Council;
- c. perform naturalisation ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.

4. Negotiations on behalf of Council

In conjunction with the General Manager, to participate in negotiations on behalf of the Council with third parties and in connection with the sale, purchase and lease of land and buildings. This function is subject to the limitation that no contractual agreement is to be entered into without a resolution of Council.

5. Code of Conduct

To give direction to the Council, following consultation with the General Manager, in the application of the Code of Conduct as adopted by the Council.

6. Council Objectives and Strategies

To give direction, in conjunction with the General Manager, to the Council in the pursuit of the objectives and strategies contained with the Junee Shire Council Delivery Program.

7. Represent Council - Government and Other forums

- a. To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Mayor should present the Council's position;
- b. attend to Council business as considered necessary by the Mayor both within and outside of the Shire boundaries with reasonable expenses to be reimbursed by the Council in accordance with Council policy.

8. Sign and Execute Documents

To sign correspondence and other documents. This function is subject to the limitation that execution of any documents under Council Seal must be carried out in compliance with Regulation 400 of the Local Government (General) Regulations 2005.

9. Media Releases

To make Media Statements and issue Press Releases in respect of Council resolutions and policy decisions and matters of a day to day public interest nature and to respond to enquiries from the media on matters relating to the affairs of the Council and Junee Shire generally.

10. General Manager's Administrative Matters

- a. On behalf of Council supervise the General Manager in terms of the Local Government Act 1993 and the General Manager's Contract of Employment with Council;
- b. to approve applications by the General Manager for annual leave, sick leave and other leave as requested.
- c. be authorised to act as Council's delegate for the purposes of administering the General Manager's Contract of Employment excluding remuneration provisions.

11. Conferences and Seminars for Elected Members

- a. Such delegation shall not be exercised if there is a prior council meeting at which the attendance might be considered allowing sufficient time for registration, arrangements, etc.
- b. provision has been made for such expenditure in the Council's budget.

The delegations as listed in Part 2B and Part 2C of this document were delegated by Council to the Mayor at its meeting held on 15 August 2017.

3. THE DEPUTY MAYOR

A. ROLE OF THE DEPUTY MAYOR

The role and authority of the Deputy Mayor is set out in s231(3) of the Local Government Act 1993 and states:

213 (3) Deputy Mayor

The Deputy Mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

B. DELEGATION OF AUTHORITY TO THE DEPUTY MAYOR

In accordance with Section 377 of the Local Government Act 1993, June Shire Council delegates to the Deputy Mayor, authority to exercise any function, power, duty and authority of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function, power, duty and authority, or if there is a casual vacancy in the Office of Mayor.

C. DELEGATIONS TO THE DEPUTY MAYOR

1. To carry out the statutory functions of the Mayor and exercise the delegations conferred upon the Mayor whenever the Mayor is absent from the Council area or is otherwise unable to carry out his/her duties.
2. To affix the Common Seal of Council in conjunction with the Mayor or General Manager to any necessary document pursuant to or consequent upon any decision of Council.

The delegations as listed in Part 3B and Part 3C of this document were delegated by Council to the Deputy Mayor at its meeting held on 15 August 2017.

4. THE GENERAL MANAGER

A. ROLE OF THE GENERAL MANAGER

The role of the General Manager is set out in s335 of the Local Government Act 1993.

The General Manager has the following functions:

1. to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
2. to implement, without undue delay, lawful decisions of the council,
3. to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
4. to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
5. to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
6. to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
7. to exercise any of the functions of the council that are delegated by the council to the general manager,
8. to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
9. to direct and dismiss staff,
10. to implement the council's workforce management strategy,
11. any other functions that are conferred or imposed on the general manager by or under this or any other Act.

B. DELEGATION OF AUTHORITY TO THE GENERAL MANAGER

1. That the General Manager of the Junee Shire Council, be delegated authority under Section 377 of the Local Government Act, 1993, to exercise and/or perform on behalf of Council the powers, authorities, duties and functions of the Council as prescribed under the Local Government Act, 1993, Schedules, Regulations, Cognate Legislation and Related Legislation and including those powers, authorities, duties and functions as listed in the Register of Delegations attached hereto, save and except those powers, authorities duties and functions of the Council requiring prior consultation with the Council, save and except

those powers, authorities, duties and functions of the Council that are expressly prohibited from delegation, as listed under Section 377(1) of the Local Government Act, 1993, and save and except the obligations contained in Council policies.

2. If, under any other Act, a function is conferred or imposed on the General Manager of the Junee Shire Council, the function is taken to be conferred or imposed on the Council and the General Manager of the Council will exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that other Act, pursuant to Section 381 of the Local Government Act, 1993.
3. The Council specifically notes that the following functions stemming from the Environmental Planning and Assessment Act 1979, together with associated Regulations, and the Local Government Act 1993 together with associated Regulations are excluded from the delegation. ie. the following development consent matters must be determined by the Council:
 - i. Development Applications proposed for refusal (other than those proposed for refusal due to failure to provide additional information requested to allow assessment of the application, which may be determined by the General Manager).
 - ii. Development Applications with two or more valid legal or planning based objections or a petition relating to valid legal or planning based objections.
 - iii. Development Applications with a proposed development value of more than \$1,000, 000 excluding single or multi occupancy developments.
 - iv. Development Applications which propose variations of more than 15% to numeric standards within Council's Development Control Plans.
 - v. Development Applications for Integrated or Designated Development.
 - vi. Subdivision applications involving the creation of more than four allotments.
 - vii. Development Applications for new licenced premises that included public entertainment areas under the Liquor Act 2007. Excluding one off limited licences provided for a single function.
 - viii. Development Applications which in the opinion of the General Manager should be brought to the attention of the Councillors, notwithstanding whether any objections have been lodged.
4. The pricing of all Council property sales shall be a matter for Council resolution as to price or to an authority for negotiation.
5. That the General Manager of Junee Shire Council be delegated authority under S377 1(A) of the Local Government Act 1993 to authorise payments of up to \$2,000 without referral to the Council and in accordance with all the provisions of s377 (1A) of the Local Government Act 1993.

The delegations as listed in Part 4B of this document were delegated by Council to the General Manager at its meeting held on 15 August 2017.