

## Upper Macquarie County Council

### **KEY DOCUMENT: UMCC\_2018/02**

### **Council Delegation of Authorities Manual**

***Authorising the Chairman and General Manager respectively to act on behalf of the Council for specified purposes.***

#### **Delegations to the Chairman**

Adopted by: Upper Macquarie County Council  
Review Date: Every 3 years or as required

Date: 20<sup>th</sup> October 2017  
Next Due: October 2020

#### **Delegations to the General Manager**

Adopted by: Upper Macquarie County Council  
Review Date: Every 3 years or as required

Date: 4<sup>th</sup> May 2018  
Next Due: May 2021

Key Document Approved by:

*David Young*

David Young  
General Manager

Date: 7<sup>th</sup> August 2018

## **1. Introduction**

Section 377 of the Local Government Act (1993) (the Act) provides that 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, (subject to a number of exclusions).

Section 391A of the Act provides that the role of the chairperson of a county council is to preside at meetings of the county council, and to exercise such other functions of the county council as the county council determines (by delegation).

## **2. Delegations Manual Purpose**

This Key Document serves as a formal record of all those statutory powers and authorities delegated by the Upper Macquarie County Council (the Council) to the person officially occupying the position of Chairman or General Manager as applicable, or a person officially acting in the Chairman or General Manager role on an interim basis.

## **3. Status of the Delegations Manual**

The delegations listed in Schedule 1 (Chairman) and Schedule 2 (General Manger) are precisely those delegation issued by formal resolution of the Council and specifically assigned to each of the Chairman and General Manager of the Upper Macquarie County Council as applicable. Accordingly the Delegations Manual is not the instrument of delegation, merely an accurate record of such delegation.

The policy also acts to inform any other person of the powers and authorities delegated to the Chairman or General Manager.

## **4. Implementation Guidance**

Exercise of a delegation of authority must always be in accordance with any relevant rule or other requirement contained within legislation, regulation or council policy.

A Councillor officially acting as Chairman, and a staff member officially acting as General Manager, as applicable has the same powers and authorities as the Chairman while acting Chairman or the General Manager while acting General Manager.

## **5. Sub-Delegations**

Section 378 of the Act authorises the general manager to delegate any of the functions of the general manager, other than the power of delegation. The general manager may also sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).

## **6. Review of Delegations**

Section 380 of the Local Government Act (1993) requires each council to review all its delegations during the first 12 months of each term of office.

At any other time the Council may by formal resolution, following a request from a delegate or of its own volition, add to, delete from or otherwise amend one or more delegations of authority. Any changes to delegations made by the Council will cause the Schedules in this manual (being Schedule 1 (Chairman) or Schedule 2 (General Manager) as applicable) to be updated accordingly.

## Schedule 1.

### UMCC Key Document 2018/01 – Delegations Manual

## UPPER MACQUARIE COUNTY COUNCIL DELEGATIONS TO COUNTY CHAIRMAN ADOPTED 20 OCTOBER 2017

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1. Council delegated the following functions to the Chairman:
  - a. **Council Seal**  
Authorise the Chairman to be the necessary witness to documents requiring Council's seal.
  - b. **Media Relations**  
To make media statements or releases on behalf of Council.
  - c. **Policy Making**  
To exercise in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.
  - d. **Correspondence**  
To sign correspondence on behalf of the Council.
  - e. **Urgent Works**  
To authorise any work which is deemed urgent at a cost not exceeding \$5,000 provided that such expenditure is reported to the council at its next Ordinary Meeting.
  - f. **Complaints Against the General Manager**  
The Chairman shall have the power to investigate substantive written complaints against the General Manager and shall, if warranted, report to its next Ordinary Meeting of Council.
  - g. **Attendance at Conference, Seminars and functions by Councillors**  
The Chairman may authorise a Councillor to attend a conference, seminar or function within and outside the Council area. (Conference means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions events, etc, held within Australia, related to the industry of local government- See Policy Manual: Governance – Payment and Expenses and Provision of Facilities for Councillors.
  - h. **Day-to-Day Oversight and Liaison with the General Manager**

The Chairman shall be responsible for the day-to-day oversight and liaison with the General Manager including, but not limited to:

- approving leave.
  - approving expenses incurred.
  - managing complaints about the General Manager.
2. Council authorised the Deputy Chairman to exercise the above delegations during the absence of the Chairman when he is on leave.

**END**

## Schedule 2.

### UMCC Key Document 2018/01 – Delegations Manual

## UPPER MACQUARIE COUNTY COUNCIL DELEGATIONS TO GENERAL MANAGER ADOPTED 4<sup>th</sup> May 2018

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That Council delegates to the General Manager, David Colin Young the following authorities:

1. To carry on the regular services and operations of the council within the sums voted by the Council for expenditure thereon, and in accordance with the resolutions of Council.
2. To control and direct the staff of the Council.
3. To authorise the payment of the salaries and wages of the staff of the Council within the sum voted by the Council for expenditure thereon
4. To obtain quotations and authorise the purchase of goods, works and services to the limits authorised by Council.
5. To carry on the regular services, functions and operations of Council in accordance with any resolution or policy of Council.
6. To determine the matters which are to be included in the business papers for Council Meetings, subject to the inclusion of the following items whenever they arise, namely:
  - 6.1.1. Reports on matters which cannot be determined under delegated authority.
  - 6.1.2. Reports required to be submitted under any Act, Ordinance or Regulation.
  - 6.1.3. Reference to any deputations which the Council has agreed to receive.
  - 6.1.4. Matters requiring a determination of Policy
  - 6.1.5. Reports directed by Council to be submitted.
  - 6.1.6. Matters essential for the Council's information.

## 6.1.7. Matters requiring a vote.

7. To authorise action to be taken to comply with any policy of council or any provision of the Local Government Act, Biosecurity Act or of any other law, statutory or otherwise, affecting the Council.
8. To incur expenditure provided such funds have been allocated in the estimates.
9. To determine in consultation with the Chairperson whether any group or individual should be invited to address any Council Meeting or Council Committee Meeting.
10. To lay information; to make applications for search warrants; to make complaints; to initiate and carry on any proceedings and to represent Council in any Court on any matter.
11. To maintain custody of Council's Common Seal and affix same to documents, as authorised, in the presence of either the Chairperson or one (1) other Councillor, both parties attesting by their signatures that the Common Seal was affixed in their presence.
12. To disclose Council's records in accordance with any legal obligations of any Act or Regulations and any resolutions of Council.
13. To sign cheques on behalf of Council in conjunction with a second counter-signatory to authorise the cheque payment, bank transfer or bill exchange.
14. To accept payment of charges due and payable by an entity in accordance with an agreement made with the entity and to write off or reduce interest accrued on charges if the entity complies with the agreement.
15. To write off accrued interest on rates or charges payable by an entity if the entity is unable to pay the accrued interest for reasons beyond the entity's control and payment of the accrued interest would, in the opinion of the General Manager, cause the entity hardship.
16. To invest money in accordance with Section 625 of the Local Government Act 1993.
17. To determine reimbursement for shortages in the cashier's tray.
18. To approve the submission of tenders and quotations for private works.

19. To authorise the release of Council plant and other resources to assist fire-fighting and emergency work.
20. Be authorised to perform all necessary activities, to serve any notices or orders, undertake inspections, issue or refuse license and permits, to exercise the power of entry, to appoint appropriate staff as an authorised officer, authorised person, authorised Council employee, or impounding officer as the case may be, to exercise the functions of those positions under the relevant acts and associated regulations and to implement the provisions as relating to the operation of Council of the relevant Acts and associated regulations, including but not limited to:
  - 20.1.1. The Local Government Act 1993
  - 20.1.2. (b) The Biosecurity Act 2015
  - 20.1.3. (c) The Work Health & Safety Act 2011
  - 20.1.4. (d) Public Interest Disclosures Act 1994
  - 20.1.5. (e) Government Information (Public Access) Act 2009
21. To authorise the release of any bond or bank guarantee where the required works or services have been completed in accordance with approvals granted by Council.
22. To serve any Directions, Notices or Orders or Intention of any Direction, Notice or Order under the provisions of the Local Government Act and Regulations and the Biosecurity Act and Regulations.
23. To give approval to 'approved forms' as defined by paragraph (c) ('approved form') of the Dictionary to the Local Government Act 1993, and forms used in connection with Council's functions under the Biosecurity Act 2015.
24. To obtain, accept and determine quotations for the supply of Council equipment, plant and motor vehicles provided that such tenders are not those which are required under the Local Government Act 1993 to be invited by Council.
25. To consider and act on Work Required/ Sundry Requests from Council Members and refer such matters to Council when necessary where the work requested requires a resolution of Council.
26. To sell Council's surplus property which has an estimated value not greater

than \$8,000 - on the condition that such property with an estimated value of \$4,000 or more is first offered for sale by advertisement.

27. To exercise the Power of Entry, Requiring of Information / Answers, Requesting of Search Warrants, and Require occupier assistance, under the provisions of the Biosecurity Act 2015
28. To accept or reject certifications submitted under Section 93 of the Local Government Act 1993.
29. To manage Council's Stores and Materials.
30. To manage council's Plant and Equipment.
31. To undertake Private Works.
32. To implement the requirements of the Work Health and Safety Act.
33. To engage contractors on a daily basis.
34. To adopt on behalf of council the Agency Information Guide required under Section 20 of the Government Information (Public Access) Act 2009.
35. To expend unbudgeted funds of up to \$1,000 and report any such expenditure to the next meeting of Council.

**END**