

Policy No. PP005

# Delegations of Authority Policy

## Delegations of Authority Policy

### 1 INFORMATION ABOUT THIS POLICY

#### POLICY INFORMATION

<b>Date Adopted by Board</b> 8 December 2022	<b>Resolution No.</b> 22/123
<b>Policy Responsibility</b> General Manager	
<b>Review Timeframe</b> 4 yearly	
<b>Last Review</b> December 2022	<b>Next Scheduled Review</b> December 2026

#### DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
	24/10/2019	Inclusion of specific delegations for the Chairperson and General Manager.
	08/12/2022	<b>Review of Policy in line with Section 380 of the Local Government Act 1993.</b> <b>Amendment to Section 5.2.2 k.</b> <b>Update reference to Local Government (General) Regulations 2021</b>
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#### FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

<b>Related Legislation</b>	<b>Local Government Act 1993</b>
<b>Related Policies</b>	<b>PP025 Bad Debt Policy</b>
<b>Related Procedures, Protocols, Statements and Documents</b>	<b>P003 Procurement of Goods, Services &amp; Materials Procedure</b>

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### **3 DELEGATIONS**

In accordance with Section 377 Local Government Act 1993 the Goldenfields Water County Council at a Meeting held on 8 December 2022 ratified and granted the delegations as set out in this Delegations of Authority Policy to the Chairperson, Deputy Chairperson and General Manager.

#### **3.1 Terms of Delegation**

Delegations will remain in force until otherwise revised or revoked by resolution of Council in accordance with the Local Government Act 1993 ("the Act") (as amended).

Delegations will be reviewed within twelve months of a new Council term.

#### **3.2 General**

Council recognises that it cannot delegate those powers, authorities, duties and functions contained in Section 377 (1) of the Act (as amended), and that are required by legislation to be exercised by a resolution of Council.

Any function that is delegated by the Council may, notwithstanding the delegation, still be exercised by the Council.

Council may, by resolution, supervise, control and direct the Chairperson, General Manager, and Deputy Chairperson in the exercise of any delegated function.

The Chairperson, General Manager, Deputy Chairperson will exercise the powers, authorities, duties and functions delegated, in accordance with and subject to the provisions of any relevant legislation and in accordance with relevant policies of Council.

### **4 CHAIRPERSON**

#### **4.1 General**

That the Chairperson (being Matthew Stadtmiller), or Deputy Chairperson (being Bob Callow) when acting for the Chairperson, be delegated authority under section 377 of the Act to exercise and/perform on behalf of the Council the powers, authorities, duties and functions as prescribed for the position of Chairperson under the Act, Schedules, Regulations, cognate Legislation, related Legislation, Councils own adopted Policies, Codes and Resolutions, provided that such delegations are not to be sub-delegated without specific approval by Council or as prescribed under the Act.

If, under any other Act, a function is conferred or imposed on the Chairperson of a County Council, the function is taken to be conferred or imposed on the Council and the Chairperson of the County Council will exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that other Act.

#### **4.2 Specific Delegations - Chairperson**

##### **4.2.1 Conferring Powers or Duties**

To give effect to the provisions of the Act, including but not limited to Sections 225-231 of the Act and any other Act conferring powers or duties upon the Chairperson and to any resolution of direction given to the Chairperson by Council.

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### **4.2.2 Preside at Meetings of Council**

To preside at all meetings of the Council , Committees , Community Committees and Public Meetings convened by the Council at which the Chairperson is present unless the Chairperson otherwise appoints another Councillor or person to perform this function.

### **4.2.3 Negotiations on behalf of Council**

The Chairperson in conjunction with the General Manager, to participate in negotiations on behalf of the Council with third parties in relation with any significant matter associated with the operations of Goldenfields Water County Council.

### **4.2.4 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 Council.

### **4.2.5 Represent Council-Government and Other Forums**

To represent the Council, in conjunction with the General Manager in deputations to government enquiries and other forums where it is appropriate that the Chairperson should present the Councils position.

### **4.2.6 Sign and Execute Documents**

To sign and execute documents under the Seal of Council in conjunction with the General Manager.

### **4.2.7 Media Releases**

To make Media Statements and issue Press Releases in respect of Councils Resolutions/Recommendations and decisions.

### **4.2.8 Approval of Urgent Works**

To authorise expenditure outside the Council approved budget and in consultation with the General Manager, to undertake urgent works in order to reduce or eliminate a significant safety hazard or critical matter affecting the operation of the water supply system up to an amount of \$100,000 subject to the action being reported to the next meeting of Council.

## **5 GENERAL MANAGER**

### **5.1 General**

That the General Manager of Goldenfields Water County Council (being Aaron Drenovski) be delegated authority under section 377 of the Act to exercise and /or perform on behalf of Council the powers, authorities, duties and functions of Council as prescribed under the Act, Schedules Regulations, Cognate Legislation, and related legislation and including those powers, authorities, duties and functions as listed in this delegation excepting those powers, authorities, duties and functions of the Council that are expressly prohibited from delegation as listed under Section 377 of the Act.

If, under any other Act a function is conferred or imposed on the General Manager of 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, powers, authorities duties and functions as prescribed under the other Act pursuant to Section 381 of the Act.

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For the purposes of Section 381 of the Act, the General Manager's delegated authority to act on behalf of Council includes all functions and powers conferred or imposed by any legislation set out from time to time in Section 22 of the Act, including but not limited to the following:

Legislation	Function/power
Conveyancing Act 1919	Placing covenants on council land
Fluoridation of Public Water Supplies Act 1957	Fluoridation of water supply by Council
Public Health Act 1991	Inspection of systems for purposes of microbial control
Roads Act 1993	Roads

The exercise by a council of its functions under this Act may also be modified by the provisions of another Act. Some of those Acts and some of the modifications they affect include:

Legislation	Modification
Government Information (Public Access) Act 2009	Council required to publish certain information and to grant access to certain documents
Privacy and Personal Information Protection Act 1998	Council required to amend certain records that are shown to be incomplete, incorrect, out of date, or misleading
Unclaimed Money Act 1995	Unclaimed money to be paid to the Chief Commissioner of Unclaimed Money

That in the absence of the General Manager that his nominee as Acting General Manager assume all power and delegations of the General Manager for the period only of his absence.

In addition to the delegated authority conferred or imposed upon the General Manager by legislation, the General Manager is empowered to carry out his functions in reliance upon Section 335 of the Act and in accordance with the following delegated authorities, subject to any express limitations contained within this Register or restrictions imposed by Section 377 of the Act.

## 5.2 Specific Delegations – General Manager

### 5.2.1 Part A - Operational

- To establish, review and authorise operational and management policies and procedures in line with strategic directions set by Council.
- To implement any work, service or action provided for in the adopted budget without further reference to Council except for;
  - The acceptance of tenders which are required under the Local Government Act 1993 to be invited by the Council, and
  - The determination of priorities where lump sum funding only has been provided.
- To authorise destruction or disposal of any records of Goldenfields Water County Council, after the expiration of six (6) years from the last transaction thereon, other than those defined in the Regulation and Local Government Records Disposal schedule.
- To negotiate arrangements for agencies and financial institution to collect payments relating to the operation of Goldenfields Water County Council.
- To write proposals or submissions to other levels of government on behalf of Goldenfields Water County Council.
- To deal with and determine applications for access to information under the Government Information (Public Access) Act and Regulation 2009.

- g) To execute any form of instrument necessary for the creation of easements that will benefit Goldenfields Water County Council for access services , pipelines , structures and/or any other form of assistance essential in the performance of its objectives.
- h) To sign all correspondence relating to Goldenfields Water County Council.
- i) To approve the loan of Goldenfields Water County Council equipment to community groups in accordance with Council's Policy.
- j) To impose water restrictions on fixed hoses and sprinklers and lift such restrictions when appropriate.
- k) To restrict or cut off supply of water to a property due to non-payment of water charges as provided under Clause 144 of the Local Government (General) Regulation 2005.
- l) To sign certificates issued in accordance with the provisions of Sections 603 (Certificate as to Rates and Charges) & 735A (Certificate as to Notices) of the Local Government Act 1993.

#### **5.2.2 Part B - Finance**

- a) Obtain quotations and to authorise the purchase of, and issue official orders for goods, works and services requiring the functioning of Council and to incur expenditure for such goods, works and services up to \$250,000 provided that provision has been made in the approved Budget for incurring of such expenditure. The delegation is limited in accordance with Section 377(1)(i) of the Act with the exception of prescribed agency contracts under 163 of the Local Government (General) Regulations 2021 and Section 55 of the Act.
- b) To certify that the prices and computations on vouchers have been checked and are correct in as far as he has been able to ascertain , are fair and reasonable and are in accordance with any quotation /contract under which the goods /services were supplied.
- c) Authorise the payment of Councils Salaries and Wages.
- d) Approve final payment to contractors and/or direct creditors.
- e) To sign or countersign cheques drawn on Council's Bank accounts.
- f) Approve changes in Plant Hire Rate Charges for all council plant.
- g) To authorise expenditure outside the approved Council budget to enable urgent works to be undertaken to reduce or eliminate a significant safety hazard or critical matter affecting the operation of the water supply system up to an amount of \$50,000 subject to the action being reported to the next meeting of Council.
- h) The authority to require the lodgement of a cash bond or bank guarantee for work outstanding.
- i) To negotiate Council overdraft limit.
- j) To sell old materials, spoilt or obsolete equipment.
- k) To authorise the writing off of uncollectible debts up to a maximum amount for a single debtor of \$3,000.
- l) To arrange the investment of money that is not, for the time being, required by Council for any other purpose. Funds may only be invested in the following;
  - In any security authorised by the Trustee Act.
  - In the form of investment notified by order of the Minister published in the Gazette.
  - Investments shall also be managed in accordance with Councils Policy (PP04).

#### **5.2.3 Part C - Legal**

- a) To approve and settle statements of claim and insurance matters up to the level of Goldenfields Water's excess amounts payable under the respective insurance policies.
- b) To determine a response to approvals sought under Part 1, Division 3-making and determination of applications for approval-generally, under the Local Government Act 1993.
- c) To issue Orders under Chapter 7, Part 2 (Orders) of the Local Government Act 1993.



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- d) To affix the Common Seal of the Council and execute any documents requiring the signature of the General Manager in the company of the Chairperson, Deputy Chairperson, or other Councillor where Council has approved the documents intent.
- e) To authorise the institution of legal proceedings for the recovery of outstanding charges and other debts due to Goldenfields Water County Council and to take all necessary action to recover such charges and debts.
- f) Under Section 687 (Appearance in Local Court) of the Local Government Act 1993, as amended, be authorised to represent Goldenfields Water County Council in all proceedings in any Local Court or before any justice in all respects as though he were the party concerned and to institute and carry on proceedings which Goldenfields Water is authorised to institute and carry out under the said Act and shall extend to any proceedings under all other Acts.
- g) To accept service of legal documents on behalf of Goldenfields Water County Council.
- h) Contracts;
  - To terminate a contract where the conditions of the contract have been breached and provide for such action.
  - To approve extensions of time to contractor schedules except contracts subject to a tendering arrangement.
  - To issue Site instructions to the contractor and/or their staff.
  - To call for an audit of a contract using either internal or external audit staff.
  - To issue a Practical Completion Certificate for works or part thereof under a contract.
  - To sign contracts that have been approved by Council.
- i) To approve Power of Entry under the provisions of Sections 191-201 of the Local Government Act 1993 for the purpose of inspections, works, and other functions permitted under these sections. The power of entry is also granted for the purposes of inspecting premises under the Public Health Act 1991.
- j) To approve closure of roads or parts thereof, temporarily for repairs or construction and to approve applications to install pipelines within road reserves.
- k) To authorise action in regard to any complaints or requests received under Councils Internal Reporting Policy.

### 5.2.4 Part D - Environmental / Planning Matters

- a) To authorise all functions pursuant to Goldenfields Water County Council powers under the Environmental Planning & Assessment Act 1979 as amended in relation to development proposals including subdivisions.
- b) In relation to subdivision proposals;
  - To approve designs, plans and specifications for water supply works in subdivisions, subject to those designs, specifications and plans being in accordance with Council subdivision policies.
  - To certify that bonded works have been completed to Goldenfields Water County Council's satisfaction and then release the relevant bond.
  - To authorise the release of Certificates of Compliance for a subdivision when all conditions of relevant approvals relating to water supply have been met.
  - To authorise signing of linen plans of subdivisions when all water supply conditions have been met.

### 5.2.5 Part E - Staff

- a) To authorise the appointment of new staff within the adopted organisation's staff structure.
- b) To negotiate with staff and Unions in relation to all staffing matters.
- c) Reclassify staff and adjust salaries in accordance with Goldenfields Water County Council Enterprise Award.



- d) To determine all leave applications for all staff having regard to the proper functioning of the Council and maintenance of appropriate levels of service to customers.

## **6 SUB DELEGATIONS**

In accordance with Section 378 (2) of the Local Government Act, the General Manager may sub delegate any of the functions delegated to the General Manager by Council to any person or body (including another employee of the Council).