



DELEGATIONS OF AUTHORITY

DELEGATIONS FROM COUNCIL

BALRANALD SHIRE COUNCIL

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PREAMBLE

Section 377 of the Local Government Act 1993 (**Act**) provides:

377 General Power of the council to delegate

1. *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, other than the following:*
 - (a) *the appointment of a general manager,*
 - (b) *the making of a rate,*
 - (c) *a determination under section 549 [of the Act] 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 which are required under this Act to be invited by the council,*
 - (j) *the adoption of an operational plan under section 405 [of the Act],*
 - (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 [of the Act],*
 - (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 [of the Act],*
 - (q) *a decision under section 356 [of the Act] to contribute money or otherwise grant financial assistance to persons,*
 - (r) *a decision under section 234 [of the Act] 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.*
- 1A. *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 councils draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - (c) *the programs proposed budget for that year does not exceed 5 per cent of the councils proposed income from the ordinary rates levied for that year, and*
 - (d) *the program applies uniformly to all persons within the councils area or to a significant proportion of all the person within the councils 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 Director-General except as provided by the instrument of delegation to the council.*

INTRODUCTION

In accordance with section 377 of the Local Government Act 1993, the Council by resolution at its meeting on 18th February 2020 delegated its powers, authorities, duties and functions as set out in

Part 1: Delegations to Committees of Council, and Delegation to the Administrator; and
Part 2: Delegations of Authority to the General Manager.

All Council delegations are subject to the following limitations:

1. The delegated power, authority, duty or function being performed in accordance with Council Policy;
2. The delegated power, authority, duty or function being performed in accordance with the Law;

The delegations of Council will remain in force until they are revoked or amended by a resolution of Council.

The Council notes that the General Manager may delegate his or her powers, authorities, duties and functions at his or her discretion.

DELEGATION TO COMMITTEES OF COUNCIL

Committees of Council have no delegations except for those provided by resolution of Council.

DELEGATION TO THE ADMINISTRATOR

The Administrator, is delegated authority under section 377 of the Act to exercise and/or perform on behalf of the Council the following powers, authorities, duties and functions:

1. **Conferring Powers or Duties under *Local Government Act 1993***

To give effect to the Law, Council's adopted Policies, resolutions and directions, provided that such delegation is not sub-delegated without the specific approval of Council or as prescribed under the Local Government Act.

2. **Powers or Duties under other legislation**

If, under any other Act other than the Local Government Act, a function is conferred or imposed on the Governing Body of Council, the function is taken to be conferred or imposed on the Council and the Administrator of the Council has delegated authority to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that other Act.

3. **Preside at Meetings and Functions of Council**

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

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. **Represent Council – Government and Other Forums**

To represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level. To represent the Council, in conjunction with the General Manager, in deputations to government, inquires and other forums where it is appropriate that the Administrator should present the Council's position.

6. **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*.

7. **Issue Media Releases**

To make Media Statements and issue Press Releases in respect of Council Resolutions/Recommendations and decisions subject to prior consultation with the General Manager.

8. Leave

To approve applications of leave by the General Manager.

9. Manage the General Manager's Employment Contract

To act as Council's delegate for the purpose of the day-to-day management of the General Manager's employment contract.

10. Appoint the Acting General Manager

On the recommendation of the General Manager, to appoint one of the Balranald Shire Council Directors to the temporary position of Acting General Manager for a period no longer than to the date of the next Council Meeting, when the Council will either endorse the temporary appointment for such additional time as is necessary, or appoint another Director to the temporary position.

PART 2

DELEGATION TO THE GENERAL MANAGER

The General Manager, and in the absence of the General Manager the Acting General Manager, is delegated authority under section 377 of the Local Government Act 1993 (the Act) to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions of the Council, subject to the following:

- 1) Any lawful direction of the Administrator, or Council;
- 2) The General Manager is restrained from carrying out any of those functions of Council excluded from delegation by operation of section 377(1) of the Act;
- 3) The General Manager is entitled to carry out any functions delegated to the Council by the Department Chief Executive Officer or the Minister, subject to any express limitations imposed by the Departmental Chief Executive or Minister;
- 4) The delegation to the General Manager is limited in accordance with Council's adopted policies in force from time to time.
- 5) The General Manager, in accordance with section 355 of the Act, implementing, without undue delay, lawful decisions of the Council.
- 6) If a function is conferred or imposed on an employee of the Council under any other legislation, the function is deemed to be conferred or imposed on the Council and is delegated to the General Manager.

For the avoidance of doubt, the delegated authority conferred or imposed upon the General Manager includes the delegated functions of Council as provided in the following table and is subject to any limitations contained therein. The following table is not intended to be an exhaustive list of all powers, authorities, duties and functions delegated to the General Manager. Rather it is to be relied upon as providing guidance to those most commonly relied upon powers, authorities, duties and functions

PART A – FINANCIAL MATTERS	
1.	Award Contracts, Obtain Quotations and Authorise Purchase Orders within Section 377(1)(i) of the Act
2.	Authorise Payment of Salaries and Wages
3.	Sign and Countersign Electronic Funds Transfers (EFT), Direct Debits and Cheques drawn on Councils Bank Account
4.	Approve Final Payments to Contractors and/or Direct Creditors
5.	Check and Certify the Annual Statutory Accounts
6.	Authorise Expenditure for Urgent Works outside budget approved by Council
7.	Authority to require the Lodgement of a Cash Bond or Bank Guarantee
8.	Negotiate Council's Overdraft Limit

9.	Sell or Dispose of Materials or Equipment, Spoilt or Obsolete.
10.	Write off uncollectible debts (for charges and sundry debtors) up to a maximum amount of \$1,00.00.
11.	Authorise the issue of accounts for services provided by Council.
12.	Apply for borrowings from financial institutions following a resolution of Council in accordance with Section 377(1)(i) of the Act
13.	Engage consultants to assist with Council projects
14.	Arrange the investment of money not immediately required by Council
15.	Write off accrued interest on rates and charges if the payment of the accrued interest would cause hardship
16.	Arrange for payment by instalment – Accounts receivable.
17.	Refund of Over-payments
18.	Authorise the refund of development applications/Construction Certificate Application Fees.
19.	Grant rebates of rates
20.	Approve Credit Notes
21.	Refund Trust Fund Deposits
22.	Complete all Financial Certifications
23.	Authorise the Waiver or Reduction of Non-Business Activity Fees up to a Maximum Amount of \$20,000 in Accordance with the Categories determined in the Operational Plan and relevant Council policies
24.	Authorise the Reduction for Water and Wastewater Consumption Charges up to a Maximum Amount of \$10,000 in Accordance with the Undetected Leak Policy for Water and Wastewater Charges

PART B – STAFFING MATTERS	
25.	Approve Recruitment Action
26.	Approve or refuse payment of allowances and employment entitlements and benefits

27.	Approve salary step progression for staff
28.	Approve Performance Appraisal Payments for Staff
29.	Dismiss employees
30.	Approve Career Enhancement Support
31.	Approve flexible work arrangements.
32.	Approve or refuse a report of injury to Council's workers compensation insurer.
33.	Approve Leave
34.	Approve Professional Development
35.	Approve Travelling and Subsistence Expenses
36.	Approve claims for the loss of personal property - Staff
37.	Approve Employment outside Council
38.	Authorise Personal Use of Council Equipment by Staff
39.	Refuse, approve or conditionally approve the use of Intellectual Property Created in the course of Balranald Shire employment
40.	Approve Variations to Industrial Instruments for Leave Allowances or Conditions of Employment for not less than conditions in the Local Government (State) Award
41.	Approve Council Agreements in accordance with the Local Government (State) Award
42.	42. Approve or Refuse a Standard Appointment Recruitment Process
43.	Approve or Refuse an Exception Appointment Recruitment Process
44.	Approve the Reclassification of Staff
45.	Approve Job Status Change/Higher Grade Salary for Short Term

46.	Approve Overtime Payments
47.	Deal with Industrial Disputes
48.	Hear Appeals by Employees regarding Employee Relations Issues
49.	Employ Staff to fill Short Term Casual Vacancies
50.	Provide a reference to a Potential Employer
51.	Authorise and Co- authorise Tax File Number (TFN) Declaration Forms
PART C – GOVERNANCE	
52.	Make or authorise public statements involving the Council.
53.	Determine matters included in Council business papers and Committee papers.
54.	Exercise Discretion in Referring Correspondence
55.	Reply to and sign all routine correspondence and other forms
56.	Sign and Execute Documents under the Seal of Council.
57.	Sign contracts, deeds and agreements that do not require the Council seal
58.	Sign Funding Applications
59.	Negotiate and enter into Leases, Licenses and other Legal Transactions for use of land or assets
60.	Invite Groups or Individuals to Address Council or Committee Meetings.
61.	Act as Council's Public Officer
62.	Approve the Destruction of Corporate Documentation
63.	Manage the Renewal and Maintenance of Domain Names and IP Addresses

64.	Manage the Renewal and Maintenance of Australian Communications and Media Authority Radio Transmission Licenses
65.	Appoint Staff to Consultative Committee and Work, Health and Safety Committee
66.	Respond to and Liaise with the Minister, the Department and the Office of Local Government
67.	Determine Applications under the Government Information (Public Access) Act 2009
68.	Act as Code of Conduct Complaints Coordinator and Alternate Complaints Coordinator
69.	Receive and Investigate Complaints under the Internal Reporting Public Interest Disclosures Policy
70.	Receive and Investigate Privacy Complaints
71.	Receive Complaints and Authorise Investigation under Child Protection Policy
72.	Investigate Complaints about Staff under Child Protection Policy
73.	Investigate Complaints about Family Day Carers under Child Protection Policy
74.	Authorise Action on General Complaints about Staff from an Internal Source
75.	Authorise Action on General Complaints about Staff from an External Source
76.	Act as Official Signatory on all Development Consents and Building Approvals
77.	Installation, Operation and Retrieval of CCTV Cameras and their Footage
PART D – OPERATIONAL	
78.	
79.	Issue and Carry on Proceedings, and to Act and Negotiate on behalf of Council on Legal Issues
80.	Authorise an approved officer to lay information before the court for non-payment of penalties
81.	Lay Information before the Court to prosecute offenders
82.	Authorise the issue of on-the-spot penalty notices

83.	Determine the Fee for the provision of Council for employees as Witnesses and Information in court cases.
84.	Issue Notices of Intention to Issue Orders under the Act, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997, Companion Animals Act 1998 and the Roads Act 1993.
85.	Determine development applications, (including Section 96) and complying Development Applications made under the <i>Environmental Planning and Assessment Act 1979</i> and relevant Regulations.
86.	Approve Storm Water Drainage Work Connections that revert to Council.
87.	Approve storm water drainage work connections from private property to councils storm water systems.
88.	Implement the adopted operational plan and four year delivery program
89.	Engage contractors for the remove derelict vehicles from roads, road reserves and public places.
90.	Approve Applications for Street Activities, street stalls and issue Busking Permits
91.	Approve applications to film/photograph in Council's parks, reserves and public places
92.	Approve the casual use of Council parks and properties
93.	Implement Council's Payment of Rates policy
94.	Authorise amendments to the Rate Register
95.	Take legal action for the recovery on unpaid rates and charges and unpaid sundry debtors
96.	Issue notices to require the payment of rent in lieu of rates.
97.	Resolve or authorise settlement of liability claims up to the excess on insurance policies.
98.	Authorise and sign notices to quit to tenants of council properties

99.	Approve or refuse to grant Council's consent to a third party development application that may traverse or impact upon council land.
100.	Authorise the maintenance and repair of Council property.
101.	Authorise the expenditure for maintenance and replacement of Council motor vehicles and plant.
102.	Let or hire Council plant and equipment and determine plant and equipment hire rates.
103.	Suspend or cancel the operation of an Alcohol-Free Zone in accordance with Section 645 of the Act.
104.	Authorise contribution to cost of dividing fences on Council property
105.	Operate and Maintain Council's Airport in accordance with all applicable legislative requirements
106.	Operate and maintain Council's Landfill in accordance with all applicable legislative requirements.
107.	Operate and maintain Council's Cemetery/Crematorium in accordance with all applicable legislative requirements.
108.	Caravan Park To operate, manage and maintain the Balranald Caravan Park.
109.	Exercise the powers of Council's Impounding Officer.
110.	Approve or refuse applications from residents to prune, top, lop or remove trees
111.	Issue parking infringement notices
112.	Authorise withdrawal of penalty infringement notices - Leniency
113.	Approve Temporary Road Closures
114.	Make Sign Adjustments
115.	Install and Refuse Applications in Special Use Zones
116.	Approve the Installation of Traffic Facilities

117.	Approve the Installation of Warning Signs
118.	Approve or Refuse an Application for Signs a cross Driveways
119.	Approve or Refuse an Application for Traffic Bollards
120.	Approve the Construction of Vehicular Crossings and Footpath Restorations
121.	Approve the Installation of Additional Street Lighting
122.	Endorse/Sign Positive Covenants, Easements and Section 88B Instruments under the Conveyancing Act 1919
123.	Determine Public Notification of Applications
124.	To Approve or Refuse Professional Certifications
125.	Authorise Recommendations for Accreditation of Council Building Surveyors under the Building Professionals Act 2005
126.	Exercise Councils Power to Carry out Work on Private Land for an Amount fixed by Council
127.	Authorise One- off Variations of Working Hours on Building Work Sites where the Matter is one of Public Safety
128.	Authorise Council Employees (or other persons) to Enter Premises for the purpose of enabling Council to exercise its functions under any Act
129.	Determine Water Restrictions
130.	Manage the Council's Motor Vehicle Fleet
131.	Approve Permits and Notices
132.	Authorise settlement of liability claims
133.	Determine extensions of development consent
134.	Issue general infringement/penalty notices
135.	Act on Council's behalf in all matters relating to the <i>Companion Animals Act 1998</i>
136.	Determine applications for parking permits
137.	Issue a temporary resident parking permit

138.	Approve or modify the number and/or location of resident parking
139.	Approve, refuse or condition applications for school/community groups visitation to council properties
140.	Approve applications for charity collections
141.	Order supplies, plant and equipment authorised under requisition
142.	Manage issues relating to numbering of buildings
143.	Approve applications for the removal of vehicular crossings
144.	Sign as owner of Council properties for applications for development/building consent
145.	Determine the disposal price and time of council plant and equipment by auction
146.	Determine the reserve price and disposal of plant, equipment and vehicles by public auction tender or trade-in
147.	Approve or modify the number and/or location of resident parking
148.	Approve or refuse an application for a Convex mirror
149.	Approve or refuse an application for road rules 2014 compliance signs
150.	To administer the provisions of the <i>Roads Act 1993</i> and Road Rules 2014 as they apply to Council.
151.	Exercise authority under the <i>Roads Act 1993</i> in conjunction with the assessment of Development Applications, Construction Certificates and Complying Development Certificates
152.	Issue approvals under section 138 of the <i>Roads Act 1993</i> where public safety is an issue
153.	Issue of orders and emergency orders under section 124 of the Act
154.	Sign section 149A certificates and related correspondence – Environmental Planning and Assessment Act 1979
155.	Approve or refuse applications for construction certificates
156.	Refuse applications for construction certificates
157.	Issue all building, classification/occupancy certificates
158.	Accept structural and mechanical ventilation drawings

159.	Approve applications for strata/subdivision plans
160.	Review notice of determinations
161.	Determine matters relating to minor unauthorised works
162.	Authorise the reduction of development application related fees and charges in accordance with the waiving of fees for development applications and construction certificates policy
163.	Exercise all powers of Council under the <i>Library Act 1939</i>
164.	Authorise the purchase, de-commissioning and donation of library books
165.	Select and requisition the purchase of historical resources
166.	Approve the use of community buses
167.	Approve the consumption of alcohol for special events at Council functions
168.	Approve the subsidised use Council facilities in accordance with the respective policies.
169.	Perform the functions in relation to the Local Environment Plans subject to Ministerial delegation under section n59 of the <i>Environmental Planning and Assessment Act 1979</i> and subject to council resolving to accept the Ministerial Delegation
170.	Exercise the powers of the State Emergency and Rescue Management Act 1989

171. Administer Functions provided by other Legislation

To administer the provisions of the following legislation as they apply to Council:

- Boarding Houses Act 2012
- Children and Young Persons (care and protection) Act 1998
- Children (Education and Care Services National Law Application) Act 2010
- Community Land Development Act 1989
- Companion Animals Act 1998
- Conveyancing Act 1919
- Crown Lands Act 1989
- Environmental Planning and Assessment Act 1979
- Fire Brigades Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act 2003
- Government Information (Public Access) Act 2009
- Graffiti Control Act 2008
- Health Records & Information Privacy Act 2002
- Heritage Act 1977
- Impounding Act 1993
- Library Act 1939
- Liquor Act 2007
- Local Government Act 1993
- Plumbing and Drainage Act 2011
- Privacy and Personal Information Protection Act 1998
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Radiocommunications Act 1992
- Road Rules 2001 NSW Consolidated Regulations – Under the Road Transport Act 2013
- Roads Act 1993
- Roads Transport (General) Act 2013
- Rural Fires Act 1997
- State Emergency and Rescue Management Act 1989
- State Records Act 1998
- Swimming Pool Act 1997
- Unclaimed Money Act 1995
- Work Health and Safety Act 2011
- Workers Compensation Act 1987
- Workplace Injury Management and Workers Compensation Act 1998

Glossary of Terms

Act	means <i>Local Government Act 1993</i>
Authority	means any government (state or federal), government department, statutory corporation or other body having power to legally direct the Council or its officers.
Department	means the Department of Planning, Industry and Environment, or any future department (or combined department) carrying out the functions of the present Office of Local Government for the State of New South Wales.
Director-General	means the Director-General, Parliamentary Secretary or Chief Executive Officer of the Department of Planning, Industry and Environment, the Office of Local Government or of any other government department which has the carriage of the administrative functions of the Act and the portfolio of Local Government.
Law	means the requirements of all statutes, rules, ordinances, codes, regulations, proclamations, by-laws, environmental planning instruments, directions and consents of any Authority.
Minister	means the Minister for Local Government or any future title given to a ministerial position of a future New South Wales State Government portfolio that includes governance of Local Government.

AUTHORISATION

Status	Committee	Council
	Manex	Not applicable
	Council	Adopted by Council - Minute No:2020/175
Author	Executive - General Manager	
History		
Last Issued:	Review: legislative requirement within the first twelve months of a new term of council	
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