



DELEGATED AUTHORITY POLICY

Policy No. 1.1

LAST
REVIEW

Oct 2017

NEXT
REVIEW

Oct 2018

MINUTE
REF

C560/23-17

POLICY STATEMENT:	1.1. To provide details on the delegations provided by the Council to the General Manager in accordance with the <i>Local Government Act, 1993</i> .	
OBJECTIVE:	2.1 The objective of this policy is to provide information in relation to the authorised delegations.	
SCOPE:	3.1 The delegations are limited by the authority provided in Section 22 of the <i>Local Government Act, 1993</i> .	
DEFINITIONS:	4.1 In accordance with relevant legislation.	
PROCEDURE: (POLICY DETAIL)	5.1 Pursuant to Section 22(1) of the <i>Local Government Act 1993</i> , Council delegates the following powers and functions to the General Manager (or any officer acting in that capacity), and unless prohibited by Section 22(2) of the <i>Local Government Act 1993</i> or otherwise prohibited, authorise that those powers and functions may be sub-delegated by the General Manager pursuant to Section 64 of the <i>Local Government Act, 1993</i> .	
	Local Government Act 1993	
	Section Details	
		Power to determine and communicate to the relevant government agency any special requirements or conditions that may affect any sale of Crown Land in the municipal area.
	19	Attest the execution of a document sealed by Council.
	24	Appoint members to Special Committees, which act as Local Management Committees for Council facilities, established by Council under this section.
	27 1(b)	Authorise staff to speak to the media in relation to specific program areas where the focus of the story is on the delivery of a particular service or project.
	27 2 (a)	To speak on behalf of Council as spokesperson on operational matters when the Mayor and Deputy Mayor are not available for comment.
	74	Approve expenditure in line with Council’s adopted estimates and capital works program.
	75	Approve the investment of funds in accordance with Council’s policy.
76	Write off any debts owed to the Council pursuant to this section.	
77(1)	Make a grant or benefit to any person, other than a Councillor, pursuant to this section of the Act.	

81	Establish and maintain in Council's name such authorised deposit-taking institution accounts as considered necessary.
124(1)	Fix amounts, times, terms and conditions for the payment of moneys due to the Council by instalments, by ratepayers pursuant to this section.
126	Agree to the postponement of rates.
127	Revocation of agreement for postponement of rates.
129	<p>Remit all or part of any rate in accordance with past custom and practice, or resolution of Council, or where it is in the interest of Council to do so. All such remissions to be reported to Council as soon as practicable.</p> <p>Remit all or part of any amount of penalty and interest in accordance with this section if the charge was raised whilst the ownership of the property was in the process of being transferred.</p> <p>Authorise such remission of rates, charges and fees which have been paid or payable under a mistake of fact, as may be certified and recommended by the appropriate officer of the Council.</p>
133 to 136	Determine appropriate debt collection procedures and where necessary instigate recovery action pursuant to Part 9, Division 10.
167	To exhibit notification of by-laws in accordance with the requirements of Section 167.
185	Undertake work subject to a fencing notice not undertaken by owner within period specified.
189	Approve and bring to affect the closure of local highways for the purposes of holding a market.
190	Consider any objection to a Section 189 road closure.
193	Authority to establish a Council animal pound.
196	Recover unpaid pound fees.
197	Sell, give away, or destroy any impounded animal if not claimed.
198A	To determine applications for a permit to operate a pound for the detention of stray animals.
200	To determine if a nuisance exists and to issue Abatement Notices where necessary.
207	<p>Remit all or part of any fee or charge paid or payable in accordance with this section if it is in the interest of Council to do so.</p> <p>To authorise such remission of rates, charges and fees which have been paid or payable under a mistake of fact, as may be certified and recommended by the appropriate officer of the Council.</p>
333A	Invite tenders over the prescribed amount.

Local Government (Building & Miscellaneous Provisions) Act 1993	
Section	Detail
86	Require security for payments and works due on a subdivision and to call on any such security to carry out incomplete works or where the work has not been carried out in accordance with relevant legislation or Council's requirements.
91	Approve or object to corrections to final plans under this section.
103	Approve amendments to sealed plans, where no hearing is required, under this section.
110	Approve adhesion orders under this section.
115	Approve exempt subdivisions under this section.
247	To remove advertising hoardings.
Local Government (Highways) Act 1982	
Section	Detail
	All of Council's powers.
	Make an offer and negotiate a final settlement of compensation payable in relation to works undertaken in accordance with the Act
Urban Drainage Act 2013	
Section	Detail
	All of Council's powers.
Monetary Penalties Enforcement Act 2005	
Section	Detail
18	Referral to the Director of MPES
23	Withdrawal of Infringement Notice
21	Appointed as a 'Council Officer' pursuant to this section, and to appoint other officers as required.
28	Receive application for variation of payment conditions
39	To issue proceedings if an alleged offender elects a hearing
48	Instigate civil proceedings for a breach.
Resource Management and Planning Appeal Tribunal Act 1993	
Section	Detail
17	Enter in agreements, where necessary, at a conference held on behalf of the Resource Management and Planning Appeal Tribunal.

Strata Titles Act 1998	
Section	Detail
31	Grant a certificate of approval.
31AA	Determine an application for a certificate of approval made wholly or partly in respect of vacant land.
37	Approve Staged Development Schemes.
42	Approve a variation of a registered Staged Development Scheme.
Public Health Act 1997	
	Details
	Act pursuant to the powers specified in Sections 31, 77, 78, 81, 82, 83, 87, 89, 92, 97, 98, 101, 102, 103, 106, 107, 110, 111, 112, 115, 116, 119, 121, 122, 123, 129, 135, 136, 136B and 136C of the <i>Public Health Act 1997</i> and to issue Certificates of Authority to authorised officers for the powers specified in Sections 30, 32, 33, 34, 35, 36, 66, 67, 84, 86, 131, 148, 158, 169, 176, 190, 191 and 192 of that Act.
Food Act 2003	
	Details
	Act pursuant to the powers specified in Sections 31, 51, 52, 53, 65, 68, 87, 89, 91, 94, 100, 101, 102, 121 and 122 of the <i>Food Act 2003</i> and to issue Certificates of Authority to authorised officers for the powers specified in Sections 24, 33, 34, 37, 40, 41, 44, 46, 47, 48, 49, 59, 60, 61, 62, 73, 74, 84, 94, 104, 113, 118 and 125 of that Act.
Litter Act 2007	
	All of Council's powers.
Traffic Act 1925	
	All of Council's powers.
Building Act 2016	
	All of Council's powers.
Burial and Cremations Act 2002	
	All of Council's powers.
Marine Facilities By-law No. 1 of 2011	
	All of Council powers excluding Part 3
Parks, Recreation and Natural Areas By-law No. 2 of 2011	
	All of Council's powers excluding Part 2 – Division 6

	Health and Environmental Services By-law No. 3 of 2011
	All of Council's powers.
	Roads, Parking and Stormwater By-law No. 4 of 2011
	All of Council's powers.
	Miscellaneous
	Call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment and materials.
	Approve the disposal of surplus assets and equipment having a commercial resale value of no greater than \$5,000 by means other than by public notice or tender.
	Call for and accept tenders for the provision of goods and services for less than the prescribed amount.
	Exercise all Council's functions and powers with respect to the implementation of the provisions of the Code of Tenders & Contracts, except for the authority to review or revise the Code.
	Seek legal advice and complete affidavits on behalf of Council in any matter where the Council is a party to the legal proceedings.
	Defend any actions brought against Council, its Councillors or Officers, and/or at the General Manager's discretion to agree any settlement amount where it is in Council's interest so to do, within the limits of the estimates adopted under Section 82.
	Sign contracts, leases and agreements on behalf of Council in accordance with Council policies.
	Negotiate and approve leases of Council properties.
	Make prorata refunds of registration fees for the current year only, when dogs are de-sexed or die, based on a pro-rata basis, calculated on the unexpired complete months of annual fees paid at the date of death or spaying.
	Waive or reduce Planning and Building Fees in cases where the works are to replace structures lost in recent bushfires.
	Authorise the closure of the Barretta Waste Management Facility in the event of access problems caused by adverse weather conditions.
Approve the taking over of engineering works involved in the development of a subdivision subject to the recommendation by the appropriate Council Officer.	
Authorise the total or partial release of bonds, guarantees and security deposits subject to the recommendation by the appropriate Council Officer, or to call on any bonds, guarantees and deposits where the work as secured has not been carried out in accordance with Council's requirements.	
GUIDELINES:	The General Manager shall ensure that delegated authority is undertaken in accordance with all relevant legislation, by-law and Council policies as may be amended from time to time.

COMMUNICATION:	Council Staff
LEGISLATION:	<i>Local Government Act 1993.</i>
RELATED DOCUMENTS:	Council policies