

Delegated Authority Policy

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> .																						
DEFINITIONS	<p>2.1 Act means the <i>Local Government Act 1993 (Tas)</i> as may be amended, varied or replaced from time to time.</p> <p>2.2 Council means the Kingborough Council established pursuant to S.18 of the Act.</p> <p>2.3 General Manager means the person appointed to the position of general manager of the Council pursuant to S.61 of the Act.</p> <p>2.4 Instrument of Delegation means a document signed by the Mayor under common seal detailing the approved list of delegations provided to the general manager or any officer acting in that position.</p> <p>2.5 Officer means a person who is employed by Council</p>																						
OBJECTIVE	3.1 The objective of this policy is to provide information in relation to the authorised delegations.																						
SCOPE	4.1 The delegations are limited by the authority provided in Section 22 of the <i>Local Government Act, 1993</i> .																						
PROCEDURE (POLICY DETAIL)	<p>5.1 Pursuant to Section 22(1) of the Local Government Act 1993, 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 Act.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Local Government Act 1993</th> </tr> <tr> <th style="width: 15%;">Section</th> <th>Details</th> </tr> </thead> <tbody> <tr> <td>19</td> <td>Attest the execution of a document sealed by Council.</td> </tr> <tr> <td>24</td> <td>Appoint members to Special Committees, which act as Local Management Committees for Council facilities, established by Council under this section.</td> </tr> <tr> <td>27 1(b)</td> <td>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.</td> </tr> <tr> <td>27 2 (a)</td> <td>To speak on behalf of Council as spokesperson on operational matters when the Mayor or Deputy Mayor are not available for comment.</td> </tr> <tr> <td>74</td> <td>Approve expenditure in line with Council’s adopted estimates and capital works program.</td> </tr> <tr> <td>75</td> <td>Approve the investment of funds in accordance with Council’s policy.</td> </tr> <tr> <td>76</td> <td>Write off any debts owed to the Council pursuant to this section.</td> </tr> <tr> <td>77(1)</td> <td>Make a grant or benefit to any person, other than a Councillor, pursuant to this section of the Act.</td> </tr> <tr> <td>81</td> <td>Establish and maintain in Council’s name such authorised deposit-taking institution accounts as considered necessary.</td> </tr> </tbody> </table>	Local Government Act 1993		Section	Details	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 or 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.
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	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	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. 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. 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.
	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	Remit all or part of any fee or charge paid or payable in accordance with this section if it is in the interest of the Council to do so. 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.
	333A	Invite tenders over the prescribed amount and in accordance with Council's Code for Tenders and Contracts.
Local Government (Building & Miscellaneous Provision) 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.
Monetary Penalties Enforcement Act 2005	
Section	Detail
18	Referral to the Director of MPES
23	Withdrawal of Infringement Notice
24	All of Council's Powers
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	
	All of Council's powers.
Environmental Management and Pollution Control Act 1994	
Section	Details
21	Appointed as a "Council Officer" pursuant to this section and to appoint other officers as required.
22(1A)	Maintenance of a register of environmental protection notices.
44(4)	Notification to the Director of an environmental protection notice.
48	Instigate civil proceedings for a breach.
61	Advice of action taken in respect to alleged contraventions of the Act.
94(3)	Provisions relating to seizure.
Dog Control Act 2000	
Section	Detail
7(3)	To invite public submissions.
26	To notify and invite public submissions in accordance with S.24(a) and S.24(b).
Urban Drainage Act 2013	
	All of Council's powers.

	Public Health Act 1997
	All of Council's powers.
	Food Act 2003
	All of Council's powers.
	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.
	Local Government (Highways) Act 1982
	All of Council's powers.
	Weed Management Act 1999
	All of Council's powers.
	Heavy Vehicle National Law (Tasmania) Act 2013
	All of Council's powers.
	Roads and Jetties Act 1935
	All of Council's powers.
	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
	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.
	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.

	<p>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.</p> <p>Seek legal advice and complete affidavits on behalf of Council in any matter where the Council is a party to the legal proceedings.</p> <p>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 and within the limits of the estimates adopted under Section 82.</p> <p>Sign contracts, leases and agreements on behalf of Council in accordance with Council policies.</p> <p>Negotiate and approve leases of Council properties.</p> <p>Make pro-rata 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.</p> <p>Waive or reduce Planning and Building Fees in cases where the works are to replace structures lost in recent bushfires.</p> <p>Authorise the closure of the Barretta Waste Management Facility in the event of access problems caused by adverse weather conditions.</p> <p>Approve the taking over of engineering works involved in the development of a subdivision subject to the recommendation by the appropriate Council Officer.</p> <p>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.</p>
GUIDELINES	6.1 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	7.1 In accordance with the provisions of the Local Government Act 1993, a register of all delegations provided to the General Manager and staff is to be made available on Council’s website.
LEGISLATION	7.1 <i>Local Government Act 1993</i>
RELATED DOCUMENTS	8.1 Council policies
AUDIENCE	9.1 Councillors and staff