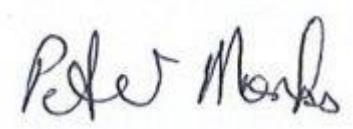
EXTRAORDINARY COUNCIL MEETING

An Extraordinary Meeting of WAVERLEY COUNCIL will be held in the
Randwick Council Chamber, 1st Floor, 90 Avoca Street, Randwick at:

6.45PM, TUESDAY 3 JULY 2018



Peter Monks
Acting General Manager

Waverley Council
PO Box 9
Bondi Junction NSW 1355
DX 12006 Bondi Junction
Tel. 9083 8000
E-mail: info@waverley.nsw.gov.au

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

'God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

The Mayor will read the following Acknowledgement of Indigenous Heritage:

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.'

1. Apologies/Leaves of Absence

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses by Members of the Public

4. Mayoral Minute

CM/4.1/18.07 General Manager's Delegations.....2

5. Meeting Closure

MAYORAL MINUTE
CM/4.1/18.07

Subject: **General Manager's Delegations**

TRIM No.: SF18/215

Author: Mayor of Waverley, Cr Wakefield

RECOMMENDATION:

That Council adopts the Instrument of Delegation to the General Manager attached to this Mayoral Minute.

Background

At its meeting on 20 March 2018 Council appointed Mr Ross McLeod as General Manager.

Council is in the process of rolling out a new delegations register using a software programme developed by LG Legal, which is a subsidiary of Hunter Regional Organisation of Councils, so it is timely to issue the General Manager's delegations using the new system.

Attachments

1. Instrument of Delegation to the General Manager Ross McLeod ⇩

WAVERLEY COUNCIL

INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Tuesday, 3 July 2018 the Waverley Council (**"Council"**) resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.

2. The person who from time to time holds the position of General Manager of Council (**"General Manager"**), being at the date of this instrument Ross McLeod, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:

   2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and

   2.b **Excluding** those Functions:

      i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;

      ii. which are expressly required by legislation to be exercised by a resolution of the Council.

3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.

4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.

5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.

6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

7. These delegations and authorities are subject to, and are to be exercised in accordance with:

   a.a the requirements of the relevant Legislation;

   a.b any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and

   a.c any resolution or policy, procedure or budget adopted from time to time by the Council.

8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.

9. In this delegation:

   - **"Functions"** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.

   - **"Legislation"** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.

   - **"LG Act"** means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Environmental Planning and Assessment Act 1979	All functions delegated by Council to the Waverley Development Assessment Panel
N/A	N/A
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
NSW Food Authority	Instrument of appointment of a Category B enforcement agency	Tuesday, 1 July 2008

Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
1. Assets - Disposal	**Asset disposal** Authority to approve the disposal of assets, and sign the relevant documentation, under the control of the position holder that are surplus to Council's requirements in accordance with Council's Operational Policy for Asset Disposal.	N/A
2. Assets - Public reserves and playing fields - use of	**Public reserves and playing fields – use of** Authority to determine applications for permission to use public reserves, and playing fields, including Crown land, which is under the care, control and management of the Council, subject to payment of the hiring charges as determined by Council and/or in accordance with the adopted Schedule of Fees and Charges.	N/A
3. CCTV - Destruction of Records	**Destruction of records** Authority to approve the destruction of recorded CCTV footage.	N/A

4. CCTV - Extraction of Records	**Extraction of Records** Authority to approve the extraction of CCTV footage from Council's CCTV cameras.	N/A
5. Communication - Media	**Media** Authority to communicate with the media on behalf of Council subject to consultation with the Mayor.	N/A
6. Finance - Bank account maintenance	**Bank account maintenance** Authority to act as a signatory to a bank account maintained by Council.	N/A
7. Finance - Bank Guarantees	**Bank guarantees** Authority to accept payment of security, by way of either a deposit or bank guarantee, authorise the drawing of monies paid as security and authorise the release of any payment security for all other guarantees except those related to a condition imposed by development consent.	N/A
8. Finance - Cheque signing & EFT	**Cheque signing & electronic transfer of funds** Authority to sign cheques drawn from Council's bank account and authorise the electronic transfer of funds from Council's bank accounts with the relevant financial institution.	N/A
9A. Finance Unlimited	**Expenditure - $Unlimited** Authority to approve all expenditure and/or purchase orders up to and including this amount subject to the following limitations: (a) the expenditure must be in accordance with the adopted budget; (b) the expenditure must not involve	N/A

	the acceptance of a tender which is required under the Local Government Act 1993 to be invited and accepted only by the Council; and (c) the expenditure must not require a resolution of the Council under the Local Government Act 1993 and associated Regulation.	
14. Finance - Procurement Exemption	**Procurement exemption - quotations** Authority to approve purchase of less than $20,000 with fewer than the required quotes according to the Interim Purchasing Procedure.	N/A
15. Finance - Deposits/Bonds	**Security deposits/bonds – determine terms and conditions** Authority to determine the terms and conditions of a security deposit or bond in their area of responsibility.	N/A
16. Finance - Deposits/Bonds - drawing of monies	**Security deposits/bonds – drawing of monies** Authority to approve the refund/drawing of monies held in security deposit or bond.	N/A
17. Governance - Complaints	**Complaints** Authority to act as complaints coordinator, in accordance with the Procedures for the Administration of the Model Code of Conduct.	N/A
18. Governance - Councillor interaction	**Councillor interaction** Authority to: (a) Provide information and documents relating to the position	N/A

	holder's area of responsibility to Councillors to enable them to carry out their civic office functions; and (b) Contact, and be contacted by, Councillors about matters relating to the position holder's area of responsibility.	
19. Grants & Sponsorship - Incoming grants-execute	**Incoming grants – execute** Authority to make applications for grant funding and undertake all required actions to facilitate the grant including, but not limited to, acceptance, milestone reports and acquittals, in the position holder's area of responsibility.	N/A
20. Grants & Sponsorship - Outgoing Grants - execute	**Outgoing grants – execute** Authority to assess applications for outgoing grant funding and undertake all required actions to facilitate the grant including, but not limited to, acceptance of the grant, in the position holder's area of responsibility.	N/A
21. Grants & Sponsorship - Sponsorship - Incoming	**Sponsorship - incoming** Authority to approve incoming sponsorship in the position holder's area of responsibility.	N/A
22. Grants & Sponsorship - Sponsorship - Outgoing	**Sponsorship – outgoing** Authority to approve outgoing sponsorship in the position holder's area of responsibility.	N/A
23. Leave - Special leave with pay	**Leave - Special leave with pay** Authority to approve Special leave with pay.	N/A

	*General Manager only	
24. Leave - Defence and Jury service	**Leave - Defence and Jury service** Authority to approve defence and jury service leave.	N/A
25. Leave - Carer's, sick, annual, long service and study leave and time sheets	**Leave - Carer's, sick, annual, long service and study leave and time sheets** Authority to approve: • Carer's, sick, health and wellbeing, annual leave, long service leave • Study leave as per allocation approved by Learning and Culture partner • Flex sheets and casual time sheets	N/A
26. Overtime and Time in lieu	**Overtime and Time in lieu** Authority to approve overime and time in lieu.	N/A
27. Salary - Commencing salary up to mid -point	**Salary - Commencing salary up to mid-point** Authority to offer commencing salary up to mid-point of salary grade.	N/A
28. Salary - Commencing salary beyond mid-point	**Salary - Commencing salary beyond mid-point** Authority to offer commencing salary beyond mid-point of salary grade.	N/A
29. Salary - Higher duties up to mid-point of salary	**Salary - Higher duties up to mid-point of salary** Authority to approve higher duties allowance up to mid-point of salary grade.	N/A

30. Salary - Higher duties above mid-point of salary	**Salary - Higher duties above mid-point of salary** Authority to approve higher duties allowance above mid-point of salary grade.	N/A
31. Disciplinary action - Termination	**Disciplinary action - Termination** Authority to terminate employment. *** General Manager only**	N/A
32. Disciplinary action - Demotion and suspension	**Disciplinary action - Demotion and suspension** Authority to: • Demote employee • Suspend employee with or without pay In consultation with the HR partner.	N/A
33. Disciplinary action - Issue formal written warning	**Disciplinary action - Issue formal written warning** Authority to issue formal written warning in consultation with the HR partner.	N/A
34. Disciplinary action - Issue performance improvement notice	**Disciplinary action - Issue Performance Improvement Notice** Authority to issue Performance Improvement Notice in consultation with the HR partner.	N/A
35. Industrial Relations - Act on behalf of Council	**Industrial relations - Act on behalf of Council** Authority to act on Council's behalf in resolving industrial disputes.	N/A

36. Industrial Relations - Correspond with Unions	**Industrial Relations - Correspond with Unions** Authority to correspond with Unions on industrial and staff issues.	N/A
37. Industrial Relations - Correspond with Union on Public Interest Disclosures (PIDs)	**Industrial Relations - Correspond with Union on Public Interest Disclosures (PIDs)** Authority to correspond with Unions on Protected Disclosures investigations.	N/A
38. Industrial Relations - Negotiate with Unions	**Industrial Relations - Negotiate with Unions** Authority to negotiate with Unions in consultation with Executive Manager People Culture and Learning.	N/A
39. Leave without pay - For up to 2 weeks	**Leave without pay - For up to 2 weeks** Authority to approve leave without pay for up to 2 weeks.	N/A
40. Leave without pay- For 2 weeks to 6 months	**Leave without pay- For 2 weeks to 6 months** Authority to approve leave without pay for 2 weeks - 6 months.	N/A
41. Leave without pay - In excess of 6 months	**Leave without pay - In excess of 6 months** Authority to aprove leave without pay in excess of 6 months. *** General Manager only**	N/A
42. Staff Establishment	**Staff Establishment** Authority to approve change to staff establishment:	N/A

	• Create new position • Convert position from full-time position to part-time • Convert part-time position to full-time • Change position title ***General Manager only**	
43. Recruitment - Manager level	**Recruitment - Manager level** Authority to approve recruitment to a staff establishment position up to and including Manager level.	N/A
44. Recruitment - Executive Managers or Director level	**Recruitment - Executive Managers or Director level** Authority to approve appointment to staff establishment position of Executive Manager or Director. *** General Manager only**	N/A
45. Recruitment - Casual agency employee	**Recruitment - Casual agency employee** Authority to engage casual agency employee.	N/A
46. Salaries and wages	**Salaries and wages** Authority to approve the payment of the salaries and wages of staff in accordance with the Annual Operational Plan & Budget.	N/A

47. Insurance - Insurance claims	**Insurance claims** Authority to determine insurance claims (including signing deeds of release) valued up to insurance deductible.	N/A
48. Legal - Contract variations	**Contract variations** Authority to approve variations to a contract where: (a) the total contract value of the accumulated variation/s to the contract does not exceed 10% of the total contract value; and (b) is within the positon holder's expenditure delegation; and (c) the adjusted total contract value does not exceed Council's approved budget Note: General Manager to approve any accumulated value of variation/s that exceeds the total contract value.	N/A
49. Legal - Contracts - execute over $50K	**Contracts – execute over $50,000** Authority to execute (sign) any contract, licence, lease or deed including exercising options, in circumstances where: (a) the total contract value, including options and GST and is more than $50,000; and (b) the Total Contract Value is within the position holder's expenditure delegation; and	N/A

	(c) the Total Contract Value is within an approved Council budget; and (d) the Council's seal is not required to be affixed; and (d) a resolution of the Council is not required to authorise the execution of the contract.	
50. Legal - Contracts - execute under $50K	**Contracts – execute under $50,000** Authority to execute (sign) any contract, licence, lease or deed including exercising options, in circumstances where: (a) the total contract value, including options and GST and is less than $50,000; and (b) the Total Contract Value is within the position holder's expenditure delegation; and (c) the Total Contract Value is within an approved Council budget; and (d) the Council's seal is not required to be affixed; and (d) a resolution of the Council is not required to authorise the execution of the contract.	N/A
51. Legal - Contracts - prepare	**Contracts – prepare** Authority to prepare legal and contractual documentation including contracts, contract options, licences, deeds and other legal documents in the position holder's area of responsibility.	N/A

52. Legal - Contracts - review	**Contracts - review** Authority to provide legal review of any contract, licence, lease or deed for execution, or other legal documents.	N/A
53. Legal - Legal advice	**Legal advice** Authority to seek legal advice on non-litigation matters from lawyers on Council's Legal Services Panel, in the position-holder's area of responsibility. Exception: When seeking legal advice on non-litigation matters from lawyers not on the Panel, approval must be given by the General Manager.	N/A
54. Legal - Legal representation	**Legal representation** Authority to legally represent Council in all jurisdictions including the local court, Land and Environment Court, District Court, Federal Court, Supreme Court, High Court, commissions and tribunals, in the position-holder's area of responsibility.	N/A
55. Legal - Litigation	**Litigation** Authority to instruct lawyers to initiate and/or defend the following matters on behalf of Council in the position holder's area of responsibility, in relation to the position holder's expenditure authority, in consultation with the General Manager: • planning matters • non-regulatory matters	N/A

56. Legal - Settle Claims	**Settle claims** Authority to settle claims and legal matters in the position holder's area of responsibility, in consultation with the General Manager.	N/A
57. Legal - Subpoena	**Subpoena** Authority to provide Council documents and records requested under subpoena.	N/A
58. Correspondence: non - standard	**Correspondence of a non- standard nature** Authorise correspondence of a non-standard nature, such as interpretation of Council policy and responses to public complaints, in accordance with other delegations granted to the position, with exception of correspondence to Members of Parliament or those for the direct attention of heads of government departments and agencies.	N/A
59. Correspondence - standard	**Correspondence of a standard nature** Authorise correspondence of a standard nature, such as replies to routine enquiries from the public, in accordance with other delegations granted to the position, with exception of correspondence to Members of Parliament or those for the direct attention of heads of government departments and agencies.	N/A

Pursuant to a Resolution of the Council at its Extraordinary meeting of Tuesday, 3 July 2018.

_____

John Wakefield

Mayor / Councillor

Date: Tuesday, 3 July 2018

Review date:

General Manager's acknowledgement of Delegations of Authority

I , currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

_____

General Manager of Waverley Council

Date:

© 2018 - Local Government Legal