



Council Policy Manual

DELEGATION OF AUTHORITY TO MAYOR, DEPUTY MAYOR AND GENERAL MANAGER

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Related Documents	
Relevant delegations	
Responsible officer	



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The relevant provisions of the Local Government Act 1993 are set out below:

Section 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 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, Local Government Act 1993 No 30
 - 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,
 - 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,
 - q. a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - r. a decision under section 234 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,



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- 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.
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.

Section 378 Delegations by the general manager

1. The general manager may delegate any of the functions of the general manager, other than this power of delegation.
2. The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
3. Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2).

Section 379 Delegation of regulatory functions

1. A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:
 - a. a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or
 - b. an employee of the council, or
 - c. a county council.
2. A regulatory function of a county council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:
 - a. a committee of the county council of which all the members are members of the county council or of which all the members are either members of the county council or employees of the county council, or
 - b. an employee of the county council, or
 - c. a council.
3. However, if:
 - a. a regulatory function is delegated to a county council, the function may be delegated to the general manager and by the general manager to an employee of the county council, or
 - b. a regulatory function is delegated to a council, the function may be delegated to the general manager and by the general manager to an employee of the council.



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DELEGATION OF AUTHORITY TO MAYOR

1. ROLE OF THE MAYOR

Section 226 of the Local Government Act 1993, defines the role of the Mayor, and is:

- i. to exercise, in cases of necessity, the policy making functions of the Governing Body of the Council between meetings of the Council;
- ii. to exercise such other functions of the Council as the Council determines;
- iii. to preside at meetings of the Council; and
- iv. to carry out the civic and ceremonial functions of the mayoral office.

2. DELEGATIONS OF AUTHORITY TO THE MAYOR

In accordance with Section 377 of the Local Government Act 1993, Brewarrina Shire Council hereby delegates to the Mayor, Councillor Phillip O'Connor, the authority to exercise the additional powers, functions, duties and authorities specified as follows:

This instrument of delegation shall commence on the 28th day of April 2017, and remain in force until otherwise amended or revoked.

I hereby accept this Delegation of functions and the associated authority and accountability.

.....

COUNCILLOR PHILLIP O'CONNOR

MAYOR

Delegations to the Mayor

1. To carry out any function conferred on and duty imposed on the Mayor under any Act, regulation, or Council resolution.
2. To carry out the general supervision and direction of the General Manager including approving any application for leave and variation of the structure of the General Managers contract.
3. To affix the Common Seal of Council in conjunction with the General Manager or Deputy Mayor to any necessary document pursuant to or consequent upon any decision of Council.
4. To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council.
5. To approve attendance by elected members at conferences, seminars and congresses within budget provisions.



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6. To spend up to \$50,000 in times of emergency, subject to details of the work so authorised being referred to the next ordinary meeting of Council for its information.
7. To issue references under Council letterhead.
8. To promote the area of Council through representations, delegations, functions and personal approaches.
9. To invite any group or individual to address any committee or Council meeting.
10. To authorise release of Council plant and other resources to assist fire fighting and emergency work.
11. To provide civic receptions or similar recognition as deemed appropriate

End of Delegation

DELEGATION OF AUTHORITY TO DEPUTY MAYOR

SECTION 377 LOCAL GOVERNMENT ACT 1993

In accordance with Section 377 of the Local Government Act 1993, Brewarrina Shire Council hereby delegates to the Deputy Mayor, Councillor Mark Brown authority to exercise any function, power, duty and authority of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function, power, duty and authority, or if there is a casual vacancy in the Office of Mayor.

This instrument of delegation shall commence on the 28th day of April 2017, and remain in force until otherwise amended or revoked.

I hereby accept this Delegation of functions and the associated authority and accountability.

.....

COUNCILLOR MARK BROWN

DEPUTY MAYOR

Delegations to the Deputy Mayor

1. To carry out the statutory functions of the Mayor and exercise the delegations conferred upon the Mayor whenever the Mayor is absent from the Council area or is otherwise unable to carry out his/her duties.



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2. To affix the Common Seal of Council in conjunction with the Mayor or General Manager to any necessary document pursuant to or consequent upon any decision of Council.
3. To issue references under Council letterhead.

End of Delegation

DELEGATION OF AUTHORITY TO GENERAL MANAGER

SECTION 377 LOCAL GOVERNMENT ACT 1993

1. FUNCTIONS OF THE GENERAL MANAGER

In accordance with Section 335 of the Local Government Act, 1993, the General Manager shall be generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council. The General Manager shall have the following particular functions:-

- i. the day-to-day management of the Council;
 - ii. to exercise such of the functions of the Council as are delegated by the Council to the General Manager;
 - iii. to appoint staff in accordance with an organisation structure and resources approved by the Council. (The General Manager may appoint or dismiss Senior Staff only after consultation with the Council);
 - iv. to direct and dismiss Staff;
 - v. To write off amounts not exceeding \$1,000 where appropriate circumstances exist; and
 - vi. to implement the Council's equal employment opportunity management plan.
- #### 2. DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER

Brewarrina Shire Council in order to provide for the expedient exercise of its powers and duties and the efficient management of its business and responsibilities hereby delegates to in accordance with the provisions Section 377 of the Local Government, 1993, Jeffery Wasyl Sowiak, the employee of the Council in whom the Council has vested the function of GENERAL MANAGER, the authority to exercise the powers, functions duties and responsibilities arising from legislation specified in schedule 1 below, subject to the limitations in Schedule 2, below

Schedule 1

The powers, functions, duties and authorities of the Council as specified in:

- i. the Local Government Act and Regulations, and



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- ii. all other Acts and Regulations under which Council has powers, authorities, duties and functions

Schedule 2

1. Limitations arising from the provisions of the Local Government Act 1993 and all other legislation relevant to this delegation of authority.
2. All resolutions from time to time of Council directing the General Manager from time to time in the exercise of any powers, authorities, duties and functions.”

This instrument of delegation shall commence on the 28th day of April 2017, and remain in force until otherwise amended or revoked.

I hereby accept this Delegation of functions and the associated authority and accountability.

.....

Jeffery Wasyl Sowiak

General Manager

End of Delegation