

# KEMPSEY SHIRE COUNCIL

## INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Tuesday, 17 November 2020 the Kempsey Shire 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 Craig Milburn, 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)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

## Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
Transport for New South Wales	Delegation to Councils -	Monday, 31 October 2011

	Regulation of Traffic	
Fair Trading	Instrument of delegation under section 21 of the Plumbing and Drainage Act 2011	Thursday, 8 November 2012
NSW Department of Planning, Industry and Environment	Instrument of Delegation from Minister for Planning	Sunday, 14 October 2012

### Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
A01	To approve fundraising activities/functions of section 355 committees (resolution 2012.1045)	N/A
A02	To donate chosen artwork from the Council collection in conjunction with the Mayor towards charitable groups for fundraising events with any such donations being reported to Council (resolution 2013.225)	N/A
A03	To execute Deed of Agreements and Forms relating to Public Gates and Grids on public roads and have the Deed registered on the property title as required (resolution 2013.288)	N/A
F01	Approval to write off debts, including rates and charges, owing to Council up to \$5000	N/A

Pursuant to a Resolution of the Council at its meeting of Tuesday, 17 November 2020,

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Liz Campbell

Mayor / Councillor

Date: Tuesday, 17 November 2020

Review date: Sunday, 31 October 2021

## **General Manager's acknowledgement of Delegations of Authority**

I, Craig Milburn, 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.

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General Manager of Kempsey Shire Council

Date: Tuesday, 17 November 2020