

INSTRUMENT OF DELEGATION

CHIEF EXECUTIVE OFFICER'S INSTRUMENT OF DELEGATION

Pursuant to section 377 of the *Local Government Act 1993* and a resolution of the Council at its meeting held on 15 June 2021 at Kiama Municipal Council:

1. revokes all delegations granted to the General Manager prior to the date of this Instrument; and
2. delegates to the Chief Executive Officer, or to the person who acts in that position, all of the functions, powers, duties and authorities of the Council that it may lawfully delegate under the *Local Government Act 1993*, any other Act, regulation, instrument, rule or the like (including any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like):
 - a) other than those functions prescribed in section 377(1) of the *Local Government Act 1993* as functions which may not be delegated; and
subject to:
 - b) the Restrictions set out in Column 2 in respect of those functions listed in Column 1 of Schedule 1 of this Instrument; and
 - c) compliance with any applicable resolution of the Council.
3. Fixes the amount, pursuant to clause 213 of the *Local Government (General) Regulation 2021*, above which debts to the Council may be written off only by resolution of the Council to be \$2,500. A debt of or below that amount can be written off, by order, in writing by the Chief Executive Officer and details reported to the Audit Risk and Improvement Committee (ARIC) on a monthly basis.
4. Notwithstanding any other provision of this Instrument, Council delegate to the Chief Executive Officer the authority to accept all tenders, except tenders to provide services currently provided by members of staff, during the following Council recesses:
 - a) between the last meeting of the Council for the calendar year and the first meeting of the following year, with the agreement of the Mayor, or in the absence of the Mayor, with the Deputy Mayor; and
 - b) between the last meeting of the Council term and the day appointed for the next ordinary election; with the agreement of the Mayor, or in the absence of the Mayor, with the Deputy Mayor, and remaining compliant with section 393B(1)(a) of the *Local Government (General) Regulation 2021*; and
 - c) between the day appointed for the ordinary election and the first meeting of the new Council term, with the agreement of the Mayor.

Chief Executive Officer's Delegations: Schedule 1

	Column 1 Function*	Column 2 Restriction **
1	General use of Delegation	The Chief Executive Officer cannot use the delegation in relation to those functions specified in clauses (a) to (u) of section 377(1) of the <i>Local Government Act 1993</i> .
2	Granting of Leases on Council Property	The Chief Executive Officer cannot do so if: <ul style="list-style-type: none"> a) the term of the proposed lease or licence exceeds ten years; or b) the rental payable to Council for the term of the lease exceeds \$1,000,000 (including GST).
3	Acceptance of Tenders invited by Council	The Chief Executive Officer cannot do so if: <ul style="list-style-type: none"> a) the value of the tender exceeds \$500,000 (including GST); or b) the tender is to provide services currently provided by members of staff of the Council.
4	Acceptance of external grant funding	The approval to accept external grant funding offered to Council: <ul style="list-style-type: none"> a) of a value over \$1 million where the funding supports and existing Council program and no change in internal funds is required; and b) of any value where a change in internal funds is required.
5	Approval of donations	The approval of donations to community members or groups with a value above \$1,000.
6	Legal expense contributions	The approval of contributions above \$1,000 towards legal expenses sought by the Local Government NSW.
7	Determination of Development Applications <i>Council Resolution 23/261OC</i>	Exercise authority to determine development applications and modification applications up to a value of \$10,000,000, except for developments: <ul style="list-style-type: none"> a) where developments are for subdivisions of over fifty (50) allotments; and b) where there are greater than twelve (12) individual objections.

8	Approval and execution of Grants <i>Council Resolution 21/1350C</i>	Exercise authority to approve and execute grants where funding supports existing Council programs and proposed funding agreements do not require amendment to internally sourced funding. Any grant accepted under this delegation must be reported to Council for information. Where funding offered supports new programs that have not been identified in Council's Delivery Program and/or Operational Plan, or where the proposed funding agreement would require financial contribution from Council that is not already budgeted, Council approval is required.
9	Incur Council-related expenditure on a Council-provided Credit Card	Up to a limit of \$20,000 per month and a transaction limit of \$20,000.
10	Particular responsibilities of the Chief Executive Officer	Pursuant to clause 209 <i>Local Government (General) Regulation 2021</i> , the Chief Executive Officer must ensure that: a) the provisions of the Act, this Regulation and any other written law relating to councils' financial obligations or the keeping of accounts by councils are complied with; b) effective measures are taken to secure the effective, efficient and economical management of financial operations within each division of the council's administration; c) authorising and recording procedures are established to provide effective control over the council's assets, liabilities, revenue and expenditure and secure the accuracy of the accounting records, including a proper division of accounting responsibilities among the council's staff; and d) lines of authority and the responsibilities of members of the council's staff for related tasks are clearly defined.
11	Approval of employee Leave Without Pay	The approval of employee Leave Without Pay (including extended Maternity Leave) in excess of two (2) weeks.

Notes to assist with interpretation:

- * To avoid doubt, the list of functions in Column 1 is not to be read as the list of total functions delegated to the Chief Executive Officer pursuant to this Instrument. Column 1 merely lists those functions which are subject to restrictions as specified in Column 2.
- ** To avoid doubt, any monetary amount shown is inclusive of GST where applicable.

MAYOR'S INSTRUMENT OF DELEGATION

Pursuant to section 377 of the *Local Government Act 1993* and a resolution of the Council at its meeting held on 15 June 2021 at Kiama Municipal Council:

1. revokes all delegations granted to the Mayor prior to the date of this instrument; and
2. delegates to the Mayor, or to the Councillor who acts in that position, the functions, powers, duties and authorities of the Council specified in Schedule 1, subject to:
 - a) the Restrictions set out in Column 2 in respect of those functions listed in Column 1 of Schedule 1 of this instrument; and
 - b) compliance with any applicable resolution of the Council.

Mayor's Delegations: Schedule 1

	Column 1 Function	Column 2 Restriction ^
1	Day-to-day oversight of and liaison with the Chief Executive Officer	Within the terms and conditions of the Chief Executive Officer's contract and section 352 of the <i>Local Government Act 1993</i> .
2	Approve leave applications of the Chief Executive Officer	
3	Authorise expenditure incurred by the Chief Executive Officer on behalf of the Council	In accordance with delegated limits.
4	Incur Council-related expenditure on a Council-provided Credit Card	Up to a limit of \$5,000 per month and a transaction limit of \$5,000
5	Manage declarations by the Chief Executive Officer in Council's Gifts and Benefits and Conflicts of Interest Registers	
6	Authorise the holding of civic events, receptions and functions in consultation with the Chief Executive Officer	
7	Sign outgoing correspondence on behalf of the Office of the Mayor	Where consistent with resolutions and adopted policies of the Council.

Notes to assist with interpretation:

- ^ To avoid doubt, any monetary amount shown is inclusive of GST where applicable.