1. POLICY SUMMARY

1.1 The Delegations of Authority (Mayor & General Manager) Policy (the ‘Policy’) provides the Murray River Council (the ‘Council’) delegation of authority comprising delegations of the Council (elected council) to the Mayor and the General Manager.

2. POLICY OBJECTIVES

2.1 The objectives of this Policy are to:

   ▶ provide delegations that meet legislative requirements;
   ▶ clearly delineate lines of delegation; and
   ▶ provide financial delegations to support delivery of Council business.

3. BACKGROUND

3.1 In accordance with section 377 of the Local Government Act 1993 (the ‘Act’), the Council, by resolution at its meetings held on 20 September 2016, delegated its powers, authorities, duties and functions as set out in Part 1: Delegations of Authority to the Mayor and the General Manager per Murray River Council Delegations of Authority Policy – POL102, Version 3.

3.2 All Council delegations contained in this Policy are subject to the following limitations:

   (a) The delegated power, authority, duty or function being performed in accordance with Council Policy; and
   (b) The delegated power, authority, duty or function being performed in accordance with the law.

3.3 The delegations of Council will remain in force until they are revoked or amended by a resolution of the Council.

3.4 The amendments to this Policy are the result of legal advice from Council’s lawyers, Kell Moore Solicitors, on Version 3 of the Murray River Council Delegations of Authority Policy.

3.5 The Council notes that the General Manager may delegate his or her powers, authorities, duties and functions at his or her discretion.
4. POLICY STATEMENT

4.1 This Policy provides a Delegation of Authority to support the efficient and effective operation of the Council business by setting out the delegation of the Mayor in relation to the General Manager, as detailed in Section 6 of this Policy.

4.2 This Policy also details the Delegation of Authority to the General Manager in the delivery of the operations of Council. The General Manager may delegate his or her authority to staff in accordance with Council Policy.

5. LEGISLATION, TERMINOLOGY AND REFERENCES

5.1 Section 377 of the Local Government Act 1993 provides:

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,
(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,
(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 Departmental Chief Executive except as provided by the instrument of delegation to the council.

5.2 The following definitions apply throughout this Policy:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>Act</td>
<td>The Local Government Act 1993 (NSW)</td>
</tr>
<tr>
<td>Authority</td>
<td>Any government (state or federal), government department, statutory corporation or other body having power to legally direct the Council or its officers</td>
</tr>
<tr>
<td>Chief Executive</td>
<td>The Chief Executive of the Office of Local Government or the Chief Executive of any other government department which has the carriage of the administrative functions of the Act and the portfolio of Local Government</td>
</tr>
<tr>
<td>Law</td>
<td>The requirements of all statutes, rules, ordinances, codes, regulations, proclamations, by-laws, environmental planning instruments, directions and consents of any Authority</td>
</tr>
<tr>
<td>Minister</td>
<td>The Minister for Local Government or any future title given to a ministerial position of a future New South Wales State Government portfolio that includes governance of Local Government</td>
</tr>
<tr>
<td>Office</td>
<td>The Office of Local Government, Department of Premier &amp; Cabinet, or any future department (or combined department) carrying out the functions of the present Office of Local Government for the State of New South Wales.</td>
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</tbody>
</table>

6. IMPLEMENTATION AND DELEGATION

6.1 Delegation to the Mayor
The Mayor, and in the absence of the Mayor, the Deputy Mayor for the period of the Mayor’s absence, is delegated authority under section 377 of the Act to exercise and/or perform on behalf of the Council the following powers, authorities, duties and functions:

1. Powers or Duties under Local Government Act 1993
   To give effect to the law, Council’s adopted policies, resolutions and directions, provided that such delegation is not sub-delegated without the specific approval of the Council or as prescribed under the Local Government Act 1993.

2. Powers or Duties under other Legislation
   If, under any other Act other than the Local Government Act 1993, a function is conferred or imposed on the Mayor of Council, the function is taken to be conferred or imposed on the Council and the Mayor of the Council has delegated authority to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that other Act.
3. **Preside at Meetings and Functions of Council**
   To preside at all meetings of the Council, Committees, Community Committees and Public Meetings convened by the Council at which the Mayor is present, unless the Council otherwise appoints another Councillor or person to perform this function.

4. **Represent Council – Government and Other Forums**
   To represent the Council, in conjunction with the General Manager, in deputations to government, inquires and other forums where it is appropriate that the Mayor should present the Council's position.

5. **Sign and Execute Documents**
   To sign correspondence and other documents, subject to the limitation that execution of any documents under Council Seal must be carried out in compliance with Regulation 400 of the Local Government (General) Regulations 2005.

6. **Media Releases**
   To make Media Statements and issue Press Releases in respect of Council Resolutions/Recommendations and decisions. The Mayor may delegate this function to the Deputy Mayor, a specific Councillor or the General Manager as he or she may determine.

7. **Leave**
   To approve applications of leave of absence of the General Manager for three or more consecutive business days.

6.2 **Delegation to the General Manager**
   The General Manager, and in the absence of the General Manager their nominee as the Acting General Manager for the period of the General Manager’s absence, is delegated authority under section 377 of the Act, to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions of the Council, subject to the following:

1. The General Manager is restrained from carrying out any of those functions of Council excluded from delegation by operation of section 377(1) of the Act;
2. The General Manager is entitled to carry out any functions delegated to the Council by the Departmental Chief Executive or the Minister, subject to any express limitations imposed by the Departmental Chief Executive or Minister;
3. The delegation to the General Manager is limited in accordance with Council’s adopted policies in force from time to time.

If a function is conferred or imposed on an employee of the Council under any other legislation, the function is deemed to be conferred or imposed on the Council and is delegated to the General Manager.

7. **EVALUATION AND REVIEW**

7.1 It is the responsibility of the General Manager to monitor the adequacy of this Policy and recommend appropriate changes.

7.2 This Policy will be formally reviewed every four (4) years (normally following a Council election) or as needed, whichever comes first.
8. ASSOCIATED DOCUMENTS

- Murray River Council Delegations of Authority (General Manager to Staff) Policy (POL107)

DOCUMENT CONTROL

<table>
<thead>
<tr>
<th>Version No.</th>
<th>Details</th>
<th>Date</th>
<th>Resolution No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Initial Issue – On 12 May 2016, the Premier of NSW, The Hon Mike Baird MP, made the Local Government (Council Amalgamations) Proclamation 2016 under the Local Government Act 1993, whereby Murray Shire Council and Wakool Shire Council were amalgamated to constitute the new area to be known as Murray River Council, effective immediately.</td>
<td>23 May 2016</td>
<td>080516</td>
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<tr>
<td>2</td>
<td>Review – addition of further appointed delegations to staff members.</td>
<td>26 May 2016</td>
<td>380516</td>
</tr>
<tr>
<td>3</td>
<td>Review – removal of reference to DTS &amp; MTP (no longer staff in these positions and not included in interim organisational structure at this time), addition of further appointed delegations to staff members (mainly planning department) &amp; update of Glossary of Terms in reference to Office of Local Government.</td>
<td>20 Sept 2016</td>
<td>040916</td>
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<tr>
<td>4</td>
<td>Review – stand-alone policy of delegations of authority by the Council to the Mayor and General Manager (removal of Part 2 - Delegation to Staff by the General Manager to a stand-alone policy (Delegations of Authority (General Manager to Staff) Policy POL107)) &amp; legal advice received from Council’s lawyers dated 6/10/16.</td>
<td>16 Jan 2018</td>
<td>140118</td>
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Council reserves the right to review, vary or revoke this policy at any time
This Policy is scheduled for review after September 2020