



Hawkesbury City Council

supplementary ordinary meeting business paper

date of meeting: 09 October 2007
location: council chambers
time: 5:00 p.m.

ORDINARY MEETING - Supplementary

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SUPPLEMENTARY REPORTS

Item: 209 GM - Delegations of Authority to General Manager Under Section 377 of the Local Government Act, 1993 - (79351)

REPORT:

Council's general power to delegate its functions is contained within section 377 of the Local Government Act 1993 and, for the Council's information, this section is reproduced hereunder:

"(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:

- The appointment of the General Manager*
- the making of a rate*
- a determination under section 549 as to the levying of a rate*
- the making of a charge*
- the fixing of a fee*
- the borrowing of money*
- the voting of money for expenditure on its works, services or operations*
- 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)*
- the acceptance of tenders which are required under this Act to be invited by the council*
- the adoption of a management plan under section 406*
- the adoption of a financial statement included in an annual financial report*
- a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- the fixing of an amount or rate for the carrying out by the council of work on private land*
- 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*
- 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*
- the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*

- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
 - *the making of an application, or the giving of a notice, to the Governor or Minister*
 - *this power of delegation*
 - *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."*

As Council will appreciate, in order to ensure the effective operation of the organisation Council delegates authority to the General Manager for a range of purposes. The current delegations of authority extended by Council under section 377 of the Act to the General Manager are shown hereunder:

- "1. *Hawkesbury City Council in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities delegates under s 377 of the Local Government Act 1993 to the person specified by resolution of Council to have the functions of the General Manager the exercise of Council's powers functions duties and authorities contained in legislation and the functions of the Council as specified in*
- i) the Local Government Act and related Acts and*
 - ii) other Acts under which Council has powers authorities duties and functions*
2. *This delegation is subject to the following limitations*
- i) The provisions of the Local Government Act 1993 and any legislation relevant to the delegations*
 - ii) Council may by resolution direct the General Manager in the exercise of any function herein delegated*
 - iii) The General Manager shall exercise the functions herein delegated in accordance with and subject to*
 - a) the provisions of the Local Government Act 1993 as amended*
 - b) all and every policy of the Council adopted by Resolution and current at the time of exercise of the functions herein delegated*
3. *This delegation shall commence on the date of commencement of duties as General Manager of Hawkesbury City Council and shall remain in force until specifically altered or revoked in writing."*

In discussing this issue with Council's solicitors it has been suggested that for the purposes of clarity it would be expedient and appropriate for the Council reiterate the delegations of authority to the General Manager following my appointment to that position.

RECOMMENDATION:

That:

1. Hawkesbury City Council in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities delegates under s 377 of the Local Government Act 1993 to the General Manager the exercise of

Council's powers functions duties and authorities contained in legislation and the functions of the Council as specified in:

- i) the Local Government Act and related Acts, and;
- ii) other Acts under which Council has powers authorities duties and functions.

2. This delegation is subject to the following limitations:

- i) The provisions of the Local Government Act 1993 and any legislation relevant to the delegations;
- ii) Council may by resolution direct the General Manager in the exercise of any function herein delegated;
- iii) The General Manager shall exercise the functions herein delegated in accordance with and subject to:
 - a) the provisions of the Local Government Act 1993 as amended;
 - b) all and every policy of the Council adopted by Resolution and current at the time of exercise of the functions herein delegated.

3. This delegation shall commence on the date of commencement of duties as General Manager of Hawkesbury City Council and shall remain in force until specifically altered or revoked in writing.

ATTACHMENTS:

There are no supporting documents for this report.

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ordinary
meeting

end of
supplementary
business
paper

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