

**SUTHERLAND SHIRE COUNCIL**  
**INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER**

In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

**Chief Financial Officer**

and to those people who may act in that position from time to time, the following functions subject to the limitations stated in this Instrument of Delegation and any subsequent written direction made by the Chief Executive Officer; and

2. Revoke any previous Instrument of Delegation to that position.



**Manjeet Grewal**

**Chief Executive Officer**

**15 March 2024**

**DELEGATIONS**

**FS Finance Functions**

**FS01 Bank Guarantees**

Approve the acceptance and release of bank guarantees on behalf of Sutherland Shire Council.

**FS02 Cheque signing & electronic transfer of funds**

Sign cheques drawn from Council's bank account and authorise the electronic transfer of funds from Council's bank accounts.

**FS03 Determine Repayment Agreements**

Determine applications to pay by instalments amounts due to Council and vary repayment agreements.

**FS04 Investments**

Implement the Council's adopted Investment Policy and invest the Council's money in accordance with section 625 of the *Local Government Act 1993*.

### **FS05 Sign Tax Declarations**

Sign declarations, on behalf of Council for fringe benefits tax (FBT), Payroll Tax and GST Business Activities Statements on behalf of the Council.

### **FS07 Commence non-legal debt recovery**

Commence non-legal debt recovery action in accordance with the Council's adopted policy.

### **FS08 Appointed as Responsible Accounting Officer**

Appointed as the Responsible Accounting Officer of Council within the meaning of clause 196 of the *Local Government (General) Regulation 2021*.

### **FS09 Write off debts (other than rates and charges) up to \$25**

Write-off debts for unpaid fees due to maximum \$25 in any one instance

### **FS10 Bankruptcy and Winding Up**

Represent council and act on its behalf relating to bankruptcy or for the relief of insolvent debtors, under section 688 of the *Local Government Act 1993*

### **FS13 Waive or Amend Fees and Charges up to \$2,000**

The position holder is delegated authority to waive or amend or determine various fees as detailed in Council's Schedule of Fees and Charges in accordance with Section 610E of the *Local Government Act 1993*.

### **FS14 Issue Tax Invoices**

Issue an official tax invoice or Recipient Created Tax Invoice (RCTI) on behalf of Sutherland Shire Council.

### **FS15 Issue Tax Receipts**

Issue an official tax receipt on behalf of Sutherland Shire Council.

### **FS16 Staff Novated Lease Agreements**

Execute employee novated lease agreements for the salary packaging of motor vehicles as Council's employer representative

### **FS17 Council Timesheets Approval**

Approve and certify staff timesheets within the position holder's area of responsibility.

### **FS18 Rates - Categorisation**

Perform the following functions of Rate Categorisation;

- a) categorise land under s514 of the *Local Government Act 1993*.
- b) issue notices of declaration of the categorisation of land for rating purposes and date of effect under sections 520 and 521 of the *Local Government Act 1993*.
- c) review, declare and notify category and date of effect following appeal in relation to s525 of the *Local Government Act 1993*, and
- d) adjust rates and charges following a change in the category of land in accordance with sections 527 and 531A of the *Local Government Act 1993*.

### **FS19 Rates - Exemptions**

Assess land under s555 and s556 of the *Local Government Act 1993* and to:

- a) decide whether land is exempt from rates
- b) determine the date of effect of such decision and adjust rates accordingly.

### **FS20 Rates - Notice requiring payment**

Issue a notice under section 569 of the *Local Government Act 1993* requiring the payment of unpaid rates and charges.

### **FS21 Rates - Postponement of rates**

Perform the following functions of postponement of rates:

- a) refer an application for the postponement of rates to the Valuer-General in accordance with section 586 of the *Local Government Act 1993*,
- b) postpone rates in accordance with section 591 of the *Local Government Act 1993*,
- c) adjust rates in accordance with section 594 of the *Local Government Act 1993*, and
- d) write off rates and interest in accordance with section 595 of the *Local Government Act 1993*.

### **FS22 Rates - Section 603 Certificates**

Issue certificates as to rates and charges under section 603 of the *Local Government Act 1993*.

### **FS23 Make Applications for Valuation of Land under Valuation of Land Act 1916**

Make applications for the valuation of land within the Sutherland Shire Council local government area, under section 14A of the *Valuation of Land Act 1916*.

### **FS24 Make Objections for Valuation of Land under the Valuation of Land Act 1916**

Make an objection to a valuation of the Valuer-General, under section 31 of the *Valuation of Land Act 1916*.

### **FS25 Refunds – Overpayments and adjustments**

Approve or refuse refunds in accordance with applicable legislation and Council policy for over payment or adjustment of monies, subject to appropriate evidence of the over payment.

### **FS26 Sell plant, equipment, goods and the like <\$150,000**

Authorise the disposal of assets by sale, of written down book value less than \$150,000 (including GST), other than land or assets of potentially historical or cultural significance and, in any case, not by donation, in accordance with the Infrastructure, Property, Plant and Equipment Asset Accounting Determination and Guideline, and sign documents arising therefrom.

### **FS27 Refunds – Approve Refund of Security Bonds and Deposits**

Draw on, release or authorise the refund of security fund deposits provided that the purpose for which the deposit is held has been satisfied or the deposit is no longer required.

### **FS32 Hold Corporate Credit Card \$5000**

Hold a Corporate Credit Card for the supply, purchase, or hire of goods, works, services, plant, equipment in accordance with the Credit Card Determination and Procurement Policy and Guidelines to the value of \$5000

### **FS36 Approve Issue of Corporate Credit Card**

Approve the issue of a Corporate Credit Card for the supply, purchase, or hire of goods, works, services, plant, equipment in accordance with the Credit Card Determination and Procurement Policy and Guidelines to the value authorised by the Chief Financial Officer

### **FS37 Issue Pensioner Rebate and abandon associated rates and charges**

Issue a Pensioner Rebate and abandon associated rates and charges in accordance with Councils Pensioner Rates Policy and s575 of the *Local Government Act 1993*.

### **CG Compliance - General Functions**

#### **CG14 Appointed as Authorised Person for Entry on to land and other powers under Local Government Act 1993 Chapter 8 Part 2 (Certificate of Authority Required)**

Appointed as and Authorised Person to exercise the functions conferred on Council (including the 'person authorised' referred to in Part 2 of Chapter 8) under the *Local Government Act 1993* and *Regulation*. This includes (but is not limited to) entering and inspecting premises, giving directions, applying for search warrants, requiring answers to questions and serving penalty notices.

## **CN Contract Functions**

### **CN02 Grants- Execute agreements, contracts and other documentation**

Sign grant agreements and associated documentation and the acceptance of funding, on behalf of Council, provided any contribution by Council is budgeted for.

### **CN06 Execute contracts up to the value of \$100,000**

Execute contracts, on behalf of Council, in accordance with the Delegations of Authority Determination and Guidelines, provided the expenditure does not exceed \$100,000 over the life of the contract.

### **CN09 Terminate contracts up to the value of \$100,000 (to align with existing execute delegation function provision)**

Terminate contracts, on behalf of Council, in accordance with the Delegations of Authority Determination and Guidelines, provided the contract value does not exceed \$100,000 (to align with existing execute delegation function provision)

### **CN12 Grants - Prepare and submit grant funding applications**

Prepare and submit grant funding applications to seek additional resources through grant opportunities that align to Council's strategic direction.

## **LE Legislative Functions**

### **LE14 Appointed as a Manager (People Leader) under the Public Interest Disclosure Act 2022**

Appointed as a Manager (People Leader) under the requirements of the *Public Interest Disclosure Act 2022* to receive reports of voluntary public interest disclosures from directly or indirectly supervised employees only and pass voluntary public interest disclosures reports on to a Disclosure Officer.

## **PC People and Culture Functions**

### **PC05 Determine Overtime and Time in Lieu Requests**

Determine requests for the accrual of overtime and time in lieu

### **PC08 Authorise Disciplinary Actions; verbal warnings and performance improvement plans**

Issue verbal warnings and Performance Improvement Plans.

### **PC26 Authorise Temporary Unfit Stand Down**

Temporarily stand down an employee in accordance with Council's Alcohol & Other Drugs Determination and Guidelines, Code of Conduct for Council Staff, Work Health and Safety Policy and the Local Government (State) Award.

## **PR Procurement Functions**

### **PR07 Authorise Expenditure \$100,000**

Authorise expenditure for the procurement of goods, works and services, in accordance with the Procurement Policy and Guidelines up to the value of \$100,000 including;

- Council Stores issued goods and materials,
- prescribed contracts (within the meaning of clause 163 of the *Local Government (General) Regulation 2021*),
- endorsed Preferred Supplier Agreement, or
- where Council has resolved to do so.

## **CF Correspondence Functions**

### **CF02 Authorise Correspondence of a Non-standard Nature**

Authorise correspondence of a non-standard nature such as interpretation of Council policy or position in accordance with other delegations granted to the position or in accordance with the responsibilities of the position

### **CF03 Respond with Council's Position**

Correspondence that is making a submission in relation to draft legislation or government position, on behalf of Council, in accordance with the responsibilities of the position

## **LG Legal Functions**

### **LG06 Instruct External Lawyer - Administrative Law Matters**

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to administrative law matters brought against Council.

### **LG07 Instruct External Lawyer - Commercial and Property Matters**

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to commercial and property matters brought against Council.

### **LG16 Instruct External Lawyer and/or Mercantile Agent – Debt Recovery**

Instruct external lawyers and/or mercantile agents to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to debt recovery matters.

## **INTERPRETATION**

Where appearing in this Instrument of Delegation:

- Headings are for convenience only and do not affect interpretation.
- Monetary amounts are inclusive of GST, unless the contrary is expressly stated.
- *Law* includes an Act, regulation, instrument and the like and any amendment, re-enactment, consolidation or replacement of that law by a similar provision in that law or any other law.
- A reference to a policy means a policy adopted by resolution of the Council and includes an amendment or replacement of that policy where adopted by resolution of the Council.
- A reference to “written objections” or “public submission” refers to objections or submissions received from the general public and not from a Commonwealth or State Government department, authority, agency and the like.
- A petition, objection or submission that is signed by or contains the names of more than one person is taken to be one objection or submission as the case may be.
- A reference to a Commonwealth or State Government department, authority, agency and the like includes any successor to it.
- A reference to a concurrence includes any later or amended concurrence.
- A reference to a function includes a reference to a power, authority, duty and the like and to the exercise or performance of such.
- Where the exercise or performance of a function requires other functions to be exercised or performed or requires the delegate to do other things to exercise or perform that function, the delegate is authorised to exercise or perform those other functions and to do those other things.
- A word which denotes the singular denotes the plural and vice versa.
- An authority to ‘approve’ includes approve with conditions or to refuse.