



**Liverpool  
Plains**  
Shire Council

# **BUSINESS PAPER**

## **Extraordinary Council Meeting Wednesday, 5 January 2022**

**I hereby give notice that an Extraordinary Meeting of Council will be held on:**

**Date: Wednesday, 5 January 2022**

**Time: 1.30pm**

**Location: Council Chambers**

**Joanne Sangster  
General Manager**





**Order Of Business**




<b>1</b>	<b>Acknowledgement of Country and Council Prayer.....</b>	<b>5</b>
<b>2</b>	<b>Apologies and Applications for a Leave of Absence by Councillors.....</b>	<b>5</b>
<b>3</b>	<b>Disclosures of Interests.....</b>	<b>5</b>
<b>4</b>	<b>Reports to Council .....</b>	<b>6</b>
4.1	Election of Mayor .....	6
4.2	Election of Deputy Mayor .....	14
4.3	Delegations to Mayor and Deputy Mayor.....	19
4.4	Delegations to General Manager .....	30
4.5	Countback for Casual Vacancy in Office of Councillor .....	130
4.6	Adoption of Schedule of Ordinary Meetings 2022 .....	133



- 1      ACKNOWLEDGEMENT OF COUNTRY AND COUNCIL PRAYER**
- 2      APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**
- 3      DISCLOSURES OF INTERESTS**

## 4 REPORTS TO COUNCIL

### 4.1 ELECTION OF MAYOR

<b>IP&amp;R Linkage:</b>	<b>Goal:</b> 5 Our local government is efficient, sustainable and fit for the future
	<b>Strategy:</b> 3 Deliver good governance and maintain a transparent decision-making framework.
<b>Author:</b>	Debra Howes, Governance and Corporate Performance Officer
<b>Authoriser:</b>	Cian Middleton, Director Corporate and Community Services
<b>File Number:</b>	G2021/0383
<b>Annexures:</b>	A. Local Government Act 1993 (Extract) - Section 226 - Role of Mayor <a href="#">↓</a>  B. Local Government (General) Regulation 2021 (Extract) - Schedule 7 - Election of Mayor by Councillors <a href="#">↓</a>  C. Nomination Form for Mayor <a href="#">↓</a> 

### RECOMMENDATION

That Council:

1. If there is only one valid nomination received for Mayor, authorise the Returning Officer to declare the nominee to be duly elected Mayor.
2. If there is more than one valid nomination received for Mayor:
  - (a) Determine which of the following three (3) methods of voting is to be used to elect the Mayor:
    - i. Open voting (by show of hands);
    - ii. Ordinary ballot; or
    - iii. Preferential ballot.
  - (b) Hold an election for the office of Mayor under the supervision of the Returning Officer; and
  - (c) Advise the Chief Executive of the Office of Local Government and Chief Executive of Local Government NSW of the result of the election.

### BACKGROUND

Section 225 of the *Local Government Act 1993* (“the Act”) provides that Liverpool Plains Shire Council (“Council”) must have a Mayor. The role of the Mayor is detailed at section 226 of the Act, which is reproduced at *Annexure A*.

The provisions for the election of the Mayor are prescribed by the Act and accompanying *Local Government (General) Regulation 2021* (“the Regulation”). The procedures to be followed in electing the Mayor are set out at section 290 of the Act (**timing**), clause 394 of the Regulation (**method**) and Schedule 7 of the Regulation (**process**). Schedule 7 of the Regulation is appended at *Annexure B*.

## ISSUES AND COMMENTARY

Under section 230 of the Act, the Mayor normally holds the office of Mayor for two (2) years (unless a casual vacancy occurs). Section 290 of the Act requires Council to elect its Mayor within three (3) weeks after the Local Government ordinary election (if it is the first election after an ordinary election), or if it not the first election, during the month of September.

Due to the postponement of the 2021 Local Government ordinary election from September 2021 to December 2021, however; the Mayor elected at this Extraordinary Meeting will have a shorter term than the usual two (2) years, concluding in September 2023. The Mayor elected at the mid-term Mayoral election in September 2023 will then hold their office until the day of the next Local Government ordinary election in September 2024.

The election for Mayor must be conducted in accordance with Schedule 7 of the *Local Government (General) Regulation 2021*. The important provisions of the Regulation that relate to the election are:

### Returning Officer

The Regulation provides that the General Manager, or a person appointed by the General Manager, acts as the Returning Officer for the election of the Mayor.

### Nominations

To be nominated for election to the position of Mayor, a nomination form must be completed. The nomination form must be signed by two Councillors, one of whom may be the nominee, and must indicate the consent of the nominee.

The form must be delivered to the General Manager prior to the election of the Mayor. The approved nomination form is contained at *Annexure C*. To assist, nomination forms have been issued under separate cover to each Councillor for this purpose.

At the Extraordinary Meeting, the Returning Officer will call for final lodgement of nominations. After the final call for nominations, the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted.

### Election Process

If only one (1) nomination is received for a position, no election is required, and the Returning Officer is to declare the nominee the duly elected Mayor to the mid-term Mayoral election in September 2023.

If more than one (1) nomination is received, Council will be required to resolve the method of voting. Three (3) methods of voting are available under Schedule 7 of the Regulation:

1. Open voting (by show of hands);
2. Ordinary ballot; and
3. Preferential ballot.

The election of the Mayor is to proceed in accordance with Schedule 7 of the Regulation (refer *Annexure B*). If Council decides to use a method other than open voting, ballot papers will be provided to each Councillor for completion.

The Returning Officer is to declare the candidate with the majority vote the duly elected Mayor.

### Result

The result of the election (including the name of the candidate elected as Mayor and Deputy Mayor) is to be:

1. Declared to the Councillors at the Council meeting at which the election is held by the Returning Officer; and
2. Delivered or sent to the Chief Executive of the Office of Local Government and the Chief Executive Officer of Local Government NSW.

**LEGISLATIVE AND POLICY IMPLICATIONS**

As detailed above, Council is required under the Act to elect from its number a Mayor. The election of the Mayor must be carried out in accordance with the relevant provisions of the Act and Regulation, summarised above.

**FINANCIAL IMPLICATIONS**

There are no financial implications for Council associated with this report.

**RISK IMPLICATIONS**

Election of the Mayor, as recommended by this report, mitigates the risk of non-compliance with the Act.

**COMMUNITY CONSULTATION**

There are no community consultation requirements for Council associated with this report.

**CONCLUSION**

This report recommends that Council determine the method of voting to be used to elect the Mayor and subsequently conduct an election in accordance with Schedule 7 of the Regulation.



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## Local Government Act 1993 No 30

**Historical** version for 27 October 2020 to 30 November 2020 (accessed 30 November 2021 at 10:19)

[Chapter 9](#) > [Part 2](#) > [Division 2](#) > [Section 226](#)

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### 226 Role of mayor

The role of the mayor is as follows—

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.



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## Local Government (General) Regulation 2021

Current version for 12 November 2021 to date (accessed 30 November 2021 at 10:45)

[Schedule 7](#)

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### Schedule 7 Election of mayor by councillors

(Section 394)

#### Part 1 Preliminary

##### 1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

##### 2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

##### 3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this section—  
*ballot* has its normal meaning of secret ballot.  
*open voting* means voting by a show of hands or similar means.

#### Part 2 Ordinary ballot or open voting

##### 4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

##### 5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which



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Local Government (General) Regulation 2021 [NSW]

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votes are to be marked on the ballot-papers.

- (2) The formality of a ballot-paper under this Part must be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

**6 Count—2 candidates**

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

**7 Count—3 or more candidates**

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

**Part 3 Preferential ballot****8 Application of Part**

This Part applies if the election proceeds by preferential ballot.

**9 Ballot-papers and voting**

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

**10 Count**

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with

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Local Government (General) Regulation 2021 [NSW]

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second preferences on those ballot-papers.

- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this section, *absolute majority*, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

#### **11 Tied candidates**

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

### **Part 4 General**

#### **12 Choosing by lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

#### **13 Result**

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is—

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Secretary and the Chief Executive Officer of Local Government NSW.



## Nomination for Mayor – 2022-2023 Term

**\*Consistent with Schedule 7 of the *Local Government (General) Regulation 2021*, the nomination must be made in writing by two or more Councillors (one of whom may be the nominee).**

### Proposer 1

I nominate ..... for the position of Mayor of Liverpool Plains Shire Council for the ensuing 2022-2023 term, commencing 07 January 2022 and concluding September 2023.

Name: .....

Signature: .....

Date: .....

### Proposer 2

Name: .....

Signature: .....

Date: .....

### Nominee's Consent

I, ....., consent to nomination for the position of Mayor of Liverpool Plains Shire Council for the 2022/2023 Term.

Signature: .....



Date: .....

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## 4.2 ELECTION OF DEPUTY MAYOR

<b>IP&amp;R Linkage:</b>	<b>Goal:</b> 5 Our local government is efficient, sustainable and fit for the future
	<b>Strategy:</b> 3 Deliver good governance and maintain a transparent decision-making framework.
<b>Author:</b>	Debra Howes, Governance and Corporate Performance Officer
<b>Authoriser:</b>	Cian Middleton, Director Corporate and Community Services
<b>File Number:</b>	G2021/0384
<b>Annexures:</b>	A. Local Government Act 1993 (Extract) - Section 231 - Election of Deputy Mayor <a href="#">↓</a>  B. Nomination Form for Deputy Mayor <a href="#">↓</a> 

### RECOMMENDATION

That Council:

1. Resolve to elect a Deputy Mayor to hold office for the Mayoral term.
2. If there is only one valid nomination received for Deputy Mayor, authorise the Returning Officer to declare the nominee to be duly elected Deputy Mayor.
3. If there is more than one valid nomination received for Deputy Mayor:
  - (a) Determine which of the following three (3) methods of voting is to be used to elect the Mayor:
    - i. Open voting (by show of hands);
    - ii. Ordinary ballot; or
    - iii. Preferential ballot.
  - (b) Hold an election for the office of Deputy Mayor under the supervision of the Returning Officer; and
  - (c) Advise the Chief Executive of the Office of Local Government and Chief Executive of Local Government NSW of the result of the election

### BACKGROUND

Section 231 of the *Local Government Act 1993* ("the Act") provides that Liverpool Plains Shire Council ("Council") may have a Deputy Mayor.

The role of the Deputy Mayor, as defined at section 231 of the Act (refer *Annexure A*), is to exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

The procedures to be followed in electing the Deputy Mayor are the same as those used for the Mayor, as set out in clause 394 of the *Local Government (General) Regulation 2021* ("the Regulation") (**method**) and Schedule 7 of the Regulation (**process**).

**ISSUES AND COMMENTARY**

As detailed above, Council is not required to have a Deputy Mayor. However, Council has traditionally elected a Deputy Mayor and it is recommended that it continue to elect a Deputy Mayor to ensure orderly coverage of the Mayor's obligations and duties during any periods of absence by the Mayor.

Under section 231(2) of the Act, the Deputy Mayor may be elected for the Mayoral term or for a shorter term. Traditionally, Council has elected its Deputy Mayor for a two (2) year period, consistent with the Mayoral term. However, as noted in the previous report; due to the postponement of the 2021 Local Government ordinary election to 04 December 2021, the Mayor elected at this meeting will have a shorter term than the usual two (2) years.

The election for Deputy Mayor must be conducted in accordance with Schedule 7 of the Regulation. The important provisions of the Regulation that relate to the election are:

**Returning Officer**

Schedule 7 of the Regulation provides that the General Manager, or a person appointed by the General Manager, acts as the Returning Officer for the election of the Deputy Mayor.

**Nominations**

To be nominated for election to the position of Deputy Mayor, a nomination form must be completed. The nomination form must be signed by two Councillors, one of whom may be the nominee, and must indicate the consent of the nominee.

The form must be delivered to the General Manager prior to the election of the Deputy Mayor. The approved nomination form is contained at *Annexure B*. To assist, nomination forms have been issued under separate cover to each Councillor for this purpose.

At the Extraordinary Meeting, the Returning Officer will call for final lodgement of nominations at the meeting. After the final call for nominations, the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted.

**Election Process**

If only one (1) nomination is received for a position, no election is required for that position and the Returning Officer is to declare the nominee the duly elected Deputy Mayor to the mid-term Mayoral election in September 2023.

If more than one (1) nomination is received, Council will be required to resolve the method of voting. Three (3) methods of voting are available under Schedule 7 of the Regulation:

1. Open voting (by show of hands);
2. Ordinary ballot; and
3. Preferential ballot.

The election of the Deputy Mayor is to proceed in accordance with Schedule 7 of the Regulation, as detailed in, and appended to, the previous report. If Council decides to use a method other than open voting, ballot papers will be provided to each Councillor for completion.

The Returning Officer is to declare the candidate with the majority vote the duly elected Deputy Mayor.

**LEGISLATIVE AND POLICY IMPLICATIONS**

As detailed above, Council has the option under the Act to elect from its number a Deputy Mayor. Should it resolve to have a Deputy Mayor; the election of the Deputy Mayor must be carried out in accordance with the relevant provisions of the Act and Regulation, summarised above.

**FINANCIAL IMPLICATIONS**

There are no financial implications for Council associated with this report.

**RISK IMPLICATIONS**

Determination to have a Deputy Mayor (and subsequent election of the Deputy Mayor) ensures that the Mayor's obligations and duties are exercised during any periods of absence by the Mayor.

**COMMUNITY CONSULTATION**

There are no community consultation requirements for Council associated with this report.

**CONCLUSION**

This report recommends that Council resolve to elect a Deputy Mayor to serve for the same term as the Mayoral term and determine the method of voting to be used to elect the Deputy Mayor, and subsequently conduct an election in accordance with Schedule 7 of the Regulation.



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## Local Government Act 1993 No 30

**Historical** version for 27 October 2020 to 30 November 2020 (accessed 30 November 2021 at 10:14)

Chapter 9 > Part 2 > Division 2 > Section 231

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### 231 Deputy mayor

- (1) The councillors may elect a person from among their number to be the deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.



## Nomination for Deputy Mayor – 2022-2023 Term

**\*Consistent with Schedule 7 of the *Local Government (General) Regulation 2021*, the nomination must be made in writing by two or more Councillors (one of whom may be the nominee).**

### Proposer 1

I nominate ..... for the position of Deputy Mayor of Liverpool Plains Shire Council for the ensuing 2022-2023 term, commencing 07 January 2022 and concluding September 2023.

Name: .....

Signature: .....

Date: .....

### Proposer 2

Name: .....

Signature: .....

Date: .....

### Nominee's Consent

I, ....., consent to nomination for the position of Deputy Mayor of Liverpool Plains Shire Council for the 2022/2023 Term.

Signature: .....

Date: .....



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### 4.3 DELEGATIONS TO MAYOR AND DEPUTY MAYOR

<b>IP&amp;R Linkage:</b>	<b>Goal:</b> 5 Our local government is efficient, sustainable and fit for the future
	<b>Strategy:</b> 3 Deliver good governance and maintain a transparent decision-making framework.
<b>Author:</b>	Debra Howes, Governance and Corporate Performance Officer
<b>Authoriser:</b>	Cian Middleton, Director Corporate and Community Services
<b>File Number:</b>	G2021/0404
<b>Annexures:</b>	A. Instrument of Delegation to the Mayor - 05 January 2022  

### RECOMMENDATION

That Council:

1. Pursuant to section 377 of the *Local Government Act 1993*, delegate to the Mayor, and in the Mayor's absence, the Deputy Mayor; the powers, authorities, duties and functions of the Council listed in the Instrument of Delegation appended at *Annexure A*, subject to the limitations listed in the Instrument of Delegation.
2. Notes that the delegation of functions to the Mayor and Deputy Mayor are to be exercised in accordance with:
  - (a) The requirements of any applicable Act of Parliament; and
  - (b) Any resolution or policy, procedure or budget adopted from time to time by the Council.
3. Revoke all previous delegation of functions to the Mayor and Deputy Mayor.

### BACKGROUND

The *Local Government Act 1993* ("the Act"), along with other legislation relevant to local government, authorises Liverpool Plains Shire Council ("Council") to undertake a range of functions. In most cases, the relevant Acts grant those obligations and powers directly on the Council as a body.

The delegation of functions is essential to the effective and efficient governance and day-to-day operations of Council, and is facilitated via section 377 of the Act, which enables Council to delegate powers, authorities, duties and functions to the General Manager or any other person or body (not including another employee of the Council) any of its functions, other than:

- (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 to provide services currently provided by members of staff of 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.*

As with other local governments, Council delegates certain powers, authorities, duties and functions to its Mayor to be exercised and performed in addition to the statutory role and responsibilities of the Mayor, as detailed at section 336 of the Act:

- (a) *to be the leader of the Council and a leader in the local community,*
- (b) *to advance community cohesion and promote civic awareness,*
- (c) *to be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities,*
- (d) *to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council,*
- (e) *to preside at meetings of the Council,*
- (f) *to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with this Act,*
- (g) *to ensure the timely development and adoption of the strategic plans, programs and policies of the Council,*
- (h) *to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council,*
- (i) *to promote partnerships between the Council and key stakeholders,*
- (j) *to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,*

- (k) in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community,*
- (l) to carry out the civic and ceremonial functions of the Mayoral office,*
- (m) to represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*
- (n) in consultation with the Councillors, to lead performance appraisals of the General Manager,*
- (o) to exercise any other functions of the Council that the Council determines.*

## **ISSUES AND COMMENTARY**

Council last reviewed its delegations to the Mayor at its Ordinary Meeting held Wednesday, 30 September 2020 [res. 2020/185]. With the election of a new governing body following the 2021 Local Government ordinary elections, including the election of a new Mayor and Deputy Mayor; it is timely for Council to review the delegations conferred to the Mayor (and in the Mayor's absence, the Deputy Mayor).

The Instrument of Delegation ("the Instrument") appended at *Annexure A* lists all powers, authorities, duties and functions of the Council that are recommended to be delegated to the Mayor. The Instrument clearly specifies the individual powers, authorities, duties and functions to be delegated, as well as any limitations attached to each delegation.

Section 231(3) of the Act provides that the Deputy Mayor may act as the Mayor in the Mayor's absence. While so acting, the Deputy Mayor has the powers, authorities, duties and liabilities of the Mayor under the Act and, as well as any powers delegated to the Mayor by Council under section 377 of the Act. As such, no separate Instrument of Delegation to the Deputy Mayor is required.

## **LEGISLATIVE AND POLICY IMPLICATIONS**

As detailed above, section 226 of the Act outlines the statutory functions of Council's Mayor. Any additional functions of the Council which are to be exercised by the Mayor must be formally delegated via resolution of the Council, pursuant to section 377 of the Act.

## **FINANCIAL IMPLICATIONS**

There are no financial implications for Council associated with this report.

## **RISK IMPLICATIONS**

There are no risk implications for Council associated with this report.

## **COMMUNITY CONSULTATION**

There are no community consultation requirements for Council associated with this report.

## **CONCLUSION**

This report recommends that Council revoke all previous delegations to the Mayor, and delegate to the Mayor (and in the Mayor's absence, the Deputy Mayor) authority to exercise and perform the powers, authorities, duties and functions of the Council listed in the Instrument of Delegation contained at *Annexure A*.

# Instrument of Delegation to the Mayor

January 2022

[liverpoolplains.nsw.gov.au](http://liverpoolplains.nsw.gov.au)



**Liverpool  
Plains**  
Shire Council

### Delegation Sources

- Internal - Delegations from Council to Mayor

## Provisions for Mayor

05 January 2022

Internal - Delegations from Council to Mayor		
Provision	Power and Functions Delegated	Conditions and Limitations
Powers and Duties under the <i>Local Government Act 1993</i>	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 <i>Local Government Act 1993</i> .	
Powers and Duties under Other Legislation	If, under any other legislation other than the <i>Local Government Act 1993</i> , 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 legislation.	
Management of Council Meetings and Business	<ul style="list-style-type: none"> <li>(a) To preside at and chair all meetings of the Council and Public Meetings convened by the Council at which the Mayor is present, unless the Council otherwise appoints another person to perform this function.</li> <li>(b) To call and schedule meetings of Council Committees, briefings of Councillors and inspections by Councillors.</li> <li>(c) To request the General Manager to include items on the agendas for all meetings of Council and Council Committees, subject to the <i>Local Government Act 1993</i> and the <i>Local Government (General) Regulation 2021</i> and any other Act of Parliament, noting that if the Council has, by resolution, determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution.</li> <li>(d) Pursuant to the Code of Meeting Practice, exercise the power of expulsion from meetings of the Council.</li> </ul>	

Internal - Delegations from Council to Mayor		
Provision	Power and Functions Delegated	Conditions and Limitations
Negotiations on Behalf of Council	In conjunction with the General Manager, to participate in negotiations on behalf of the Council with third parties and in connection with the sale, purchase and lease of land and buildings, noting that no contractual agreement is to be entered into without a resolution of Council, unless the contractual agreement is authorised by a separate delegation.	
External Relations and Representations	<p>(a) To act as the official spokesperson of the elected Council.</p> <p>(b) To represent the Council, in conjunction with the General Manager, in deputations to Government, inquiries and other forums where it is appropriate that the Mayor should present the Council's position.</p> <p>(c) To determine:</p> <ol style="list-style-type: none"> <li>Who should represent Council on external organisations, committees and inter-agency working parties, where Council has not determined a representative; and</li> <li>Who should represent Council at civic, ceremonial and social functions, where the Mayor and Deputy Mayor are unable to attend.</li> </ol>	Should the Mayor determine that a staff member should represent Council at a civic, ceremonial or social function in lieu of a Councillor, where the Mayor and Deputy Mayor are unable to attend; the Mayor must first consult with the General Manager.
Sign Correspondence and Execute Documents	To sign correspondence and other documents in relation to the Office of Mayor.	<p>(a) Correspondence relating to the day-to-day management of Council are matters that remain with the General Manager to sign.</p> <p>(b) Execution of any documents under Council Seal must be carried out in compliance with Regulation 400 of the <i>Local Government (General) Regulation 2021</i>.</p>
Urgent Works	To authorise expenditure of up to \$20,000 on urgent work which has not been provided for in the Operational Plan.	<p>(a) Expenditure authorised must be reported to the next scheduled Council meeting.</p> <p>(b) Expenditure authorised must not exceed \$60,000 in any one year.</p>

Internal - Delegations from Council to Mayor		
Provision	Power and Functions Delegated	Conditions and Limitations
Claims Against Council	With the concurrence of the General Manager, approve the settlement of claims against Council, in excess of \$150,000 but not exceeding \$500,000 where the Mayor and General Manager are both satisfied that the Council's interests would be best served by avoiding the matter being determined by a court, other person or body.	
Public Statements and Media Releases	To make public statements on matters of official Council attitude or interpretation of Council policy and issue media releases in respect of Council resolutions and decisions, subject to prior consultation with the General Manager.	
Organisational Accountability	To review, approve and implement governance and accountability structures and processes for the performance of the organisation.	
Performance Management	<p>(a) To exercise the powers, authorities, duties and functions of Council under the General Manager's Contract of Employment, having regard to any functions of a Performance Review Panel or policy in effect.</p> <p>(b) To provide oversight of and monitor the General Manager in the exercise of the General Manager's powers, duties and functions and approve:</p> <ol style="list-style-type: none"> <li>i. the General Manager's timesheets; and</li> <li>ii. the General Manager's Credit Card statements.</li> </ol> <p>(c) To receive complaints about the General Manager and manage those complaints in accordance with the Code of Conduct, Procedures for the Administration of the Code of Conduct, and any other policy in effect.</p> <p>(d) To consider and approve or otherwise determine applications for leave submitted by the General Manager, provided that the leave period does not exceed six (6) weeks in duration, noting that leave applications by the General Manager in excess of six (6) weeks are to be referred to Council for determination.</p>	



Internal - Delegations from Council to Mayor		
Provision	Power and Functions Delegated	Conditions and Limitations
	<p>(e) To approve the attendance of the General Manager to any seminar, conference or course provided that it is within the adopted Budget. If it falls outside the existing adopted Budget, approval may only be granted in extenuating or urgent circumstances and with the concurrence of the Deputy Mayor.</p> <p>(f) To accept the resignation of the General Manager.</p> <p>(g) To approve the appointment of a Senior Staff employee to act as General Manager from time to time as may be required by the absence of the General Manager, if not already appointed by the Council under the <i>Local Government Act 1993</i>, noting that such appointment is to be referred to the next scheduled Council meeting for endorsement.</p> <p>(h) To consult with the General Manager on the appointment or dismissal of Senior Staff.</p>	
General Authority of Council During a Recess Period	<p>(a) Where there are grounds to support that a decision of the elected Council cannot be delayed during a Recess Period, to exercise the powers, authorities, duties and functions of the elected Council other than:</p> <ol style="list-style-type: none"> <li>those powers, authorities, duties and functions reserved by the elected Council in accordance with section 377 of the <i>Local Government Act 1993</i>;</li> <li>those powers, authorities, duties and functions delegated to the General Manager.</li> </ol> <p>(b) This authority is effective from midnight on the day of the last Council meeting prior to the Recess Period, up to the time of commencement of the first meeting at the conclusion of the Recess Period, subject to:</p> <ol style="list-style-type: none"> <li>such delegations are to be exercised following receipt by the Mayor of reports or other business papers in a form similar to the form of reports or other business papers normally submitted to Council or a Council Committee;</li> </ol>	

Internal - Delegations from Council to Mayor		
Provision	Power and Functions Delegated	Conditions and Limitations
	<ul style="list-style-type: none"> <li>ii. those reports or other business papers are to be circulated to Councillors at least three (3) business days prior to the exercise of delegations;</li> <li>iii. where written objections by three Councillors on any one item are received by the Mayor, stating relevant reasons for objection, the item is to be deferred until the next relevant meeting of Council; and</li> <li>iv. any such decisions made by the Mayor pursuant to such delegation is to be reported to the next meeting of Council.</li> </ul> <p>(c) This clause does not limit the Mayor's authority pursuant to section 226(d) of the <i>Local Government Act 1993</i> to exercise in the cases of necessity, the policy-making functions of the governing body of Council between Council meetings.</p>	
Certificates of Australian Citizenship	Presentation of Certificates of Australian Citizenship to applicants after applicants have pledged the Oath or Affirmation of Allegiance, as provided by the <i>Australian Citizenship Act 2007</i> .	

I acknowledge that I have received, read and accept the attached delegation of authority.

Name(print):

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Signature:


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Mayor

Date:

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**4.4 DELEGATIONS TO GENERAL MANAGER**

<b>IP&amp;R Linkage:</b>	<b>Goal:</b> 5 Our local government is efficient, sustainable and fit for the future
	<b>Strategy:</b> 3 Deliver good governance and maintain a transparent decision-making framework.
<b>Author:</b>	Debra Howes, Governance and Corporate Performance Officer
<b>Authoriser:</b>	Cian Middleton, Director Corporate and Community Services
<b>File Number:</b>	G2021/0405
<b>Annexures:</b>	A. Instrument of Delegation to General Manager - 05 January 2022 <a href="#">↓</a> 

**RECOMMENDATION**

That Council:

1. Pursuant to section 377 of the *Local Government Act 1993*, delegate to the General Manager, and in the General Manager's absence, the Senior Staff position holder acting in the position of General Manager; the powers, authorities, duties and functions of the Council listed in the Instrument of Delegation appended at *Annexure A*, subject to the limitations listed in the Instrument of Delegation.
2. Notes that the delegation of functions to the General Manager are to be exercised in accordance with:
  - (a) The requirements of the applicable Act of Parliament.
  - (b) Any resolution or policy, procedure or budget adopted from time to time by the Council.
3. Pursuant to section 351 of the *Local Government Act 1993*, authorise the Council's two Senior Staff positions, being the Director Corporate and Community Services and Director Infrastructure and Environmental Services, to act in the position of General Manager on a temporary basis, if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the General Manager's return to work or by other resolution of Council.
4. Revoke all previous delegation of functions to the General Manager.

**BACKGROUND**

The *Local Government Act 1993* ("the Act"), along with other legislation relevant to local government, authorises Liverpool Plains Shire Council ("Council") to undertake a range of functions. In most cases, the relevant Acts grant those obligations and powers directly on the Council as a body.

The delegation of functions is essential to the effective and efficient governance and day-to-day operations of Council, and is facilitated via section 377 of the Act, which enables Council to delegate powers, authorities, duties and functions to the General Manager or any other person or body (not including another employee of the Council) any of its functions, other than those specifically exempted at sections 377(a)-(u).

As with other local governments, Council delegates certain powers, authorities, duties and functions to its General Manager to be exercised and performed in addition to the statutory powers and authorities of the General Manager as detailed at section 335 of the Act:

- (a) *to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, and*
- (b) *to implement, without undue delay, lawful decisions of the council.*
- (c) *to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,*
- (d) *to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,*
- (e) *to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,*
- (f) *to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,*
- (g) *to exercise any of the functions of the council that are delegated by the council to the general manager,*
- (h) *to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,*
- (i) *to direct and dismiss staff,*
- (j) *to implement the council's workforce management strategy,*
- (k) *any other functions that are conferred or imposed on the general manager by or under this or any other Act.*

The delegation of functions under section 377 of the Act enables the General Manager to make most of the decisions and perform most of the functions required for Council to operate on a day-to-day basis. The General Manager in turn sub-delegates all or some of these delegations to relevant Council officers as they relate to their role.

## ISSUES AND COMMENTARY

Council last reviewed its delegations to the General Manager at its Ordinary Meeting held on Wednesday, 26 February 2020 [**res. 2020/15**]. Following the election of the Mayor and Deputy Mayor and subsequent review of the Mayor's delegations (refer to the previous report); it is timely for Council to also review the delegations conferred to the General Manager.

The Instrument of Delegation ("the Instrument") contained at *Annexure A* lists all powers, authorities, duties and functions of the Council that are recommended to be delegated to the General Manager. The Instrument clearly specifies the individual powers, authorities, duties and functions to be delegated, as well as any limitations attached to each delegation.

To ensure appropriate coverage of the General Manager's duties and functions during periods of absence by the incumbent; it is recommended that Council authorise the two Senior Staff positions within its organisation structure, being the Director Corporate and Community Services and Director Infrastructure and Environmental Services, authority to temporarily act in the position of General Manager, if and as required, and confer the same powers, authorities, duties and functions delegated to the General Manager to the incumbents when so acting.

**LEGISLATIVE AND POLICY IMPLICATIONS**

As detailed above, section 355 of the Act outlines the statutory functions of Council's General Manager. Any additional functions of the Council which are to be exercised by the General Manager must be formally delegated via resolution of the Council, pursuant to section 377 of the Act.

Section 377(a) of the Act provides that the appointment of Council's General Manager is a non-delegable function. Section 351 of the Act provides that Council may make a temporary appointment to the position of General Manager when the incumbent is absent, sick or suspended from duty.

**FINANCIAL IMPLICATIONS**

There are no financial implications for Council associated with this report.

**RISK IMPLICATIONS**

There are no risk implications for Council associated with this report.

**COMMUNITY CONSULTATION**

There are no community consultation requirements for Council associated with this report.

**CONCLUSION**

This report recommends that Council revoke all previous delegations to the General Manager and delegate to the General Manager authority to exercise and perform the powers, authorities, duties and functions of the Council listed in the Instrument of Delegation contained at *Annexure A*. Further, it is recommended that Council authorise the incumbents of the two Senior Staff positions within its organisation structure, being the Director Corporate and Community Services and Director Infrastructure and Environmental Services, authority to act in the position of General Manager, as required from time-to-time, and exercise the same powers, authorities, duties and functions delegated to the General Manager to the incumbents when so acting.

# Instrument of Delegation to the General Manager

January 2022

[liverpoolplains.nsw.gov.au](http://liverpoolplains.nsw.gov.au)



**Liverpool  
Plains**  
Shire Council

### Delegation Sources

- *Ageing and Disability Commissioner Act 2019*
- *Annual Holidays Act 1944*
- *Building and Development Certifiers Act 2018*
- *Building and Development Certifiers Regulation 2020*
- *Building Products (Safety) Act 2017*
- *Cemeteries and Crematoria Act 2013*
- *Companion Animals Act 1998*
- *Crown Land Management Act 2016*
- *Dams Safety Act 2015*
- *Disability Inclusion Act 2014*
- *Disability Inclusion Regulation 2014*
- *Fines Act 1996*
- *Fire and Emergency Services Levy Act 2017*
- *Fire Brigades Act 1989*
- *Firearms Regulation 2017*
- *Fisheries Management Act 1994*
- *Fluoridation of Public Water Supplies Act 1957*
- *Food Act 2003*
- *Food Regulation 2015*
- *Gas and Electricity (Consumer Safety) Act 2017*
- *Government Information (Public Access) Act 2009*
- *Graffiti Control Act 2008*
- *Greyhound Racing Act 2017*
- *Health Records and Information Privacy Act 2002*
- *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)*
- *Heritage Act 1977*
- *Impounding Act 1993*
- *Independent Commission Against Corruption Act 1988*
- *Industrial Relations Act 1996*
- *Land Acquisition (Just Terms Compensation) Act 1991*
- *Library Act 1939*
- *Library Regulation 2018*
- *Local Court Act 2007*
- *Local Government (General) Regulation 2005*



- *Local Government Act 1993*
- *Local Land Services Act 2013*
- *Motor Vehicle Sports (Public Safety) Regulation 2010*
- *National Parks and Wildlife Act 1974*
- *National Parks and Wildlife Regulation 2019*
- *Natural Resources Access Regulator Act 2017*
- *NSW Long Service Leave Act 1955*
- *NSW Road Transport Act 2013*
- *Ombudsman Act 1974*
- *Plumbing and Drainage Act 2011*
- *Plumbing and Drainage Regulation 2017*
- *Poisons and Therapeutic Goods Regulation 2008*
- *Privacy and Personal Information Protection Act 1998*
- *Protection of the Environment Operations (Clean Air) Regulation 2021*
- *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*
- *Protection of the Environment Operations Act 1997*
- *Public Health (Tobacco) Act 2008*
- *Public Health Act 2010*
- *Public Health Regulation 2012*
- *Public Interest Disclosures Act 1994*
- *Public Works and Procurement Act 1912*
- *Public Works and Procurement Regulation 2019*
- *Residential Tenancies Regulation 2019*
- *Road Transport (General) Act 2005*
- *Road Transport (General) Regulation 2021*
- *Road Transport (Safety and Traffic Management) Act 1999*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Rural Fires Regulation 2013*
- *Rural Lands Protection Act 1998*
- *Service NSW (One-Stop Access to Government Services) Act 2013*
- *Small Business Commissioner Act 2013*
- *State Emergency and Rescue Management Act 1989*
- *State Emergency Service Act 1989*
- *State Records Act 1998*

- *Strata Schemes (Freehold Development) Act 1973*
- *Strata Schemes (Leasehold Development) Act 1986*
- *Strata Schemes Development Act 2015*
- *Strata Schemes Development Regulation 2016*
- *Strata Schemes Management Act 2015*
- *Strata Schemes Management Regulation 2016*
- *Supreme Court Act 1970*
- *Swimming Pools Act 1992*
- *Valuation of Land Regulation 2012*
- *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017*
- *Water Management Act 2000*
- *Water Supply (Critical Needs) Act 2019*

## Provisions for General Manager

05 January 2022

<b><i>Ageing and Disability Commissioner Act 2019</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Ageing and Disability Commissioner Act 2019</i>	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 14	Exchange of information Providing relevant information to the Ageing and Disability Commissioner for the purposes of enabling or assisting the Commissioner's exercise of its functions.	
Section 14	Exchange of information Entering into an information sharing arrangement with the Ageing and Disability Commissioner and requesting and disclosing information with the Commissioner in accordance with that agreement.	This applies only to the extent that the information is reasonably necessary in the exercise of functions of the Commissioner, or the functions of the Council

<b><i>Annual Holidays Act 1944</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Annual Holidays Act 1944</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Building and Development Certifiers Act 2018</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Building and Development Certifiers Act 2018</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Building and Development Certifiers Regulation 2020</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Building and Development Certifiers Regulation 2020</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Various	Part 8 – Councils General delegation – all functions under Part 8 of the <i>Building and Development Certifiers Regulation 2020</i> . Exercise of all functions of a council under Part 8 of the <i>Building and Development Certifiers Regulation 2020</i> that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Building Products (Safety) Act 2017</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Building Products (Safety) Act 2017</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Various	Delegation of Secretarial functions Exercise of all of the functions of the Secretary delegated to Council.	A delegate of the Secretary (council) may sub-delegate a function if authorised in writing to do so by the Secretary.

<b><i>Building Products (Safety) Act 2017</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		If the Secretary delegates functions subject to conditions or limitations, any sub-delegation by the delegate is taken to be subject to the same conditions and limitations, and any further conditions or limitations imposed by the delegate.
Section 74	Appointment of Authorised Officers Appointing any person (including a class of persons) as an authorised officer.	The Council may only delegate this function if it has been delegated this function of the Secretary pursuant to section 89 of the Act.
Section 74	Appointment of Authorised Officers Revoking or amending an appointment of an authorised officer by instrument in writing	The Council may only delegate this function if it has been delegated this function of the Secretary pursuant to section 89 of the Act.

<b><i>Cemeteries and Crematoria Act 2013</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 15	Arrangement with the Cemeteries Agency Entering into arrangements with the cemeteries agency with respect to the exercise of functions of authorised officers under the Act.	
Section 27	Cemeteries and Crematoria Register Notifying the Cemeteries Agency of certain matters for inclusion on the Cemeteries and Crematoria Register.	
Section 32	Interment industry schemes Consulting with and making submissions to the Minister on the establishment of an interment industry scheme.	
Section 28	Codes of practice	

<b><i>Cemeteries and Crematoria Act 2013</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Consulting with the Cemeteries Agency on the preparation of a code of practice by the Agency for the purpose of providing guidance on any interment matter or other matter encompassed by the objects of the Act.	
Section 33	Improvement notices Complying with an improvement notice issued to the council by the Cemeteries Agency.	
Section 36	Short term orders Complying with a short term order issued to the council by the Cemeteries Agency.	
Section 41	Performance reporting Reporting to the Cemeteries Agency on the council's performance in managing the cemeteries and on such other matters as the Cemeteries Agency considers appropriate where required to do so by the Cemeteries Agency.	
Section 42	Keeping of records Keeping such records (including accounting records) as may be prescribed by the regulations or as may be required by the Cemeteries Agency by notice in writing to the council.	
Section 43	Reports Providing reports to the Cemeteries Agency in the form, at such times and concerning such matters or specifying such information, as may be required by the Cemeteries Agency by notice in writing to the council.	
Section 43	Reports and information Giving information or forwarding specified records to the Cemeteries Agency where required to do so by the Agency.	
Section 55	Re-use of interment sites and removal of memorials	



<b><i>Cemeteries and Crematoria Act 2013</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	<p>Where two years have passed since a renewable interment right for a site within a cemetery operated by the council has expired, re-using and/or removing a memorial at the site.</p> <p>Notes: Before re-using or removing a memorial on an interment site the council must:</p> <p>(a) seek the advice (if any) required by section 69 (2) of the Act of the heritage advisory committee for the cemetery concerned, and</p> <p>(b) give notice of the council's intention to re-use the interment site or remove the memorial in the Gazette and in a newspaper circulating throughout the State or in a manner approved in writing by the Minister, and</p> <p>(c) take reasonable steps to give notice of the council's intention to re-use the interment site or remove the memorial to the holder of the interment right and each person (if any) shown in the council's register as a secondary contact with respect to the holder listed in the register, and</p> <p>(d) in the case of the removal of a memorial—taking reasonable steps to give notice of the steps that the person can take to reclaim the memorial</p>	
Section 55	<p>Re-use of interment sites and removal of memorials</p> <p>Where the council re-uses an interment site, ensuring that the human remains of a deceased person are dealt with in accordance with any cultural or religious practice applicable in the part of the cemetery in which the interment site is located when the human remains were originally interred.</p>	
Section 66	<p>Orders for exhumations</p> <p>Issuing orders for exhumations.</p>	
Section 68	<p>Hours of burial</p> <p>Determining the times at which internments are to take place.</p>	

<b>Cemeteries and Crematoria Act 2013</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Schedule 4, clause 3	Conversion of cemeteries into public parks Giving notice of a resolution by the council to apply for the conversion of the whole or any part of land within a cemetery into a public park.	
Schedule 4, clause 5	Conversion of cemeteries into public parks Furnishing information to the Minister in relation to an application by the council for the whole or any part of the land within a cemetery to be declared a public park.	
Schedule 4, clause 9	Conversion of cemeteries into public parks Maintaining as a rest park land converted from a cemetery to a public park and for which the council is the sole Crown land manager.	
Schedule 4, clause 10	Conversion of cemeteries into public parks Depositing s burial register and/or supplementary burial register for land converted from a cemetery to a public park at the Mitchell Library, Sydney.	
Schedule 4, clause 10	Conversion of cemeteries into public parks Where the burial register for land converted from a cemetery to a public park is incomplete, compiling a supplementary burial register.	
Schedule 4, clause 10	Conversion of cemeteries into public parks Where a burial register for land converted from a cemetery to a public park does not exist, compiling a supplementary burial register for the cemetery and, where required, furnishing a certified copy to the Minister.	
Schedule 4, clause 10	Conversion of cemeteries into public parks Converting a cemetery declared to be a public park into a rest park and erecting a memorial indicating the sacred nature of the area and that the burial register may be inspected at the Mitchell Library, Sydney.	



<b><i>Cemeteries and Crematoria Act 2013</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Schedule 4, clause 11	Conversion of cemeteries into public parks Preserving and removing monuments on land converted from a cemetery to a public park.	
Schedule 4, clause 11	Conversion of cemeteries into public parks Advertising the council's intention to remove a monument on land converted from a cemetery to a public park.	
Schedule 4, clause 13	Conversion of cemeteries into public parks Causing any remains or ashes unearthed or disturbed to be reverently interred anywhere within the land converted from a cemetery to a public park.	
Schedule 4, clause 14	Conversion of cemeteries into public parks Maintaining any buildings that were in existence on land converted from a cemetery to a public park at the date of conversion.	
Schedule 4, clause 14	Conversion of cemeteries into public parks Agreeing with a groundsman for the use of a dwelling on land converted from a cemetery to a public park as a caretaker's residence.	
Schedule 4, clause 14	Conversion of cemeteries into public parks Using a dwelling on land converted from a cemetery to a public park, and the land within the curtilage of the dwelling and bounded by a substantial fence, for such other purposes and subject to such terms and conditions as the Minister may approve in writing.	

<b>Companion Animals Act 1998</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Companion Animals Act 1998</i> Exercising all of the functions of council under the Act that can legally be delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Crown Land Management Act 2016</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Crown Lands Management Act 2016</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Dams Safety Act 2015</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 49	Arrangements with public authorities Entering into an arrangement or agreement with Dams Safety NSW that the Council may act as agent of Dams Safety NSW for the purposes of the <i>Dams Safety Act 2015</i> .	
Section 49	Acting as an agent of Dams Safety NSW in accordance with any arrangement or agreement made pursuant to s.49 of the <i>Dams Safety Act 2015</i> .	Subject to such terms and conditions as may be agreed on by Dams Safety NSW and the public authority

<b>Disability Inclusion Act 2014</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Disability Inclusion Act 2014</i> Exercise of all functions of council under the Act that may be legally delegated. (Council has functions as a 'public authority' and an 'eligible entity' under the Act)	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 12	Disability Inclusion Action Plans Preparing a disability inclusion plan, including consulting with people with a disability or other relevant persons.	
Section 12	Disability Inclusion Action Plans Giving a copy of the council's disability inclusion plan to the Disability Council.	
Section 12	Disability Inclusion Action Plans Making the council's disability inclusion plan publicly available.	
Section 13	Disability Inclusion Action Plans Giving to the Minister a copy of the part of its annual report relating to the department's or council's report on the implementation of its Disability Inclusion Action Plan.	
Section 14	Disability Inclusion Action Plans Reviewing the council's disability inclusion plan including consulting with people with a disability.	
Section 17	Providing information to the Disability Council Providing information to the Disability Council where requested to do so.	
Section 26 and 29	Financial assistance for people with disabilities Entering into an agreement with the Secretary in relation to financial assistance provided to the council by the Secretary for the purpose of enabling people with a disability to obtain supports and services.	

<b><i>Disability Inclusion Act 2014</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 34	Financial assistance for people with disabilities Making submissions to the Secretary about a proposal by the Secretary to terminate financial assistance to the Council under the Act.	
Section 34	Financial assistance for people with disabilities Applying to the Civil and Administrative Tribunal for a review of a decision by the Secretary to terminate financial assistance to the council.	
Section 38	Providing information to the Secretary Providing information to the Secretary relating to: <ul style="list-style-type: none"> <li>(a) the provision of the financial assistance, or</li> <li>(b) obtaining or providing supports or services with the financial assistance, or</li> <li>(c) compliance with the person's agreement entered into under this Part in relation to the financial assistance,</li> </ul> where requested to do so.	

<b><i>Disability Inclusion Regulation 2014</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Disability Inclusion Regulation 2014</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Fines Act 1996</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Fines Act 1996</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Fire and Emergency Services Levy Act 2017</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Fire and Emergency Services Levy Act 2017</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Fire Brigades Act 1989</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Fire Brigades Act 1989</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Firearms Regulation 2017</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Firearms Regulation 2017</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Firearms Regulation 2017</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Regulation 92	Council to approve shooting range Approving a shooting range.	

<b>Fisheries Management Act 1994</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the Fisheries Management Act 1994 Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 176	Withdrawal of land from aquaculture lease Paying compensation for the acquisition of land covered by an aquaculture lease where the land is acquired at the request of the council.	
Section 193	Habitat protection plans Notifying the Minister of any function the council proposes to exercise that is inconsistent with a habitat protection plan.	
Section 195	Aquatic reserves Determining whether or not to grant consent to the declaration by the Minister of an area to be an aquatic reserve. (note: a council will only have this function where the land in question is public water land that is vested in the council)	
Section 202	Dredging and reclamation Appealing to the Land and Environment Court against a decision of the Minister concerning dredging or reclamation work.	

<b><i>Fisheries Management Act 1994</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 218	Construction of dams and weirs on waterways Notifying the Minister of a proposal by the council to construct, alter or modify a dam, weir or reservoir on a waterway (or to approve of any such construction, alteration or modification).	
Section 220ZT	Recovery and threat abatement plans Reporting on action taken by the council to implement the measures contained in a recovery or threat abatement plan in the annual report of council.	
Section 220ZV	Recovery and threat abatement plans Giving effect to any decisions or directions of the Premier made in relation to council's proposal to depart from the requirements in a recovery or threat abatement plan.	
Section 223	Acquisition of public water land by the Minister Determining whether or not to grant consent to the acquisition by the Minister of public water land vested in the council.	

<b><i>Fluoridation of Public Water Supplies Act 1957</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Fluoridation of Public Water Supplies Act 1957</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .



<b>Food Act 2003</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Food Act 2003</i> Exercising all of the functions of council that may be legally delegated under the Act. (Council has responsibilities under the <i>Food Act 2003</i> only where council is appointed as an "enforcement agency" by the NSW Food Authority: see sections 4 and 111.)	Council cannot delegate any of the functions listed in section 377(1) of the <i>Local Government Act 1993</i> . Council may only delegate to members of council staff where it has written authorisation to do so from the NSW Food Authority: section 109E.
Sections 114 and 115	Appointing authorised officers Appointing persons to be authorised officers for the purposes of the <i>Food Act 2003</i> .	

<b>Food Regulation 2015</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Food Regulation 2015</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Gas and Electricity (Consumer Safety) Act 2017</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Gas and Electricity (Consumer Safety) Act 2017</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate any of the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Various	Delegation of functions Exercising any functions of the Minister or the Secretary delegated to the Council pursuant to s.74 of the <i>Gas and</i>	Council may sub-delegate to an authorised person or body any function delegated by the Minister or



<b>Gas and Electricity (Consumer Safety) Act 2017</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	<i>Electricity (Consumer Safety) Act 2017</i> , other than the power to delegate under that section.	Secretary if Council the authorised in writing to do so by the Minister or Secretary (as the case may be)

<b>Government Information (Public Access) Act 2009</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Government Information (Public Access) Act 2009</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate any of the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Graffiti Control Act 2008</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Graffiti Control Act 2008</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Greyhound Racing Act 2017</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Greyhound Racing Act 2017</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Greyhound Racing Act 2017</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 90(1)	Information sharing arrangement Sharing or exchanging information with the commission	The information to which an information sharing arrangement may related is prescribed in section 90(2)
Section 90(3)	Information sharing arrangement Requesting, receiving and holding and using information received under an information sharing arrangement.	Information must be reasonably necessary to assist in the exercise of functions under this Act or the functions of the relevant agency
Section 90(5)	Joint investigation Referring a matter to the Commission or conducting an investigation into the matter jointly with the Commission	

<b>Health Records and Information Privacy Act 2002</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Health Records and Information Privacy Act 2002</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 40	Preparing a health privacy code of practice Preparing a health privacy code of practice.	
Section 73	Fees for inspecting health information Charging of fees for providing documents and information and for facilitating the inspection of health information held by council.	Council cannot delegate the function of fixing the amount of a fee: section 377(1)(e) of the <i>Local Government Act 1993</i> .

<b><i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 15	Requirements about Commonwealth Gazette notice etc.  Amending the stated map or stated list prepared and published by the Council under section 15 but only by omitting, varying or extending the areas or routes listed in subsection 15(2)(b), including by adding additional areas or routes	Council can only amend a map or list in a way that affects a particular road if they are the road authority and road manager for the road, or they have been advised by the Regulator that the Regulator has obtained the consent of the road manager

<b><i>Heritage Act 1977</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Heritage Act 1977</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Impounding Act 1993</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Impounding Act 1993</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Independent Commission Against Corruption Act 1988</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Independent Commission Against Corruption Act 1988</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 21	Investigations by ICAC Producing a statement of information if required by the Independent Commission Against Corruption.	
Section 22	Investigations by ICAC Producing documents to the Commission when required to do so by the Commission.	
Section 23	Investigations by ICAC Making available to the Commissioner or authorised officer such facilities as are necessary to enable their powers to enter and inspect premises, inspect documents and things therein and make copies of documents to be exercised.	
Sections 53 and 54	Investigations by Council Investigating a matter referred to council by the Independent Commission Against Corruption and preparing a report on the action taken by council in relation to the matter.	
Section 55	Investigations by Council Giving comment to the Independent Commission Against Corruption where the Commission is not satisfied that council has duly and properly taken action where a matter has been referred to council by.	
Section 104C	Vetting of prospective staff or consultants Disclosing vetting information to ICAC or an Inspector if requested.	
Section 111E	Taking action to reduce corruption	

<b><i>Independent Commission Against Corruption Act 1988</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	If the Commission has recommended that the council take action to reduce corruption, informing the Commission whether it proposes to implement any plan of action and, if so, what that plan is. Providing the Commission with a written report of any progress in implementing the plan.	
Section 114A	Bringing disciplinary proceedings regarding corrupt conduct  Bringing disciplinary proceedings against a public official employed by the council who is the subject of a finding of corrupt conduct by the Commission.	

<b><i>Industrial Relations Act 1996</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Industrial Relations Act 1999</i>  Exercising all the functions of an employer under the Act and the Regulations.	

<b><i>Land Acquisition (Just Terms Compensation) Act 1991</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .  Specifically, council cannot delegate the function of deciding to compulsorily acquire land or other property: section 377(1)(h) of the <i>Local Government Act 1993</i> .

<b><i>Land Acquisition (Just Terms Compensation) Act 1991</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 10A	<p>Procedures for acquisition by agreement</p> <p>Attempting genuinely to acquire land by agreement for at least 6 months before giving a proposed acquisition notice.</p> <p>Note: Applies to land that is affected by a proposal for acquisition by an authority of the State, other than a proposal to acquire Crown land, or</p> <p>an easement, or right to use land, under the surface for the construction or maintenance of works, or a stratum under the surface for the construction of a tunnel.</p>	

<b><i>Library Act 1939</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation - all functions under the <i>Library Act 1939</i></p> <p>Exercise of all functions of council under the Act that may be legally delegated.</p>	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 8	<p>Local libraries</p> <p>Giving notice of the adoption or revocation of the <i>Library Act 1939</i> to the Library Council of New South Wales.</p>	The function of adopting the <i>Library Act 1939</i> cannot be delegated - this can only be done by resolution of the council: section 8.
Section 8	<p>Local libraries</p> <p>Where council revokes the <i>Library Act 1939</i>, entering into an agreement with the Library Council for the adjustment of council's interest in any council or Crown property the purchase of which was subsidised under the <i>Library Act 1939</i>.</p>	The function of revoking the <i>Library Act 1939</i> cannot be delegated - this can only be done by resolution of the council: section 8.
Section 10	<p>Local libraries</p> <p>Providing, controlling and managing local libraries. Includes determining borrowing procedures, registering people as borrowers, making rules for the use of council libraries, etc.</p>	



<b>Library Act 1939</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	(Details of the requirements for the exercise of the function are set out in section 10 of the Act and Part 2, Division 2 of the <i>Library Regulation 2010</i> .)	
Sections 10, 12 and 12A.	Local libraries Making arrangements with other councils for the provision of library services.	Section 12A requires that council obtain the Minister's approval before entering into an arrangement with another council. Council cannot delegate the function of seeking the Minister's approval: section 377(1)(s).
Section 11	Local libraries Appointing a library committee and delegating to it all or any of the council's powers and duties in relation to libraries, with some exceptions. Includes associated functions such as dissolving the committee, controlling or managing the committee, dissolving or reconstituting the committee and revoking, amending or varying delegated functions of the committee.	
Sections 13 and 14	Local libraries Applying to the Library Council for a subsidy.	

<b>Library Regulation 2018</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Library Regulation 2018</i> Exercise of all functions of council under the Library Act 1939 that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Local Court Act 2007</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Local Court Act 2007</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Local Government (General) Regulation 2021</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Local Government (General) Regulation 2021</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> . Council can only directly delegate to the General Manager or another "person or body" (e.g. a committee) but not Council employees: section 377(1). The General Manager can sub-delegate to Council employees or other persons or bodies: section 378(2).
Regulation 112	Plans of Management Conducting consultation concerning categorisation of land as an area of cultural significance.	The council cannot delegate the function of deciding whether or not to categorise land as an area of cultural significance - this must be done by resolution: ss 36D and 377(1)(l).
Regulation 174	Tendering Providing a tender box for the safe custody of tenders.	
Regulation 244	Council meetings Where a report by the Director-General into the conduct of the council is presented at a meeting of the council in accordance with s433 of the Act, ensuring that the report: (a) is laid on the table at that meeting, and	



<b>Local Government (General) Regulation 2021</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	(b) is subsequently available for the information of Councillors and members of the public at all reasonable times.	
Part 11A	Joint Organisations Exercising all the functions which may be legally delegated under Part 11A of the <i>Local Government (General) Regulation 2005</i> including consulting with a Joint Organisation where the Council is a member of that organisation.	
Regulation 397B	Charters of Joint Organisations Consulting with a Joint Organisation about the content of a proposed charter of the Joint Organisation.	
Regulation 397C	Meeting of Joint Organisations Consulting with a Joint Organisation about the content of a proposed Code of Meeting Practice of the Joint Organisation.	
Regulation 397F	Alternates for voting representatives on board Appointing Councillors of the council to be the alternate of any of the Mayor, Deputy Mayor or any other Councillor who is a voting representative on the board of the Joint Organisation.	
Regulation 397H	Statement of strategic regional priorities Consulting with a Joint Organisation about the content of a proposed statement of strategic regional priorities.	
Regulation 397M	Payment of expenses and provision of facilities Consulting with a Joint Organisation about the content of a proposed policy concerning the payment of expenses.	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 9	Meetings Giving public notice of the time and place of council meetings and meetings of those of its committees of which all the members are Councillors.	
Section 24	Service functions Providing goods, services and facilities, and carrying out activities, appropriate to the current and future needs within the local community and of the wider public. Council cannot delegate the functions listed in section 377(1).	Council cannot delegate the functions listed in section 377(1).
Chapter 6, Part 2, Division 2	General delegation - Plans of Management Making a plan of management for community land. Includes all associated functions such as satisfying notification requirements, amending or revoking plans, etc.	Council may not delegate any of the functions set out in section 377(1).
Section 40	Plans of Management Adopting or amending a draft plan of management.	
Section 45	Managing public land Granting a lease, licence or other estate in respect of community land.	The power to grant a lease, licence or other estate for a term exceeding 5 years cannot be delegated unless the applicant is a non-profit organisation: see sections 46A(3) and 377(1)(i).
Section 53	Managing public land Keeping a register of all land vested in the council or under its control.	
Section 54	Managing public land Issuing a certificate to an applicant stating the classification of public land.	
Section 54B	Managing public land	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Entering into an agreement with the trustees of private trust land for the land to be transferred to the council.	
Section 54C	<p>Environmental upgrade agreements</p> <p>Entering into an environmental upgrade agreement with a building owner and a finance provider in relation to a building.</p> <p>(See Chapter 6, Part 2A of the Act for detailed requirements as to how to properly exercise this function.)</p>	Section 54C(5) provides that this function can only be delegated to the General Manager and that the delegation must specify the building or buildings to which the delegation relates. Clause 136B of the <i>Environmental Planning and Assessment Regulation 2000</i> provides that the General Manager cannot sub-delegate this function.
Various	<p>General delegation - environmental upgrade agreements</p> <p>Exercising all functions of the council in relation to environmental upgrade agreements that may be legally delegated.</p>	<p>The function of entering into environmental upgrade agreements may only be delegated to the General Manager: s54D(5).</p> <p>The council cannot delegate the power to make a charge: s377(1)(d).</p>
Section 54D	<p>Environmental upgrade agreements</p> <p>Entering into an environmental upgrade agreement with a building owner and a finance provider in relation to a building.</p>	This function may only be delegated by the council to the General Manager: s54D(5). The delegation must specify the building or buildings to which the delegation relates.
Section 54I	<p>Environmental upgrade agreements</p> <p>Levying an environmental upgrade charge in accordance with an environmental upgrade agreement.</p>	The council cannot delegate the power to make the charge: s377(1)(d).
Section 54L	<p>Environmental upgrade agreements</p> <p>Deducting and retaining from the payment of an environmental upgrade charge any amount that the council is authorised to deduct and retain as a council fee under the agreement.</p>	
Section 54L	Environmental upgrade agreements	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Establishing a separate account in the council's trust fund for money paid in respect of environmental upgrade charges.	
Section 54M	Environmental upgrade agreements Recovering an environmental upgrade charge in accordance with any requirements imposed on the council by an environmental upgrade agreement.	The council cannot delegate the power to make the charge: s377(1)(d).
Section 54P	Environmental upgrade agreements Including particulars of any environmental upgrade agreement entered into by the council in its annual report.	
Section 54P	Environmental upgrade agreements Information about any environmental upgrade agreement to which it is a party to the Chief Executive of the Office of Environment and Heritage.	
Section 55 and Part 7, Division 4 of the <i>Local Government (General) Regulation 2021</i> .	General delegation – tendering Inviting tenders for certain contracts. Includes all associated administrative functions including deciding the tender method to be used, requiring or determining whether or not to consent to amendments to tenders, considering tenders and notifying tenderers of the outcome of the tender process.  (The requirement to invite tenders is contained in section 55 of the Act. Associated administrative functions are contained in Part 7, Division 4 of the <i>Local Government (General) Regulation 2021</i> .)	Council cannot delegate the function of accepting tenders to provide services currently provided by members of staff of the council: see section 377(1)(i).
Section 55	Tendering Inviting tenders for certain contracts.	Council cannot delegate the function of accepting tenders to provide services currently provided by members of staff of the council: see section 377(1)(i).
Section 61	Directions of the Minister for Primary Industries concerning certain works	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Complying with a direction from the Minister for Primary Industries or a person authorised by the Minister to make a direction that the council take such measures as are specified in the direction to ensure the proper safety, maintenance and working of water treatment works or sewage treatment works.	
Section 62	<p>Directions of the Minister for Primary Industries during emergencies</p> <p>Complying with a direction from the Minister for Primary Industries or a person authorised by the Minister to make a direction that the council take such measures as are specified in the direction where, in the opinion of the Minister, an emergency exists that constitutes a threat to public health or public safety or that is causing or is likely to cause damage to property.</p>	
Section 64	<p>Construction of works for developers</p> <p>Exercise of the function of a 'water supply authority' in sections 305-307 of the Water Management Act 2000 including determining whether or not to grant a certificate of compliance for development within the meaning of that Act and imposing certain requirements on the applicant before granting a certificate of compliance.</p>	
Chapter 7, Part 1, Divisions 3 and 4	<p>General delegation - approvals</p> <p>Determining an application by granting approval unconditionally or subject to conditions or refusing approval. Includes associated functions such as requesting more information from the applicant, satisfying notification requirements, obtaining concurrence from any relevant concurrence authorities, rejecting incomplete or illegible applications, amending, extending, renewing, revoking or modifying an approval, etc.</p>	<p>Council may not delegate any of the functions set out in section 377(1).</p> <p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 82	Approvals Directing that the provisions of a regulation or local policy do not apply to an application for approval. Includes obtaining the concurrence of the Departmental Chief Executive.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council.  (s379(1))
Section 84	Approvals Giving an applicant for approval written acknowledgement of council's receipt of the application	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council.  (s379(1))
Section 85	Approvals Rejecting unclear or illegible applications.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council.



<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		(s379(1))
Section 86	<p>Approvals</p> <p>Requesting, before the council determines or is taken to have determined an application, that an applicant provide more information.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 88	<p>Approvals</p> <p>Determining whether or not to refund the application fee where the applicant withdraws an application for an approval.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 90	<p>Approvals</p> <p>Obtaining the concurrence of any relevant authorities (other than the Governor or the Minister) before granting an approval.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> </ul>

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		(b) an employee of the council, or (c) a county council. (s379(1))
Section 94	Approvals Determining an application by granting approval unconditionally or subject to conditions or refusing approval.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to: (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or (b) an employee of the council, or (c) a county council. (s379(1))
Section 95	Approvals Granting a deferred commencement approval.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to: (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or (b) an employee of the council, or (c) a county council. (s379(1))
Section 96	Approvals Granting a staged approval.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to: (a) a committee of the council of which all the members are Councillors or of which all the members are either



<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		<p>Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 99	<p>Approvals</p> <p>Giving an applicant notice of council's determination of the application.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 100	<p>Approvals</p> <p>Reviewing a determination and confirming or changing the determination after the review.</p>	<p>If the original determination was made by council, council cannot delegate the function of reviewing the determination: sections 100(5)(b) and 377(1)(o).</p> <p>If the original determination was made by a delegate, council cannot delegate the functions of deciding whether or not to review and conducting the review to the person who made the original determination. Council can only delegate these functions to another delegate who is not subordinate to the delegate who made the original determination: see sections 100(4A) and 100(5)(a).</p> <p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p>

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		<p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 103	<p>Approvals</p> <p>Varying the lapsing date of an approval.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 106	<p>Approvals</p> <p>Amending an approval.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 107	Approvals Extending or renewing an approval.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 107A	Approvals Inviting a person with a sewage management system approval to apply to renew the approval.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 108	Approvals Revoking or modifying an approval. (Section 109 sets out the limited circumstances in which an approval may be revoked or modified.)	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council.

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		(s379(1))
Section 110	<p>Approvals</p> <p>Giving notice of a proposed revocation or modification to any relevant concurrence authorities and anyone who would be disadvantaged by the revocation or modification.</p>	<p>Council cannot delegate the function of giving notice to the Governor or the Minister: section 377(1)(s).</p> <p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 113	<p>Approvals</p> <p>Keeping a record of approvals granted under Part 1 of the Act and of decisions on appeal from any determination made under Part 1.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 117	<p>Approvals</p> <p>Giving an applicant for a filming approval written acknowledgement of council's receipt of the application and advising the applicant the amount of the fee payable for the application.</p>	<p>Council cannot delegate the function of fixing a fee: section 377(1)(e).</p> <p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p>

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		<p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 117	<p>Approvals</p> <p>Rejecting an unclear application made for a filming proposal.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Sections 119B(6) and 119C(8)	<p>Approvals</p> <p>Giving an applicant for a filming approval notice of council's determination of the application and, where council refuses an application, giving the applicant reasons and notifying the applicant of any right of appeal.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 119D	<p>Approvals</p> <p>Making and adopting a filming protocol including forwarding the protocol to the Departmental Chief Executive for approval.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Chapter 7, Part 2	<p>General delegation - orders</p> <p>Exercising all functions of council in relation to the making, modification or revocation of orders.</p> <p>(The functions and responsibilities of council in relation to the making, modification and revocation of orders are set out in Chapter 7, Part 2 of the Act.)</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 124	<p>Orders</p> <p>Ordering a person to do or refrain from doing a thing specified in Column 1 in circumstances specified in Column 2 of the table at section 124 of the Act. For example, ordering a person to demolish a building, to comply with an approval, to do such things as required to ensure that premises are kept in a safe or healthy condition.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul>

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		(s379(1))
Section 125	<p>Orders</p> <p>Abating a public nuisance or ordering a person responsible for a public nuisance to abate it.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 131A(2)	<p>Orders</p> <p>Where an order issued is likely to make a person homeless and the person is not able to arrange alternative accommodation, providing the person with information on alternative accommodation or any other assistance council considers appropriate.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> <li>(b) an employee of the council, or</li> <li>(c) a county council.</li> </ul> <p>(s379(1))</p>
Section 132	<p>Orders</p> <p>Giving notice of a proposed order to the person to whom the order is to be directed.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <ul style="list-style-type: none"> <li>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</li> </ul>



<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		(b) an employee of the council, or (c) a county council. (s379(1))
Section 134	<b>Orders</b> Hearing representations from a person to whom an order is proposed to be directed.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to: (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or (b) an employee of the council, or (c) a county council. (s379(1))
Section 136	<b>Orders</b> Giving a person to whom an order is directed, reasons for the making of the order.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to: (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or (b) an employee of the council, or (c) a county council. (s379(1))
Section 138	<b>Orders</b> Giving a person notice of an order including providing information on the person's right to appeal to the Land and Environment Court.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to: (a) a committee of the council of which all the members are Councillors or of which all the members are either



<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		<p>Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 141	<p><b>Orders</b></p> <p>Determining whether or not to accept or reject the particulars of work proposed to be done by a person to comply with an order.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 141	<p><b>Orders</b></p> <p>Preparing particulars of the work that council considers necessary for a person to comply with an order where council accepts the particulars of work with modifications or rejects the particulars, or if an owner fails to submit particulars of work.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 141	<p><b>Orders</b></p> <p>Ordering a person to carry out work where the particulars of the work are settled by the council.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are</p>

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		<p>Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 141	<p><b>Orders</b></p> <p>Bringing court proceedings to recover the expenses incurred by council in preparing particulars of work necessary for a person to comply with an order as a debt in court proceedings.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 142	<p><b>Orders</b></p> <p>Giving the Heritage Council notice of a proposed order of council in respect of a heritage item.</p>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p> <p>(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 148	<b>Orders</b>	<p>Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:</p>

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Ordering the occupier of land to permit the owner of the land to carry out work on the land that is specified in an order.	(a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or (b) an employee of the council, or (c) a county council. (s379(1))
Sections 152 and 153	Orders Modifying or revoking an order.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to: (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or (b) an employee of the council, or (c) a county council. (s379(1))
Chapter 7, Part 3	General delegation - local policies for approvals and orders  Making local policies for approvals and orders. Includes all associated functions such as preparing a draft policy, submitting the policy to the Departmental Chief Executive for approval, determining whether or not to adopt the policy, satisfying public exhibition and notification requirements, etc.	Council cannot delegate any of the function contained in section 377(1). Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to: (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or (b) an employee of the council, or (c) a county council. (s379(1))

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Sections 158 and 159	Local policies for approvals and orders Preparing draft local policies for approvals and orders.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 160	Local policies for approvals and orders Publicly exhibiting and notifying a draft local policy.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 161	Local policies for approvals and orders Determining whether or not to adopt a draft local policy.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council.

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		(s379(1))
Section 165	Local policies for approvals and orders Amending or revoking a local policy.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 166	Local policies for approvals and orders Giving public notice of the adoption or revocation of a local policy.	Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either Councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council. (s379(1))
Section 167	Local policies for approvals and orders Determining whether or not to charge a fee for inspecting a copy of a local policy.	The council cannot delegate the function of fixing the amount of the fee: section 377(1)(e).  Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are Councillors or of which all the members are either

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		<p>Councillors or employees of the council, or</p> <p>(b) an employee of the council, or</p> <p>(c) a county council.</p> <p>(s379(1))</p>
Section 210A	<p>Council's area</p> <p>Consulting the Electoral Commissioner and the Australian Statistician regarding the proposed division of council's area into wards or altering ward boundaries.</p>	
Section 210A	<p>Council's area</p> <p>Giving public notice of the proposed division of council's area into wards or altering ward boundaries.</p>	
Section 210A	<p>Council's area</p> <p>Publicly exhibiting the proposed division of council's area into wards or altering ward boundaries.</p>	
Section 210B	<p>Council's area</p> <p>Giving public notice of council's proposal to abolish all wards within the council area.</p>	<p>Under section 210B, the decision to abolish all wards within the council area must be made by resolution of council. Under that section council is also required to obtain the approval of the Minister before abolishing all wards within its area. Council cannot delegate the function of applying to the Minister for approval: section 377(1)(s).</p>
Section 211	<p>Council's area</p> <p>Reviewing ward boundaries.</p>	
Section 217	<p>Council's area</p> <p>Making representations to the Minister regarding a proposal to constitute an area within the State that affects the council.</p>	



<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 224A	Constitution of Council Giving public notice of a proposed resolution by council to reduce the number of Councillors.	The decision to apply to the Minister to reduce the number of Councillors must be made by resolution (s. 224A(1)) and cannot be delegated (see s.377(1)(s) and (u)).
Chapter 9, Part 2, Division 5	General delegation - paying Councillors Paying fees and expenses and providing facilities to the Mayor, Deputy Mayor and Councillors.	Council cannot delegate the function of fixing a fee: section 377(1)(e).
Sections 248 and 249	Paying Councillors Paying each Councillor and the Mayor an annual fee.	Council cannot delegate the function of fixing a fee: section 377(1)(e).
Section 252	Paying Councillors Adopting or amending a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors in relation to discharging the functions of civic office.  Note: This must occur within the first 12 months of each term of the council	
Section 253	Paying Councillors Giving public notice of council's intention to adopt or amend a policy for the payment of expenses or provision of facilities incurred by the Mayor, Deputy Mayor or Councillors.	
Sections 332 and 333	Council's organisation structure Determining and re-determining an organisation structure, the positions to be included in that structure and the resources to be allocated to the employment of staff.	
Section 345	Equal opportunity Preparing and implementing an equal opportunity plan.	
Section 356	Financial assistance	Council cannot delegate the function of deciding whether or not to

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Giving public notice of council's proposed resolution to contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.	contribute money or otherwise grant financial assistance to persons under section 356: section 377(1)(q).
Chapter 12, Part 2, Division 1	General delegation - making a Code of Meeting Practice  Making a Code of Meeting Practice. Includes all associated functions such as preparing a draft code, satisfying public notification requirements, adopting and amending the code, determining whether or not to charge a fee for the inspection of a code, etc.	
Section 361	Making a Code of Meeting Practice  Preparing a draft Code of Meeting Practice	
Section 361	Making a Code of Meeting Practice  Giving public notice of a draft Code of Meeting Practice.	
Section 361	Making a Code of Meeting Practice  Publicly exhibiting a draft Code of Meeting Practice.	
Section 363	Making a Code of Meeting Practice  Amending a Code of Meeting Practice.	
Section 375	Council meetings  Keeping full and accurate minutes of the proceedings of a meeting of council.	
Section 382	Insurance against liability  Making arrangements for council's insurance against public liability and professional liability.	
Section 400E	Public-private partnerships  Preparing an assessment of a project to be carried out under a public-private partnership between council and a private body.	Council cannot delegate the function of deciding to enter into a public-private partnership - this must be



<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		done by resolution of council: section 400L.
Sections 400F and 400G	Public-private partnerships Forwarding the assessment of a project to be carried out under a public-private partnership to, where relevant, the Departmental Chief Executive or the Project Review Committee.	
Section 400H	Public-private partnerships Preparing an assessment of public-private partnership that has been varied when directed to do so by the Departmental Chief Executive and forwarding the assessment to the Departmental Chief Executive.	
Chapter 13, Part 2	General delegation - strategic planning Making a Community Strategic Plan, a Resourcing Strategy, a Delivery Program and an Operational Plan. Includes all associated functions such as exhibiting draft plans and forwarding copies of plans to relevant persons and bodies, and endorsing a Community Strategic Plan, a Resourcing Strategy or a Delivery Program.	Council cannot delegate any of the functions in section 377(1) of the Act. Specifically, council cannot delegate the function of adopting an Operational Plan: section 377(1)(j).
Section 402	Strategic planning Preparing a Community Strategic Plan.	Council cannot delegate the function of endorsing a Community Strategic Plan: section 402(5).
Section 402	Strategic planning Reviewing the council's Community Strategic Plan following the ordinary election of Councillors and determining whether or not to endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new Community Strategic Plan.	
Section 402	Strategic planning Posting a copy of the Community Strategic Plan on the council's website and providing the Departmental Chief Executive with a copy within 28 days after the plan is adopted.	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 403	Strategic planning Preparing a Resourcing Strategy.	
Section 404	Strategic planning Preparing a Delivery Program. Includes associated functions including satisfying public exhibition and notification requirements.	Council cannot delegate the function of endorsing a Delivery Program: section 404(3).
Section 404	Strategic planning Establishing a new Delivery Program after each ordinary election of Councillors.	
Section 404	Strategic planning Publicly exhibiting a draft Delivery Program.	
Section 405	Strategic planning Preparing a draft Operational Plan.	Council cannot delegate the function of adopting an Operational Plan: section 377(1)(j).
Section 405	Strategic planning Giving public notice and publicly exhibiting a draft Operational Plan.	
Section 405	Strategic planning Posting a copy of the Operational Plan on the council's website within 28 days after the plan is adopted.	
Section 410	Financial management Using money raised from the levying of rates or charges for an alternative purpose where the purpose for which the money was levied has been achieved or is no longer required to be achieved.	
Section 410	Financial management	Council cannot delegate the function of applying to the Minister for an internal loan: section 377(1)(s).

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Using money that is not yet needed for the purpose for which it was raised for any other purpose by way of an internal loan with the approval of the Minister.	
Chapter 13, Part 3, Division 2	General delegation - accounting records and financial reports Keeping accounting records and preparing council's annual financial report. Includes all associated functions such as applying to the Departmental Chief Executive for an extension to the time for preparing a financial report, fixing a date for and giving public notice of the presentation of council's financial report at a council meeting, etc.	
Section 412	Accounting records and financial reports Keeping accounting records.	
Section 413	Accounting records and financial reports Preparing annual financial reports and referring them for audit.	Council cannot delegate the function of adopting a financial statement included in an annual financial report: section 377(1)(k).
Section 416	Accounting records and financial reports Applying to the Departmental Chief Executive for an extension to the time for preparing an annual financial report and notifying the council's auditor of the application.	
Section 417	Accounting records and financial reports Sending a copy of the auditor's report on the council's financial reports, together with a copy of the council's audited financial reports, to the Departmental Chief Executive and to the Australian Bureau of Statistics.	
Section 418	Accounting records and financial reports Fixing a date for the meeting at which council proposes to present its audited financial reports and giving public notice of that date.	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 420	Accounting records and financial reports Referring copies of submissions received by council regarding council's audited financial reports to the auditor.	
Section 420	Accounting records and financial reports Taking such action as council considers appropriate with respect to any such submission, including the giving of notice to the Departmental Chief Executive of any matter that appears to require amendment of the council's financial reports.	
Section 421E	Other audit functions Bearing the costs of the Auditor-General if Council requested the provision of their audit-related services	
Section 422	Auditors Bearing the costs of the Auditor-General in auditing Council's financial reports (including any audit of a Council entity), or in any other inspection or audit carried out by the Auditor-General under this Division or at Council's request	
Section 428	Annual reports Preparing council's annual report.	
Section 428	Annual reports Posting a copy of the council's annual report on the council's website and providing a copy to the Minister.	
Section 429	Inquiries and reviews Providing the Minister or the Departmental Chief Executive with information concerning the council, its operations or its activities when directed to do so by the Minister or the Departmental Chief Executive.	
Section 433	Inquiries and reviews	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Presenting the Departmental Chief Executive 's report of an investigation of the council at the next council meeting after the report is received.	
Section 434	Inquiries and reviews Complying with an order by the Minister to do such things or to refrain from doing such things arising from the recommendations contained in a report by the Departmental Chief Executive following an investigation of the council.	
Section 434A	Inquiries and reviews Complying with an order by the Minister that the council present a copy of a report made by the Ombudsman under section 26 of the Ombudsman Act 1974 concerning the conduct of the council (together with a copy of the Minister's order) at the next meeting of the council occurring after the order is made.	
Section 434A	Inquiries and reviews Complying with an order by the Minister to do such things or to refrain from doing such things arising from the recommendations contained in a report by the Ombudsman under section 26 of the Ombudsman Act 1974 concerning the conduct of the council.	
Section 434B	Inquiries and reviews Paying to the Departmental Chief Executive the reasonable expenses incurred by the Departmental Chief Executive in respect of an investigation under Division 1 of Part 5 of Chapter 13 of the Act.	
Section 434B	Inquiries and reviews Applying to the to the Civil and Administrative Tribunal for an administrative review under the Administrative Decisions Review Act 1997 the Departmental Chief Executive's determination of the reasonable expenses incurred by the Departmental Chief Executive in respect of an investigation under Division 1 of Part 5 of Chapter 13 of the Act.	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 437	Inquiries and reviews Giving effect to a decision of the Civil and Administrative Tribunal on an administrative review of a decision by the Departmental Chief Executive to surcharge a person.	
Section 438D	Performance improvement orders Publishing a performance improvement order on the council's website.	
Section 438E	Performance improvement orders Complying with a performance improvement order issued by the Minister	
Section 438F	Performance improvement orders Providing the Minister with a written report on the council's compliance with a performance improvement order.	
Section 438H	Compliance with performance improvement order Cooperating with a temporary advisor appointed by the council.	
Section 438H	Compliance with performance improvement order Providing a copy of the temporary advisor's comments (if any) on a proposed compliance report to the Minister.	
Section 438HB	Financial controllers Recommending to the Minister to appoint a financial controller for the Council.	
Section 438HC	Financial controllers Providing any information or assistance to the financial controller appointed to the council which is reasonably required for the financial controller to exercise their functions.	



<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 438HC	Financial controller Providing the opportunity for the financial controller to review any proposed compliance reports at least 14 days before it is given to the Minister.	
Section 438H	Financial controller Giving the Minister a copy of the financial controller's comments (if any) on the compliance report.	
Section 438K	Temporary suspension of council Making submissions to the Minister in respect of the Minister's intention to suspend the council.	
Section 438V	Public inquiries Paying to the Departmental Chief Executive on behalf of the State, the reasonable expenses incurred by the State in holding a public inquiry into the council if the inquiry relates to a recurring problem with the administration of a council.	
Section 438V	Public inquiries Applying to the Civil and Administrative Tribunal for an administrative review under the Administrative Decisions Review Act 1997 of the Departmental Chief Executive's determination as to the reasonable expenses incurred by the State in holding a public inquiry into the council where the inquiry relates to a recurring problem with the administration of a council..	
Section 440	Conduct Adopting, reviewing and adjusting the council's Code of Conduct.	
Section 440AA	Conduct Adopting a procedure for administering the model code.	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 440M	Conduct Paying to the Department an amount determined by the Departmental Chief Executive to be the reasonable expenses incurred by or in respect of the Department in the conduct of an investigation into a Councillor of the council under this Division 3 of Part 1 of Chapter 14 of the Act.	
Section 440M	Conduct Applying to the Civil and Administrative Tribunal for a review of the Departmental Chief Executive's determination of the amount of expenses incurred by the Department in conducting an investigation into a Councillor.	
Chapter 15	General delegation - council rates, charges and fees Exercising all functions that may be lawfully exercised in relation to council rates and charges.	Council cannot delegate the functions of making rates and charges: sections 377(1)(b) and (d) and section 535. Council cannot delegate the fixing of a fee: section 377(1)(e).
Section 513	Council rates, charges and fees Requesting the Valuer-General to provide estimates of certain values specified in section 513.	
Section 514	Council rates, charges and fees Declaring each parcel of rateable land in the council's area to be farmland, residential, mining or business for the purposes of ordinary rates.	
Section 518B	Council rates, charges and fees Determining a subcategory of land for mixed development land for the purpose of rates.	
Section 520	Council rates, charges and fees Giving notice to each rateable person of the category declared for each parcel of land for which the person is rateable.	



<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 523	Council rates, charges and fees Reviewing the categorisation of land.	
Section 525	Council rates, charges and fees Declaring rateable land to be of a particular category on the application of a rateable person.	
Section 525	Council rates, charges and fees Giving a rateable person who applies for a declaration under section 525 notice of the council's determination and reasons for the determination.	
Section 527	Council rates, charges and fees Making an appropriate adjustment of rates paid or payable by a rateable person following a change in category of land.	
Section 529	Council rates, charges and fees Determining sub-categories of rateable land.	
Section 531A	Council rates, charges and fees Making an appropriate adjustment of a charge following a change in category or sub-category of land.	
Section 531B	Council rates, charges and fees Treating separate parcels of land as a single parcel and levying a charge accordingly if levying it normally would apply unfairly and could cause hardship.	
Section 546	Council rates, charges and fees Serving a notice of a rate or charge.	
Section 548A	Council rates, charges and fees Aggregating the land values of parcels of land and levying the rate on the aggregated land values if the	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	levying of a minimum rate or of a rate containing a base amount would apply unfairly and could cause hardship.	
Section 558	Council rates, charges and fees Determining whether or not a land or body is exempt from a rate.	
Section 558	Council rates, charges and fees Revoking or altering an exemption	
Section 563	Council rates, charges and fees Discounting the amount of a rate or charge where the rate or charge is paid promptly and on full.	
Section 564	Council rates, charges and fees Entering into an agreement with a person for the payment of rates and charges and writing off interest accrued if the person complies with the agreement.	
Section 565	Council rates, charges and fees Waiving the payment of rates and charges where a person pays or enters into a written agreement to pay a lump sum towards the capital cost of any works, services or facilities for which the special rate or charge is made	
Section 567	Council rates, charges and fees Writing off accrued interest for rates and charges payable where a person cannot pay due to circumstances beyond the person's control or where payment of the interest would cause the person hardship.	
Section 569	Council rates, charges and fees Serving notice on the occupier of land of the amount of any rate or charge or the amount of any judgment unpaid in respect of the land.	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 570	Council rates, charges and fees Accepting a transfer of land in satisfaction of outstanding rates and charges or accrued interest.	
Section 575	Council rates, charges and fees Reducing a rate or charge for eligible pensioners.	
Section 577	Council rates, charges and fees Ordering that a person is an eligible pensioner in certain circumstances.	
Section 578	Council rates, charges and fees Giving directions about giving a refund on rates or charges, charging interest on overdue rates and charges and any other matters if the council makes a retrospective order under section 577.	
Section 579	Council rates, charges and fees In certain circumstances reducing a subsequent rate or charge without requiring a further application if a reduced rate or charge already applies.	
Section 582	Council rates, charges and fees Waiving or reducing rates, charges and interest due by any person prescribed by the regulations who receives a pension, benefit or allowance under the <i>Social Security Act 1991 (Cth)</i> .  (Regulation 136 of the <i>Local Government (General) Regulation 2021</i> prescribes persons who receive a pension, benefit or allowance under the <i>Social Security Act 1991 (Cth)</i> as eligible persons under section 582 of the Act.)	
Section 583	Council rates, charges and fees Writing off amounts of rates, charges and interest which have been reduced or waived.	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 586	Council rates, charges and fees Referring applications for the postponement of rates to the Valuer-General.	
Section 591	Council rates, charges and fees Postponing the payment of rates.	
Section 593	Council rates, charges and fees Refunding any amount of rates paid which exceeds the amount of rates remaining after part of the rates is postponed.	
Section 594	Council rates, charges and fees On a redetermination of the attributable part of the land value of land, adjusting amounts payable for rates or to be postponed. Refunding amounts paid in excess and recovering amounts short-paid.	
Section 595	Council rates, charges and fees Writing off postponed rates and accrued interest after 5 years.	
Section 598	Council rates, charges and fees Requiring the Valuer-General to re-determine the value of land where circumstances of the occupation of the land change for the purpose of re-determining the rates payable.	
Section 599	Council rates, charges and fees If a reduced rate applies, reducing the subsequent rate without requiring a further application.	
Section 600	Council rates, charges and fees Writing off and abandoning the amount of a rebate.	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 601	Council rates, charges and fees Where a ratepayer suffers hardship because of the making and levying of a rate on a valuation having a later base date than any valuation previously used by a council, waiving, reducing or deferring the payment of the whole or any part of the increase in the amount of the rate.	
Section 602	Council rates, charges and fees Keeping a record of the rates charges levied over land in the council's area.	
Section 603	Council rates, charges and fees Issuing certificates to a person as to the amount payable to council in rates and charges or otherwise in respect of a parcel of land.	
Section 606A	Council rates, charges and fees Providing an estimate of coastal protection service charges.	
Section 606B	Council rates, charges and fees Providing a person who is liable to pay a coastal protection service charge with an independent report on the cost to council of providing those services.	
Section 606C	Council rates, charges and fees Providing an independent report on the cost to the council of providing coastal protection services to the Coastal Protection Minister.	
Section 607	Council rates, charges and fees Writing off rates and charges and interest accrued on unpaid rates and charges in circumstances specified by the <i>Local Government (General) Regulation 2005</i> . (See regulations 130-132 of the <i>Local Government (General) Regulation 2005</i> for the circumstances in which rates and charges may be written off.)	Council must, by resolution, fix an amount above which rates and charges can only be written off by the council. The General Manager may write off any rate or charge below that amount. If no such resolution is made rates and charges can only be written off by

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		council and not by a delegate: regulation 131.
Section 608	Council rates, charges and fees Charging and recovering fees for services.	Council cannot delegate the function of fixing the amount of a fee: section 377(1)(e).
Section 610E	Council rates, charges and fees Determining categories of hardship under which a fee may be waived or reduced and giving public notice of proposed categories.	
Section 610E	Council rates, charges and fees Waiving or reducing fees where a person falls within a category of hardship determined by the council.	
Section 610F	Council rates, charges and fees Giving public notice of a fee.	
Section 616	Council rates, charges and fees Making submissions to the Grants Commission with respect the Commission's recommendations to the Minister on the allocation of grants to councils.	
Section 625	Council rates, charges and fees Investing money that is not, for the time being, required by the council for any other purpose.	
Section 632A	Offences Declaring the whole or part of a public place to be an alcohol prohibited area. Includes obtaining the approval of the Police Area Commander or Police District Commander.	
Section 644	Offences Preparing a proposal for an alcohol-free zone.	Council cannot delegate the function of adopting the proposal: section 644B.



<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 644A	<p>Offences</p> <p>Giving public notice of a proposed alcohol-free zone by publishing a notice in a manner that the council is satisfied is likely to bring the notice to the attention of members of the public and giving a copy of the proposal to the officer in charge of the nearest police station and each holder of a liquor licence for premises that border on, or adjoin or are adjacent to, the proposed alcohol-free zone.</p>	
Section 644B	<p>Offences</p> <p>Giving public notice of council's adoption of an alcohol-free zone.</p>	
Section 650	<p>Offences</p> <p>Entering into an agreement with the owner of private land under which the land, or any part of the land, is set aside for use as a free parking area.</p>	
Section 650A	<p>Strata parking area</p> <p>Entering into an agreement with the owners corporation for the setting aside of common property for use as a strata parking area.</p>	<p>The Regulations may also make provision for agreements between owners corporations and local councils under Section 650A (Section 271 of the <i>Strata Schemes Management Act 2015</i>).</p> <p>Approval is required for a strata parking area or any other agreement conferring functions on Council in relation to a strata parking area by special resolution of the owners corporation, and must comply with any requirements for such schemes prescribed by Regulations under the <i>Strata Schemes Management Act 2015</i>.</p>
Section 650A	<p>Community scheme parking area</p> <p>Entering into an agreement with the association of a community, precinct or neighbourhood scheme for the setting aside of common property for use as a community scheme parking area.</p>	<p>Approval is required for a community scheme parking area or any other agreement conferring functions on council in relation to a community scheme parking area by special resolution of the association, and</p>

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
		must comply with any requirements for such schemes prescribed by Regulations under the <i>Community Land Management Act 1989</i> .
Section 650A	Strata and community scheme parking areas Exercising the functions under this section for both strata and community scheme parking areas, including erecting signs and notices.	
Section 650A	Strata and community scheme parking areas Following the guidelines established by the Director-General for agreements regarding strata or community scheme parking areas	
Section 673	Enforcement Bringing proceedings in the Land and Environment Court or other specified court for an order to remedy or restrain a breach of the Act.	
Section 678	Enforcement Giving effect to the terms of a council order where the person the subject of the order fails to comply.	
Section 678	Enforcement Bringing court proceedings to recover the costs incurred by council in carrying out the terms of an order where the person the subject of the order fails to comply.	
Section 689	Enforcement Paying the expenses incurred by an employee of council because of any proceedings which the employee is authorised by or under the Act or any other Act to take out of the council's consolidated fund.	
Section 690	Enforcement Recovering from a person:	



<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	(a) any sum of money for damages sustained by the council because of the persons act or default, and (b) the costs and expenses incurred by the council in remedying that damage, and (c) the value of anything wasted, misused, or unlawfully consumed, diverted or taken by the person.	
Section 694	<b>Enforcement</b> Allocating to the council's consolidated fund any fine or forfeiture imposed under any Act, or imposed for a contempt of a court order to remedy or restrain a breach of the Act or any other Act, and recovered in proceedings instituted by the council.	
Section 695	<b>Enforcement</b> Bringing court proceedings to recover a debt.	
Section 696	<b>Enforcement</b> Apportioning things to be done or money, costs or expenses to be paid between two people required to do something or pay, money costs or expenses by council.	
Section 713	<b>Unpaid rates and charges</b> Selling land in relation to which a rate or charge is overdue. Includes obtaining a valuation of the land by the Valuer-General.	The General Manager or the public officer must certify in writing certain matters before land can be sold under this section: see section 713(3).
Section 715	<b>Unpaid rates and charges</b> Giving notice of the proposed sale of land in relation to which a rate or charge has become overdue.	
Section 718	<b>Unpaid rates and charges</b>	

<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Applying the proceeds of the sale of land in relation to which rates or charges have become overdue.	
Section 734	Public hearings Making a report of a public hearing public.	
Section 735A	Certificates as to notices Issuing certificates as to whether land is subject to outstanding notices.	
Section 739A	Record keeping Retaining, preserving and destroying council records	

<b>Local Land Services Act 2013</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Local Land Services Act 2013</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Motor Vehicle Sports (Public Safety) Regulation 2010</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Small Motor Vehicle Sports (Public Safety) Regulation 2010</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>National Parks and Wildlife Act 1974</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>National Parks and Wildlife Act 1974</i> Exercise of all functions of council under the Act that may be legally delegated. (Council has functions as a 'public authority' under the Act)	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Various	Reservation of regional park A local council nominated under subsection 74O (3) (c) (iii) by the Minister: (a) has, subject to this Act, the care, control and management of the regional park concerned, and (b) has the powers and functions conferred or imposed on it by or under this Act, and (c) is, in the exercise of such powers and functions, subject to the control and direction of the Minister.	On the publication of a notice under Part 4A reserving lands as a regional park, the Chief Executive has the care, control and management of the regional park until such time as a board of management is established for the regional park. Thereafter the board has the care, control and management of the park.
Section 47V	Reports Providing reports to the Minister as required and (a) keeping such records as may be required by the Minister, and (b) giving the Minister such information as the Minister requires in relation to the care, control and management of the park by the council, and (c) sending to the Minister such records kept by the council in relation to the care, control and management of the park as the Minister requires.	A council may only delegate this function if it has the care, control and management of the regional park as nominated by the Minister under subsection 47O(3) (c) (iii).
Section 72	Preparation of Plans of Management Causing a plan of management to be prepared for the regional park as soon as practicable after the reservation of the land concerned in accordance with the Act. Note: See s.74 and s.75 for additional procedures regarding catchment areas and special areas under the <i>Hunter Water Act 1991</i> .	A council may only delegate this function if it has the care, control and management of the regional park as nominated by the Minister under subsection 47O(3) (c) (iii).

<b>National Parks and Wildlife Act 1974</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 73A	Public exhibition of and consultation on Plans of Management Giving notice of the preparation of the plan in accordance with the Act and Regulations	A council may only delegate this function if it has the care, control and management of the regional park as nominated by the Minister under subsection 47O(3) (c) (iii).
Section 73B	Adoption, amendment and cancellation of Plans of Management Causing the amendment, alternation or new plan of management to be prepared as instructed by the Minister.	A council may only delegate this function if it has the care, control and management of the regional park as nominated by the Minister under subsection 47O(3) (c) (iii).
Section 81	Operations under plan of management Carrying out and giving effect to a plan of management for a regional park adopted by the Minister.	A council may only delegate this function if it has the care, control and management of the regional park as nominated by the Minister under subsection 47O(3) (c) (iii).

<b>National Parks and Wildlife Regulation 2019</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>National Parks and Wildlife Regulation 2019</i> Exercise of all functions of council under the Act that may be legally delegated. (Council may have functions as a 'park authority' under the Act)	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Natural Resources Access Regulator Act 2017</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation – all functions under the <i>Natural Resources Access Regulator Act 2017</i></p> <p>Exercise of all functions of council under the Act that may be legally delegated.</p> <p>(Council will have functions under the <i>Natural Resources Access Regulator Act 2017</i> if it is the statutory body responsible for the administration of natural resources management legislation).</p>	<p>Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i>.</p> <p>Notes: natural resources management legislation means any of the following Acts and the regulations and other instruments made under those Acts:</p> <ul style="list-style-type: none"> <li>(a) this Act,</li> <li>(b) <i>Water Management Act 2000</i>,</li> <li>(c) <i>Water Act 1912</i>,</li> <li>(d) any other Act or part of an Act administered by a relevant Minister that is prescribed by the regulations.</li> </ul>

<b>NSW Long Service Leave Act 1955</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation - all functions under the <i>Long Service Leave Act 1955</i></p> <p>Exercise of all functions of council under the Act that may be legally delegated.</p>	<p>Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i>.</p>
Section 4	<p>Long service leave</p> <p>Entering into agreements with employees regarding long service leave.</p>	

<b>NSW Road Transport Act 2013</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation</p> <p>Exercise of all the functions under the Act that may be legally delegated.</p> <p>(Under section 142, the Council has functions under the Act as the 'appropriate roads authority' in relation to roads within its local government area)</p>	Council cannot sub-delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Ombudsman Act 1974</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation – all functions under the <i>Ombudsman Act 1974</i></p> <p>Exercise of all functions of council under the Act that may be legally delegated.</p>	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 12	<p>Complaints to Ombudsman</p> <p>Making a complaint to the ombudsman.</p> <p>(This may be done by "any person (including a public authority)".)</p>	
Section 18	<p>Ombudsman investigations</p> <p>Providing the Ombudsman with information required by the Ombudsman for the purpose of an investigation.</p>	
Section 24	<p>Ombudsman investigations</p> <p>Making submissions to the Ombudsman regarding an investigation of council.</p>	
Section 26	<p>Ombudsman investigations</p> <p>Notifying the Ombudsman of any action taken or proposed to be taken in consequence of a report of the Ombudsman.</p>	



<b><i>Ombudsman Act 1974</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 35B	Ombudsman investigations Applying to the Supreme Court for a determination as to the jurisdiction of the Ombudsman to conduct an investigation.	

<b><i>Plumbing and Drainage Act 2011</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Plumbing and Drainage Act 2011</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Various	Delegation Exercising functions of the plumbing regulator delegated to the Council.	The sub-delegation of any function delegated to the Council by the plumbing regulator can only be to the General Manager of the Council or executive officer of the Joint Organisation or a person engaged as a contractor by the council or Joint Organisation whom the council or Joint Organisation considers has the necessary skills, knowledge or experience to exercise the function. (s 21)

<b><i>Plumbing and Drainage Regulation 2017</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Plumbing and Drainage Regulation 2017</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Poisons and Therapeutic Goods Regulation 2008</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Poisons and Therapeutic Goods Regulation 2008</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Clause 65	Nomination of authorised person under the <i>Poisons and Therapeutic Goods Regulation 2008</i> Nominating an authorised person for the purposes of administering pentobarbitone sodium for the destruction of animals.	

<b><i>Privacy and Personal Information Protection Act 1998</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Privacy and Personal Information Protection Act 1998</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 3	Investigative agency Carry out the functions of an investigative agency.	The exercise of investigative functions must be authorised by an Act or statutory rule (or authority must be necessarily implied or reasonably contemplated under an Act or statutory rule) and be exercised in circumstances where the exercise of those investigative functions may result in action or proceedings being taken against a person or body under investigation
Various	Privacy Principles Complying with the privacy of personal information principles under the <i>Privacy and Personal Information Protection Act 1998</i> .	



<b><i>Privacy and Personal Information Protection Act 1998</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 8	Collection of personal information Collecting personal information that is reasonably necessary for a lawful purpose that is directly related to a function or activity of Council.	Personal information must not be collected unlawfully
Section 9	Collection of personal information Collecting personal information directly from the individual to which the information relates Notes: If the personal information relates to someone under 16: personal information may also be provided by a parent or guardian, not the individual themselves Council may collect information from someone else, so long as the individual to which the information relates has authorised the collection	
Section 10	Collection of personal information Taking steps which are reasonable in the circumstances to ensure that before collection, or as soon as practicable after, the individual to which the information relates is aware of listed criteria	
Section 11	Collection of personal information Taking steps which are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that information is relevant to that purpose, is not excessive, and is accurate, up to date and complete	Council must not use the information collected unless they take reasonable steps to satisfy that it is relevant, accurate, up to date, complete and not misleading (Section 16 of the <i>Privacy and Personal Information Protection Act 1998</i> ).
Section 11	Collection of personal information Taking steps which are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that collection does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates	
Section 12	Retention of personal information	

<b><i>Privacy and Personal Information Protection Act 1998</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Ensuring that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used	
Section 12	Retention of personal information Ensuring that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information	
Section 12	Retention of personal information Ensuring that the information is protected by taking such security safeguards as are reasonable in the circumstances	
Section 12	Retention of personal information Council must do everything reasonably within its power to prevent unauthorised use or disclosure of the information if it is necessary for the information to be given to a person in connection with the provision of a service to the agency	
Section 13	Information about personal information Taking steps that are reasonable in the circumstances to enable any person to ascertain whether the agency holds personal information, and whether the agency holds personal information relating to that person.  Note: S23A(1) compliance with s13 not required if compliance would reveal to the public that ASIO had requested, or been provided with, information about a person.	
Section 13	Information about personal information Taking steps that are reasonable if Council does hold information which relates to an individual to enable any person to ascertain the nature of that information; the main purposes for which the information is used; and that person's entitlement to gain access to the information.	

<b><i>Privacy and Personal Information Protection Act 1998</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Note: S23A(1) compliance with s13 not required if compliance would reveal to the public that ASIO had requested, or been provided with, information about a person.	
Section 14	<p>Access to personal information</p> <p>Providing an individual to which the information relates, access to that information when they request so, without excessive delay or expense</p> <p>Note: S23A(1) compliance with s14 not required if compliance would reveal to the public that ASIO had requested, or been provided with, information about a person.</p>	
Section 15	<p>Alteration of personal information</p> <p>Making appropriate amendments to personal information held by Council, at the request of the individual to whom the information relates, to ensure the information is accurate, and having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.</p>	
Section 15	<p>Alteration of personal information</p> <p>Taking reasonable steps to attach to the information any statement provided by that individual in such a manner as is capable of being read with the information about the amendment sought, if requested by the individual concerned.</p>	
Section 17	<p>Limits on use of personal information</p> <p>Using the information collected only for the purpose for which it was collected, unless the circumstances fall into one of the listed exceptions.</p>	
Section 18	<p>Limits on disclosure of personal information</p> <p>Disclosing personal information only to the person to which the information relates, unless the circumstances fall into one of the listed exceptions for which Council</p>	

<b>Privacy and Personal Information Protection Act 1998</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	<p>can validly disclose personal information to another person or body.</p> <p>Note: S23A(2) compliance with s18 not required if disclosure requested by Director General of ASIO for a purpose related to ASIO's functions for which it is reasonably necessary and is disclosed to an officer of or employee of ASIO authorised in writing to receive the information by the Director-General</p>	
Section 19	<p>Special restrictions on the disclosure of information</p> <p>Disclosing personal information about an individual to any person or body outside of NSW jurisdiction (including Commonwealth jurisdiction) where certain listed criteria are satisfied</p>	
Part 2, Division 3	<p>Exemptions to compliance with privacy principles</p> <p>Non-compliance with statutory obligations by Council, acting as either a public sector agency or investigative agency, is permitted in specific circumstances</p>	
Section 31	<p>Making privacy codes of practice</p> <p>Preparing a draft privacy code of practice. Includes consulting with other appropriate bodies and submitting the draft code to the Minister.</p>	
Section 33	<p>Making privacy management plans</p> <p>Preparing, implementing and amending a privacy management plan and providing a copy to the Privacy Commissioner.</p>	
Section 53	<p>Review of conduct</p> <p>Conducting internal reviews, deciding what action to take after a review and notifying the applicant of the decision.</p>	<p>The person who conducts the internal review must be as far as practicable someone who was not substantially involved in any matter relating to the conduct the subject of the application, is an employee or officer of the council and is otherwise suitably qualified to deal with the application: section 53(4).</p>

<b><i>Privacy and Personal Information Protection Act 1998</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 54	Review of conduct Notifying the Privacy Commissioner of an application for internal review, keeping the Commissioner informed of the progress of the review and informing them of the outcome.	
Section 54	Review of conduct Requesting the Privacy Commissioner to undertake an internal review on behalf of the council or make a report to the council in relation to the application for review.	
Section 57	Public registers Requiring a person who applies to inspect personal information in a public register to give a statutory declaration as to the intended use of that information	
Section 58	Public registers Suppressing information in a public register upon request by the person to whom the information relates.	

<b><i>Protection of the Environment Operations (Clean Air) Regulation 2021</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Protection of the Environment (Clean Air) Regulation 2021</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019</i>  Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Protection of the Environment Operations Act 1997</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Protection of the Environment Operations Act 1997</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 316	Disputes between Council and EPA  Referring a dispute between the council and the EPA to the Premier for settlement.	

<b><i>Public Health (Tobacco) Act 2008</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Health (Tobacco) Act 2008</i>  Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 49	Recovering costs payable under a Local Court order for tobacco advertising in contravention of the Act or the Regulations by commencing Court proceedings.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .



<b>Public Health Act 2010</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Health Act 2010</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 4	Council responsibility for public health Taking appropriate measures to ensure compliance with the <i>Public Health Act 2010</i> in relation to private water suppliers, water carters, public swimming pools and spa pools, regulated systems and premises on which skin penetration procedures are carried out.	
Sections 4 and 126	Appointing authorised officers Appointing authorised officers to enable the council to exercise its functions under the <i>Public Health Act 2010</i> and ensuring that these officers duly exercise their functions.	
Section 110	Investigations Directing a corporation to nominate a director or officer to represent the corporation for the purpose of answering questions.	
Section 126	Appointment of authorised officers Appointing a member of council staff to be an authorised officer, either generally or in relation to any particular function exercisable by authorised officers under this Act or the <i>Local Government Act 1993</i> relating to public health.	



<b>Public Health Regulation 2012</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Health Regulation 2013</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Regulation 34	Quality assurance Providing the Director-General with a copy of the council's most recent quality assurance program. (This is a function of council only where council is a "supplier of drinking water". Under section 4, council is a supplier of drinking water if it is exercising water supply functions under Chapter 6, Part 3, Division 2 of the <i>Local Government Act 1993</i> .)	
Regulation 48	Giving public notice of health risks Notifying the relevant public health officer of public health risks.	

<b>Public Interest Disclosures Act 1994</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Interests Disclosures Act 1994</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 6CA	Report to Ombudsman Providing a report to the Ombudsman on council's compliance with its obligations under the Act.	
Section 6D	Public interest disclosures policy Preparing a public interest disclosures policy.	

<b><i>Public Interest Disclosures Act 1994</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 6D	Public interest disclosures policy Providing a written copy of the policy and acknowledgement of the receipt of the disclosure to the person making the public interest disclosure. This does not apply to a disclosure made by a public official in their daily functions as such official, or while under statutory or legal obligation.	
Section 6E	Head of public authority responsibilities General Manager of the council is responsible for ensuring there is a policy, staff are aware of the contents of the policy, ensuring compliance with the policy, and appointing someone responsible for receiving public interest disclosures for the council.	
Section 20	Reprisals Referral of evidence in relation to the commission of an offence of reprisal to the Commissioner of Police or the Independent Commission Against Corruption.	
Section 20B	Reprisals Applying to the Supreme Court, with the approval of the Attorney-General, for an injunction to prevent the commission of a reprisal offence under section 20 of the Act.	
See section 27	Notification to person making disclosure Notifying the person who made a disclosure of the action or proposed action to be taken in respect of the disclosure.	

<b>Public Works and Procurement Act 1912</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Works and Procurement Act 1912</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 153(2)	National works Maintaining, managing and administering works handed over to the council by the Minister	
Section 154(4)	National works Maintaining, managing and administering works handed over to the council by the Transport for NSW.	
Section 157(2)	Agent of Minister Acting as the Minister's agent where national work concerned is partly outside the council's area	157(1) The Minister may appoint a council as the Minister's agent for the care, control and management of a national work.
Section 157(3)	Agent of Minister Taking legal proceeding's in the Council's its own name to recover penalties for offences related to a national work whilst acting as the Minister's agent	157(1) The Minister may appoint a council as the Minister's agent for the care, control and management of a national work.

<b>Public Works and Procurement Regulation 2019</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Public Works and Procurement Regulation 2019</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Residential Tenancies Regulation 2019</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Residential Tenancies Regulation 2019</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Clause 25	Refuge or crisis accommodation Providing refuge or crisis accommodation to a person under an agreement, Note: This agreement is exempt from the operation of this Act unless agreed in writing between the parties that the agreement is not to be exempt	
Clause 25	Refuge or crisis accommodation Providing a referral to the owner or operator of a caravan park under an agreement that the accommodation in the caravan park is required for temporary refuge or temporary crisis accommodation Note: This agreement is exempt from the operation of this Act unless agreed in writing between the parties that the agreement is not to be exempt	
Clause 25	Refuge or crisis accommodation Extending the referral by written request to the owner or operator of the caravan park, for the owner or operator to continue providing temporary refuge or temporary crisis accommodation in the caravan park to the person	

<b><i>Road Transport (General) Act 2005</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Road Transport (General) Act 2005</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Road Transport (General) Regulation 2021</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation – exercise of all functions under the Regulation relating to parking</p> <p>Exercising all of the functions of the council in relation to parking under the Regulation.</p> <p>(Council has functions as a 'parking authority' in relation to parking within its local government area at Part 5 of the Regulation)</p>	
Regulation 84	<p>Establishing and operating pay parking schemes</p> <p>Establishing and operating a pay parking scheme for a road within council's area of operation including setting aside pay parking spaces and installing parking metres.</p>	The fixing of a fee for a parking space can only be done by resolution of the council: reg 85(1) and s377(1)(e) of the <i>Local Government Act 1993</i> .
Regulation 87	<p>Establishing and operating pay parking schemes</p> <p>Establishing procedures for the commencement and timing of pay parking periods.</p>	
Regulation 90	<p>Establishing and operating pay parking schemes</p> <p>Temporarily closing a pay parking space</p>	
Regulation 92	<p>Establishing and operating common pay parking schemes</p> <p>Agreeing with one or more other councils concerning the establishment of ticket, phone or coupon parking schemes on a common payment basis.</p>	The fixing of a fee for a parking space can only be done by resolution of the council: reg 92(2) and s377(1)(e) of the <i>Local Government Act 1993</i> .
Regulation 120	<p>Parking permits</p> <p>Issuing of parking permits.</p> <p>Note: Council must only issue a permit if it complies with the relevant TfNSW guidelines</p>	
Regulation 121	<p>Establishing and operating controlled loading zone schemes</p> <p>Establishing and operating controlled loading zone schemes for a road within council's area of operation</p>	

<b>Road Transport (General) Regulation 2021</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Note: Council is only entitled to establish a controlled loading zone scheme if it complies with the relevant TfNSW guidelines: cl 126.	
Regulation 122	Loading zone tickets Issuing of loading zone tickets.	
Regulation 125	Establishing and operating controlled loading zone schemes Temporarily closing a controlled loading zone	
Regulation 163	Mass requirements on certain roads and bridges Conspicuously displaying on or adjacent to a road, bridge, or road-ferry concerned a limit notice prohibiting vehicles with a laden mass exceeding a specified maximum from passing along or over a road, bridge, or causeway, or from using a road-ferry maintained in connection with a road.	

<b>Road Transport (Safety and Traffic Management) Act 1999</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Road Transport (Safety and Traffic Management) Act 1999</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .



<b>Roads Act 1993</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation - all functions under the <i>Roads Act 1993</i></p> <p>Exercise of all functions of council under the Act that may be legally delegated.</p> <p>(All of the functions of council under the Act in its capacity as a "roads authority" do not need to be delegated. Under section 253, "employees", "agents" and "independent contractors" of a roads authority have express power to carry out any of its functions. Council is the roads authority for all public roads in its area other than any freeway or Crown road and any public road for which some other public authority is declared by the regulations to be the roads authority.)</p>	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 86	<p>Road work</p> <p>Carrying out work or directing the owner to carry out work at a private road to prevent the road from becoming unsafe or unsightly.</p> <p>Where council carries out the work, this function includes apportioning the cost of the work between the owners of the land.</p>	Council cannot delegate the functions of fixing the amount or rate for the carrying out of work on private land or deciding to carry out work on private for less than the amount or rate fixed by council: sections 377(1)(m) and (n) of the <i>Local Government Act 1993</i> .
Sections 159	<p>Control of Transport for NSW land</p> <p>Agreeing to take control of land within the council's area that is owned by Transport for NSW.</p>	

<b>Rural Fires Act 1997</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	<p>General delegation – all functions under the <i>Rural Fires Act 1997</i></p> <p>Exercise of all functions of council under the Act that may be legally delegated</p>	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .



<b><i>Rural Fires Regulation 2013</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Rural Fires Regulation 2013</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Rural Lands Protection Act 1998</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Rural Lands Protection Act 1998</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b><i>Service NSW (One-Stop Access to Government Services) Act 2013</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 7	Delegating customer service functions to the CEO of Service NSW after the Council, by resolution, approved the delegation.	Council cannot delegate a customer service function to the CEO of Service NSW unless approved by resolution within the council beforehand.
Section 8	Entering into an agreement with the CEO of Service NSW providing for the CEO to exercise a non-statutory customer service function after the Council, by resolution, has approved the agreement.	Council cannot enter into an agreement with the CEO of Service NSW unless the agreement has been approved by a resolution of the council beforehand.

<b><i>Small Business Commissioner Act 2013</i></b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Small Business Commissioner Act 2013</i> Exercise of all functions of council under the Act that may be legally delegated. (Council has functions as a 'government agency' under the Act)	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 16	Providing information to the Small Business Commissioner  Providing information to the Small Business Commissioner regarding the council's dealings with small businesses if required to do so by the Commissioner.	
Section 18	Mediation and production of documents  Attending meeting and/ or producing a document or thing for the purpose of a mediation involving a small business if required to do so by the Commissioner.	
Section 21	Information sharing arrangement  Entering into an arrangement with the Small Business Commissioner for the purposes of sharing or exchanging any information that is held by the Commissioner or the council.	
Section 21	Information sharing arrangement  Requesting information from or disclosing information to the Small Business Commissioner in accordance with an information sharing arrangement between the Commissioner and Council.	
Section 27	Making submissions to the Small Business Commissioner  Making submissions to the Small Business Commissioner on a matter covered in a report by the Commissioner that relates to Council.	

<b>State Emergency and Rescue Management Act 1989</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>State Emergency and Rescue Management Act 1989</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 27	Emergency management Entering into an agreement with another local council to combine emergency management arrangements.	The councils must seek the approval of the Minister. The function of seeking the Minister's approval cannot be delegated: section 377(1)(s) of the <i>Local Government Act 1993</i> .

<b>State Emergency Service Act 1989</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>State Emergency Services Act 1989</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 24C	Giving information to the Commissioner Giving information to the Commissioner of the State Emergency Service to enable the Minister to prepare the estimated SES expenditure.	

<b>State Records Act 1998</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>State Records Act 1998</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>State Records Act 1998</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 57	Public access to State records after 30 years Authorising early public access to a State record under council's control.	

<b>Strata Schemes (Freehold Development) Act 1973</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the Strata Schemes (Freehold Development) Act 1973 Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Strata Schemes (Leasehold Development) Act 1986</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation - all functions under the <i>Strata Schemes (Leasehold) Development Act 1986</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Strata Schemes Development Act 2015</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Strata Schemes Development Act 2015</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Strata Schemes Development Regulation 2016</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Strata Schemes Development Regulation 2016</i> Exercise of all functions of council under the Regulations that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Strata Schemes Management Act 2015</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Strata Schemes Management Act 2015</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Strata Schemes Management Regulation 2016</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Strata Schemes Management Regulation 2016</i> Exercise of all functions of council under the Regulations that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Supreme Court Act 1970</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 23	Commencing and carrying on proceedings	

<b>Supreme Court Act 1970</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	Commencing and carrying on legal proceedings within the jurisdiction of the Supreme Court.	
Section 101	<p>Appeal in proceedings before the Court</p> <p>Appealing any judgment or order of the Supreme Court to the Court of Appeal, including:</p> <ul style="list-style-type: none"> <li>(i) any opinion, decision, direction or determination of the Supreme Court in a Division on a stated case,</li> <li>(ii) any exercise of a power to which section 24 of the <i>Supreme Court Act 1970</i> applies, and</li> <li>(iii) any determination of the Supreme Court in a Division in proceedings remitted under subsection (4) of section 51 of the <i>Supreme Court Act 1970</i>.</li> </ul>	
Section 101	<p>Appeal in proceedings before the Court</p> <p>Seeking leave of the Court of Appeal to appeal a judgment or order of the Supreme Court where leave is required.</p>	

<b>Swimming Pools Act 1992</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Section 22F	<p>Fee for inspections</p> <p>Charging a fee for carrying out an inspection of a swimming pool.</p> <p>Council must include in its annual report the requirements under Regulation 18BC of the <i>Swimming Pool Regulations 2008</i>.</p>	Council cannot delegate the function of fixing the fee: 377(1)(3) of the <i>Local Government Act 1993</i> .
Section 27	<p>Appointing authorised officers</p> <p>Issuing authorised officers with a certificate of identification.</p>	



<b>Valuation of Land Regulation 2012</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Valuation of Land Regulation 2012</i> Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017</i> Exercise of all functions of council under the Regulations that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .

<b>Water Management Act 2000</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Water Management Act</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 318	Acquisition and divesting of land Determining whether or not to consent to a proclamation by the Governor vesting in the council the estate or interest of a water supply authority in any land on which is situated a work of the water supply authority (whether wholly or partly completed).	
Section 336E	Enforcement of undertakings Recommending that the Minister accept an undertaking under s.336E of the <i>Water Management Act 2000</i> where	



<b>Water Management Act 2000</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
	the Council has negotiated with a person proposing to give the undertaking in connection with their functions as the public authority under the Act.	

<b>Water Supply (Critical Needs) Act 2019</b>		
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Conditions and Limitations</b>
Various	General delegation – all functions under the <i>Water Supply (Critical Needs) Act 2019</i> Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the <i>Local Government Act 1993</i> .
Section 8	Authorisation of Minister to carry out water supply development  Applying to the Planning Secretary for an authorisation to carry out the development described in Schedule 2 of the <i>Water Supply (Critical Needs) Act 2019</i> .	
Part 5	Co-ordination and co-operation of public authorities  Exercising all the functions of the Council under Pt 5 of the <i>Water Supply (Critical Needs) Act 2019</i> including entering into agreements, complying with requests, directions and decisions, complying with notification requirements and undertaking dispute resolution.	

I acknowledge that I have received, read and accept the attached delegation of authority.



Name(print): \_\_\_\_\_

Signature: \_\_\_\_\_

General Manager

Date: \_\_\_\_\_

#### 4.5 COUNTBACK FOR CASUAL VACANCY IN OFFICE OF COUNCILLOR

<b>IP&amp;R Linkage:</b>	<b>Goal:</b> 5 Our local government is efficient, sustainable and fit for the future
	<b>Strategy:</b> 3 Deliver good governance and maintain a transparent decision-making framework.
<b>Author:</b>	Debra Howes, Governance and Corporate Performance Officer
<b>Authoriser:</b>	Cian Middleton, Director Corporate and Community Services
<b>File Number:</b>	G2021/0385
<b>Annexures:</b>	A. Local Government Act 1993 (Extract) - 291A - Countback to be held instead of By-election in certain circumstances  

#### RECOMMENDATION

That Council:

1. Determine that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for Liverpool Plains Shire Council on 04 December 2021 be filled by a countback of votes cast at that election for the office, pursuant to section 291A of the *Local Government Act 1993*.
2. Request the General Manager notify the NSW Electoral Commissioner of the above resolution within seven days of the decision.

#### BACKGROUND

Section 291(1)(b) of the *Local Government Act 1993* ("the Act") provides that Liverpool Plains Shire Council ("Council") may resolve to fill any casual vacancies occurring in the office of a Councillor within 18 months following the 2021 Local Government ordinary election by a countback of votes cast at that election. This resolution must, however, be made at the first meeting following the 2021 Local Government ordinary election to be effective.

#### ISSUES AND COMMENTARY

Following the 2021 Local Government ordinary election, Council, for the first time, has the option of using a countback of votes cast at the ordinary election to fill casual vacancies occurring in the office of Councillors in the first 18 months after the election.

This will allow Council to use a countback to fill vacancies at a lower cost than the cost of holding a by-election, should one be required.

As noted above; to exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, Council must resolve at the first meeting after the election to use a countback to fill casual vacancies.

If Council does not resolve this at the first meeting after the election, a by-election will be required to fill any casual vacancies that may arise during the ensuing term of Council.

Should Council resolve to fill any casual vacancies using a countback in the first 18 months, the General manager is required under the *Local Government (General) Regulation 2021* ("the Regulation") to notify the election manager of the Council's ordinary election of the Council's

resolution within seven (7) days of the resolution. The election manager for Liverpool Plains Shire Council is the NSW Electoral Commission.

#### **LEGISLATIVE AND POLICY IMPLICATIONS**

As detailed above, the Act provides Council with the option to resolve to utilise a countback of votes to fill any casual vacancies in the office of Councillor that may arise during the ensuing Council term. Should Council wish to make use of the countback provision, this must be resolved at the first meeting following the 2021 Local Government ordinary election.

#### **FINANCIAL IMPLICATIONS**

Supporting the recommendation to allow Council to use a countback to fill any casual vacancies that may occur within the first 18 months after the election will have a significant financial saving should it be required. If a by-election is required to be held, it can cost in the order of \$80,000 which would have a negative impact on Council's budget.

#### **RISK IMPLICATIONS**

Resolution to use a countback of votes to fill vacancies in the office of Councillor, should they occur, mitigates the financial risk attached to holding by-elections.

#### **COMMUNITY CONSULTATION**

There are no community consultation requirements for Council associated with this report.

#### **CONCLUSION**

It is recommended that Council resolve to use a countback of votes to fill casual vacancies that may occur in the offices of Councillors in the first 18 months after the 2021 Local Government ordinary election held on 04 December 2021.



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## Local Government Act 1993 No 30

**Historical** version for 27 October 2020 to 30 November 2020 (accessed 30 November 2021 at 10:25)


Chapter 10 > Part 5 > Section 291A

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### **291A Countback to be held instead of by-election in certain circumstances**

- (1) This section applies to a casual vacancy in the office of a councillor if—
  - (a) the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and
  - (b) the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.
- (2) This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected—
  - (a) in an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or  
**Note.** See section 285 (Voting system for election of councillors).
  - (b) in an election without a poll being required to be held.  
**Note.** See section 311 (Uncontested elections).
- (3) A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.
- (4) A countback election to fill a casual vacancy to which this section applies must be conducted—
  - (a) by the returning officer who conducted the election at which the person whose departure created the casual vacancy was elected, or
  - (b) if that is not possible, by the substitute returning officer at that election, or
  - (c) if that is not possible, by a returning officer appointed in accordance with this Act.
- (5) If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election—
  - (a) the returning officer must notify the general manager of the council concerned, and
  - (b) a by-election in accordance with this Part must be held to fill the casual vacancy.
- (6) This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.

**4.6 ADOPTION OF SCHEDULE OF ORDINARY MEETINGS 2022**

<b>IP&amp;R Linkage:</b>	<b>Goal:</b> 5 Our local government is efficient, sustainable and fit for the future
	<b>Strategy:</b> 3 Deliver good governance and maintain a transparent decision-making framework.
<b>Author:</b>	Debra Howes, Governance and Corporate Performance Officer
<b>Authoriser:</b>	Cian Middleton, Director Corporate and Community Services
<b>File Number:</b>	G2021/0406
<b>Annexures:</b>	A. Schedule of Ordinary Meetings 2022 <a href="#">↓</a> 

**RECOMMENDATION**

That Council:

1. Adopt the draft Schedule of Ordinary Meetings for 2022 appended at *Annexure A*, pursuant to section 365 of the *Local Government Act 1993* and clause 3.1 of the Code of Meeting Practice.
2. Request the General Manager provide public notice of the time, date and location of each scheduled Ordinary Meeting to be held in 2022, pursuant to section 9 of the *Local Government Act 1993* and clause 3.3 of the Code of Meeting Practice.

**BACKGROUND**

Section 365 of the *Local Government Act 1993* (“the Act”) requires Liverpool Plains Shire Council (“Council”) to meet at least 10 times each year, each time in a different month. Clause 3.1 of Council’s Code of Meeting Practice (“the Meeting Code”) provides that Council shall, by resolution, set the frequency, time, date and place of its Ordinary Meetings.

Section 9 of the Act and clause 3.3 of the Meeting Code require Council to give public notice of the times and places of its meetings. Clause 3.4 of the Meeting Code provides that the notice must be published on Council’s website, and in such other manner that Council is satisfied is likely to bring notice of the meetings to the attention of as many people as possible.

**ISSUES AND COMMENTARY**

The draft Schedule of Meetings for 2022 (“the Schedule”) appended at *Annexure A* lists the dates, times and locations of the 12 Ordinary Meetings proposed to be held in 2022. All meetings will be held at the Council Chambers at 60 Station Street, Quirindi and commence at 2.30pm.

Council traditionally holds its Ordinary Meetings on the fourth Wednesday of the month, except in December, in which the Ordinary Meeting is held on the third Wednesday of the month.

The Schedule recommends continuing this practice, except for the month of February 2022, in which two Ordinary Meetings are proposed to be held (on the first and fourth Wednesday of the month).

Council may review and re-adopt the Schedule throughout the year, if and as required.

**LEGISLATIVE AND POLICY IMPLICATIONS**

As detailed above, the Act and the Meeting Code require Council to meet at least 10 times each year, and to resolve the frequency, time, date and place of its Ordinary Meetings. The Act and Meeting Code also require Council to give public notice of its meetings.

**FINANCIAL IMPLICATIONS**

There are no financial implications for Council associated with this report.

**RISK IMPLICATIONS**

There are no risk implications identified for Council with this report.

**COMMUNITY CONSULTATION**

Section 9 of the *Local Government Act 1993* requires Council to give notice to the public of the times and places of its meeting and meetings of those of its committees of which all the members are councillors.

**CONCLUSION**

It is recommended that Council adopt the Schedule contained at *Annexure 1* to ensure compliance with the Act and Meeting Code. Consistent with the legislative requirements detailed above, the Schedule will be published to Council's website at [www.liverpoolplains.nsw.gov.au](http://www.liverpoolplains.nsw.gov.au) and promoted via public notice following its adoption.





## Schedule of Ordinary Meetings 2022

*Per clause 3.1 of the Liverpool Plains Shire Council Code of Meeting Practice*

Date	Time	Location
Wednesday, 02 February 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi
Wednesday, 23 February 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi
Wednesday, 23 March 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi
Wednesday, 27 April 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi
Wednesday, 25 May 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi
Wednesday, 22 June 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi
Wednesday, 27 July 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi
Wednesday, 24 August 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi
Wednesday, 28 September 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi
Wednesday, 26 October 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi
Wednesday, 23 November 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi
Wednesday, 21 December 2022	2.30pm	Liverpool Plains Shire Council Chambers 60 Station Street, Quirindi

Liverpool Plains Shire Council  
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