



DELEGATION OF FUNCTIONS

Mayor

General powers and limitations

Pursuant to the Local Government Act 1993 (the Act) and by every other Act conferring a power of delegation, Byron Shire Council:

1. Revokes all previous delegations granted to the Mayor prior to the date of this instrument.
2. Delegates to the Mayor of the Council, or to person acting in the office of the Mayor, ALL the powers and functions of the Council subject to the express conditions or limitations as listed separately in the schedule, and the following additional general limitations:
 - a) Delegated functions or powers do not include any function or power that:
 - i) cannot be delegated under s377 of the Act or any other law; or
 - ii) is covered by an existing delegation to, or legislative function imposed upon, the General Manager or staff; or
 - iii) cannot be exercised lawfully.
 - b) Delegated functions or powers must be exercised consistently with all resolutions, resolved policies and statutory planning documents of the Council.
 - c) Where any function or power provided by these delegations is amended by a subsequent Act or Regulation, the delegations continue so amended.
 - d) A written record of the exercise of any of the above delegations must be made and signed and dated. The reasons for not exercising a delegation in accordance with a recommendation from the General Manager must also be recorded in writing and signed by the Mayor.
 - e) If a delegation requires the Mayor to concur with a specified person, a written record of that concurrence must be made and signed and dated by the person who is required to concur.

A reference to the Mayor includes any person who is acting in the position of Mayor.

This delegation commences on the date of the Resolution **<insert resolution number once adopted>** which makes it and remains in force, unless a period is provided for in the delegation, until expressly altered or revoked by subsequent Resolution.

SCHEDULE

Financial Matters

Code	Name & Description
BSC106	<p>Enter into a contract or authorise expenditure for works, for an amount not exceeding \$50,000</p> <p>Enter into a contract or authorise expenditure for works, for an amount not exceeding \$50,000 provided:</p> <ol style="list-style-type: none">a) The matter is urgent and cannot wait until the next available Ordinary Meeting.b) For amounts over \$15,000 the concurrence of the General Manager is required.c) Must be reported to the next available Council meeting.

Code	Name & Description
BSC107	<p>Authorise donations from the vote of money called the "Mayor's discretionary donations"</p> <p>Authorise donations from the vote of money called the "Mayor's discretionary donations" provided:</p> <ul style="list-style-type: none"> a) it must be within the vote of money b) it must not be a donation to a for-profit entity c) it must still satisfy the requirements under s356 of the Local Government Act d) it must be reported to the next available Council meeting

Operational

Code	Name & Description
BSC108	<p>Expel a member of the public from a Council meeting</p> <p>Expel a member of the public from a Council meeting pursuant to s10(2)(b) of the Local Government Act and Part 10 of the Local Government (General) Regulation 2021</p>
BSC109	<p>Execute all documents, including under seal, ancillary or incidental to the exercise of these delegations or the exercise of functions or powers conferred on the Mayor by any resolution or by the LG Act or any Act or Regulation</p> <p>Execute all documents, including under seal, ancillary or incidental to the exercise of these delegations or the exercise of functions or powers conferred on the Mayor by any resolution or by the LG Act or any Act or Regulation</p>
BSC110	<p>Make a decision on Council's behalf where the Mayor considers that an urgent decision is required for the efficient and effective administration of the Council</p> <p>Make a decision on Council's behalf where the Mayor considers that an urgent decision is required for the efficient and effective administration of the Council provided:</p> <ul style="list-style-type: none"> a) the urgency of the matter must mean that it cannot wait to be determined at the next available Council meeting and it is not reasonable or practicable to call an Extraordinary meeting b) it must be reported to the next available Council meeting.
DEG035a	<p>Authorise Councillor attendance at conferences and training</p> <p>Authorise Councillor attendance at conferences and training provided:</p> <ul style="list-style-type: none"> a) it must be within the vote of money for Councillor conferences and training b) it must be in accordance with Council's Payment and Expenses Policy c) it must be reported to the next available Council meeting d) the allocation of funds must be made in a fair and equitable manner

Legal

Code	Name & Description
BSC111	Make a submission to or appear before a lawfully established inquiry, commission or other similar body the terms of reference of which relate to, or the finding or recommendations of which may relate to or affect, the Council or its operations Make a submission to or appear before a lawfully established inquiry, commission or other similar body. The terms of reference of which relate to, or the finding or recommendations of which may relate to or affect, the Council or its operations provided that the submission must be reported to the next available Council meeting.

Staffing Matters

Code	Name & Description
BSC112	Make variations if required to the General Manager's Performance Agreement by agreement Make variations if required to the General Manager's Performance Agreement by agreement provided it is reported to the next available Council meeting.

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Mark Arnold
General Manager

...../...../.....
Date

I, <name>, acknowledge receipt of and understand the above delegation.

.....
Cr <name>
Mayor

...../...../.....
Date