

## MAYOR'S DELEGATIONS (DRAFT FOR COUNCIL CONSIDERATION)

### Instrument of Delegation

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 the Councillor acting in the Office of the Mayor, the following powers and functions subject to the express conditions or limitations and subject to the general limitations in paragraph 3:

Description	Power/Function	Condition/Limitation/Restriction
Expenditure	Entering into a contract or authorising expenditure for works, for an amount not exceeding \$50,000.	<ul style="list-style-type: none"><li>• Matter is urgent and cannot wait until the next available Ordinary Meeting</li><li>• For amounts over \$15,000 the concurrence of the General Manager is required.</li><li>• Must be reported to the next available Council meeting.</li></ul>
	Authorising donations from the vote of money called the "Mayor's discretionary Donations".	<ul style="list-style-type: none"><li>• Must be within the vote of money.</li><li>• Must not be a donation to a for-profit entity.</li><li>• Requirements under s356 must still be satisfied.</li><li>• Must be reported to the next available Council meeting.</li></ul>
Meetings	Expelling a member of the public from a Council meeting pursuant to s10(2)(b) of the Local Government Act and Division 4 of Part 10 of the Local Government Regulations.	Nil
Administration	Executing 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 Act or any Act or Regulation.	Nil
	Making 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.	<ul style="list-style-type: none"><li>• 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.</li><li>• Must be reported to the next available Council meeting.</li></ul>
	Making a submission to or appearing before a lawfully established inquiry, commission or	<ul style="list-style-type: none"><li>• Submission must be reported to the next available Council meeting.</li></ul>

	other similar body the terms of reference of which relate to, or the findings or recommendations of which may relate to or affect, the Council or its operations.	
	Making variations if required to the General Manager's Performance Agreement by agreement.	<ul style="list-style-type: none"> <li>• Must be reported to the next available Council meeting.</li> </ul>
Conferences and Training	Authorising Councillor attendance at conferences and training	<ul style="list-style-type: none"> <li>• Must be within the vote of money for Councillor conferences and training.</li> <li>• Must be in accordance with Council's Mayor and Councillors – Payment of Expenses and Provision of Facilities Policy.</li> <li>• Must be reported to the next available Council meeting.</li> <li>• The allocation of funds must be made in a fair and equitable manner.</li> </ul>

3. Imposes the following additional General Limitations on the delegations:

- (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 continues 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.
- (f) A reference to the General Manager includes any person who is acting in the position of General Manager.

This delegation commences on the date of the Resolution which makes it and remains in force until expressly altered or revoked by subsequent Resolution.