

# Glenorchy City Council

## List of Delegations Given by Council to the General Manager

<b>Boundary Fences Act 1908 - Boundary Fences Act 1908</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	Authorisation to further delegate all of the functions and powers of Council under the Boundary Fences Act 1908 that have been delegated by Council to the General Manager.	Nil
<b>Building Act 2016 - Building Act 2016</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	To administer and undertake the powers and functions of Council under the Building Act 2016 including (but not limited) to: - keeping and managing records - recovering costs borne by Council and a permit authority in receipting money payable under the Act, and - determination (on advice) of lands that have a reasonable probability of flooding under for the purposes of identifying 'hazardous areas' as defined.	Nil
Various	To undertake the administrative actions consistent with Council's functions and obligations related to non-compliance with the provisions of the Building Act 2016, including (but not limited to): - the undertaking of required work that is the subject of an emergency building or plumbing order, - the serving of demolition orders - taking possession of a building site - undertaking demolition work, and - recovering costs incurred and the disposal of demolished building materials.	Nil
<b>Code for Tenders and Contracts Delegations - Code for Tenders and Contracts</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	Any powers of Council under the Glenorchy City Council Code (Code) for Tenders and Contracts necessary to properly administer and ensure compliance with the Code.	Nil
Clause 7.1	Power to authorise procurement through a public tender process for amounts under \$250,000.	Nil
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>

<b>Code for Tenders and Contracts Delegations - Code for Tenders and Contracts</b>		
Clause 9.1	Power to authorise the use of the statutory exemptions listed in clause 9.1.	NOTE: Included for reference purposes only. The actual delegated authority for this is under s. 333A of the Local Government Act 1993 and r. 27 of the Local Government (General) Regulations 2015
Clause 9.2	Power to authorise the use of the exceptions listed in 9.2, 1.(a) to (f) to the requirements in clauses 7.3.2, 7.3.3 and 7.3.4 of the Code for Tenders and Contracts.	1. Each instance in which an exemption is applied is to be recorded in Council's Register of Exemptions to permit monthly reporting to Council as required under the Code. Delegates are to take reasonable steps to ensure that the register has been updated. 2. Delegates are not authorised to further delegate this power.
Various	Authorisation to further delegate the functions and powers delegated to the General Manager under the Glenorchy City Council Code for Tenders and Contracts.	Nil

<b>Contractual Delegations - Contractual Powers of Council</b>		
General delegation of contractual powers given to Council under section 20 of the Local Government Act 1993.		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Execution of Documents Approved by Council	Authority to execute any document on behalf of Council where the execution is necessary to give effect to a decision of Council.	Nil
Execution of Documents approved by Council	Authorisation to further delegate the authority execute any document on behalf of Council where the execution is necessary to give effect to a decision of Council.	Nil
Execution of Land Titles Office Documents	Authority to execute any document requiring registration at the Land Titles Office (including easements, caveats and registration of leases) on behalf of Council.	Nil
Agreements to Settle Disputes	Authority to enter into agreements to settle disputes, including deeds of release, up to a total value of \$500,000.	Nil
Real Property Contracts: Purchase of Real Property	Authority to approve contracts for the purchase of real property by Council to a maximum value of \$500,000.	Nil
Real Property Contracts: Leases, Occupation Licenses etc	Authority to enter into leases, and licence arrangements for the occupation by Council of real property, where: - lease/licence term is not capable of exceeding 20 years; and - value (including outgoings) does not exceed the higher of \$25,000 per annum for the life of the agreement (including options) or \$500,000 for the life of the agreement (including options)	Limit is for total life of agreement, not including options
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>

### Contractual Delegations - Contractual Powers of Council

General delegation of contractual powers given to Council under section 20 of the Local Government Act 1993.

Receive Grant Funding	Unlimited authority to approve the receipt of grant funds by Council.	Provided the combined amount of any co-contribution by Council does not exceed \$500,000.
Receive Grant Funding	Authorisation to further delegate the power to receive grant funding.	Any delegations to authorise co-contributions by Council must not exceed the delegate's financial expenditure limit.
Execution of Land Titles Office Documents	Authority to further delegate the power to execute any document requiring registration at the Land Titles Office (including easements, caveats and registration of leases).	Nil
Agreements to Settle Disputes	Authorisation to delegate the authority to enter into agreements to settle disputes	Delegation must not exceed the delegate's financial expenditure limit.
Real Property Contracts	Authority to delegate the authority to enter into contracts for the purchase, or leases and license arrangements.	Delegation must not exceed the delegate's financial expenditure limit.

### Dog Control Act 2000 - Dog Control Act 2000

Provision	Item Delegated	Conditions or Limitations
Section 7(3)(a) and (b)	Power to: (a) invite public submissions relating to a proposed dog management policy; and (b) consult with any appropriate body or organisation	Nil
Section 24	Authority to give public notice and invite submissions before resolving to declare an area as an exercise, training, prohibited or restricted area.	Nil
Section 26	Power to review a declaration at least once every 5 years and give public notice of the review.	Nil
Section 27	Power to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.	Nil

### Environmental Management and Pollution Control Act 1994

Provision	Item Delegated	Conditions or Limitations
Various	All of Council's functions and powers under the Environmental Management and Pollution Control Act 1994.	Nil
Various	Authorisation to further delegate all of Council's functions and powers under the Environmental Management and Pollution Control Act 1994 that have been delegated by Council to the General Manager.	Nil

### Financial Delegations - Council

Provision	Item Delegated	Conditions or Limitations
GM Financial Delegation	Power to expend the funds of Council for the purpose of exercising Council's functions or powers under the Local Government Act 1993 or any other Act within the following limits:  (a) a maximum amount of \$500,000, or  (b) a maximum amount of \$1,000,000 where all of the following apply:	Expenditure must be in accordance with all legislative requirements, and any Council policy, procedure or directive including, but not limited to,

<b>Financial Delegations - Council</b>		
	(i) a contract is to be awarded after the completion of a public tender process, (ii) the lowest tender is being accepted, and (iii) both the veracity of the tender process and the recommended tenderer have been reviewed and endorsed by Council's Tender Review Committee, to a maximum amount of \$1,000,000,  (c) an unlimited amount where the payment is any of the following: (i) made under a contract or agreement approved by Council where the payments fall within the approved contractual framework (until the total approved value has been reached) (ii) government levies, taxes and contributions, or (iii) expenditure specifically authorised by a resolution of Council.	Council's Code for Tenders and Contracts.
<b>Food Act 2003 - Food Act 2003</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	All of Council's functions and powers under the Food Act 2003, including the powers of Council as an 'enforcement agency'.	Nil
Various	Authorisation to further delegate all of the functions and powers of Council under the Food Act 2003 that have been delegated to the General Manager by Council.	Nil
<b>Glenorchy City Council Animal Management By-Law (No. 1 of 2014)</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	All of Council's functions and powers under the Glenorchy City Council Animal Management By-Law (No. 1 of 2014).	Nil
Various	Authority to further delegate the powers and functions of Council under the Glenorchy City Council Animal Management By-Law (No. 1 of 2014) that have been delegated by Council to the General Manager.	Nil
<b>Glenorchy City Council Environmental Amenity By-Law 2017</b> Glenorchy City Council Environmental Amenity By-Law 2017. Version 1. The object of this By-law is to regulate and control matters of environment, health and amenity within the Glenorchy municipality.		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	All of Council's powers and functions under the Glenorchy City Council Environmental Amenity By-Law 2017.	Nil
<b>Heavy Vehicle National Law - Heavy Vehicle National Law</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	All of Council's powers and functions as a 'road manager' under the Heavy Vehicle National Law.	Nil
<b>Land Acquisition Act 1993 - Land Acquisition Act 1993</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Sections 9 and 10	The powers of an 'acquisition authority' under sections 9 and 10 of the Land Acquisition Act 1993.	To be exercised in accordance with relevant Financial and Contractual delegations.
<b>Land Use Planning and Approvals Regulations 2014</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Part 3A Generally	All of Council's functions and powers (as a 'planning authority') under regulations 4, 5, 7, 8 and 9 of the Land Use Planning and Approvals Regulations 2014.	Nil

<b>Land Use Planning and Approvals Regulations 2014</b>		
Part 3B Generally	Authorisation to delegate the functions and powers of Council under regulations 4, 5, 7, 8 and 9 of the Land Use Planning and Approvals Regulations 2014 that Council has delegated to the General Manager.	Nil
<b>Local Government (Building and Miscellaneous Provisions) Act 1993</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	All of the functions and powers of Council under the Local Government (Building and Miscellaneous Provisions) Act 1993	Nil
Various	Authorisation to further delegate all of the powers and functions of Council under the Local Government (Building and Miscellaneous Provisions) Act 1993 that have been delegated by Council to the General Manager.	Nil
<b>Local Government (General) Regulations 2015</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Regulation 23	The powers and functions of Council under regulations 23(3) and 23(5)(a) of the Local Government (General) Regulations 2015, including the power to extend contracts entered into under tender as specified in the contract.	Does not include the power to extend a contract where the contract does not specify extensions (which must be by an absolute majority of Council).
Various	The powers and functions of Council under sections 25 and 26 of the Local Government (General) Regulations 2015	Nil
Various	Authorisation to further delegate the functions and powers of Council under regulations 25 and 26 of the Local Government (General) Regulations that have been delegated by Council to the General Manager.	Nil
<b>Local Government (Highways) Act 1982</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	All of Council's powers (including the powers of a 'corporation') under the Local Government (Highways) Act 1982, other than the powers under sections 12(1), 15(3), 19(1)(c), 61, 73, 80, 114(8) and 124.	Nil
<b>Local Government Act 1993</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	All of Council's functions and powers under sections 75, 81, 175, 176, 185, 189, 197, 200, 201, 205, 207, 209 and 252	Nil
Various	All of Council's functions and powers under sections 124, 126, 127, 128, 133, 134 and 135	The General Manager may only exercise the powers under these sections where Council has determined appropriate policies and procedures to be followed in relation to those powers.  The General Manager is not authorised to further delegate these powers.
Various	All of Council's powers under sections 72A and 72B	The General Manager is not authorised to further delegate these powers.
Section 19	Authorisation to use the Common Seal of Council to sign and seal documents requiring the use of the Common Seal on behalf of Council. and to attest to the execution of documents sealed by Council.	Provided the use of the Common Seal sealed document is necessary to

**Local Government Act 1993**

		implement a decision of Council or is otherwise required under an Act to be used.
Section 74	<p>Power to expend the funds of Council for the purpose of exercising Council's functions or powers under the Local Government Act 1993 or any other Act within the following limits:</p> <p>(a) a maximum amount of \$500,000, or</p> <p>(b) a maximum amount of \$1,000,000 where all of the following apply:                      (i) a contract is to be awarded after the completion of a public tender process,                      (ii) the lowest tender is being accepted, and                      (iii) both the veracity of the tender process and the recommended tenderer have been reviewed and endorsed by Council's Tender Review Committee, to a maximum amount of \$1,000,000,                      (c) an unlimited amount where the payment is any of the following:                      (i) made under a contract or agreement approved by Council where the payments fall within the approved contractual framework (until the total approved value has been reached)                      (ii) government levies, taxes and contributions, or                      (iii) expenditure specifically authorised by a resolution of Council.</p>	Expenditure must be in accordance with all legislative requirements, and any Council policy, procedure or directive including, but not limited to, Council's Code for Tenders and Contracts.
Section 74	Authorisation to delegate the power to expend the funds of Council for the purpose of exercising Council's functions or powers under the Local Government Act 1993 or any other Act.	The General Manager is only authorised to delegate the power to expend funds to a maximum of \$250,000.
Section 77	The power to write off any debts owed to the council in accordance with the requirements of section 76 to a maximum amount of \$20,000.	Nil
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Section 82 (6)	Power to make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate, to a maximum value of \$10,000.	The benefit may include: (a) in-kind assistance and (b) fully or partially reduced fees, rates or charges, and (c) remission of rates or charges.
Section 82 (6)	Authorisation to make minor adjustments to individual items within any estimate up to \$250,000 so long as the total amount of the estimate is not altered.	Must report any adjustment and an explanation of the adjustment at the first ordinary meeting of Council following the adjustment.
Section 129	Authorisation under section 64(b) to delegate the functions or powers delegated to the General Manager by Council under section 82(6)	Limited to: (a) authorisation to authorise the Director Infrastructure and Works to make adjustments of up to \$250,000 to Council's annual capital works estimate, in accordance with the Infrastructure Management Group Terms of Reference, and (b) authorisation to authorise staff with responsibility for the delivery of projects funded from Councils' capital works

Local Government Act 1993		
		program to approve expenditure in excess of a project or program's budget up to the person's delegated financial limit, and in accordance with the Infrastructure Management Group Terms of Reference.
Section 207	Authority for the General Manager to exercise his delegated power under section 207 of the Local Government Act 1993 (to remit all or part of any fee or charge paid or payable under Part 12, Division 7 (Fees and charges) of the Act) where a person is suffering from genuine financial hardship as a result of the COVID-19 crisis.	By resolution made at Council meeting 27/04/2020.
Section 333A	Power to grant a remission of: (a) all or part of any rates, penalty or interest paid or payable by a ratepayer (b) any rates, penalty or interest paid or payable by a class of ratepayers.	Powers must be exercised in accordance with the relevant Council policy that addresses the remission of rates (as amended from time to time).
Section 333A	Power to authorise an exemption to the requirement to invite tenders for the supply or provision of goods or services valued at or above the prescribed amount, by determining that a situation or contract is a 'prescribed situation or contract' for the purposes of s. 333A(3) and r. 27 of the Local Government (General) Regulations.	NOTE: See also the delegation under clause 9.1 of Council's Code for Tenders and Contracts.
Section 336	Authorisation to further delegate the powers under section 333A that have been delegated to the General Manager by Council.	NOTE: See also the delegation under clause 9.1 of Council's Code for Tenders and Contracts.
Provision	Item Delegated	Conditions or Limitations
Section 336	Power to use and display Council's arms (coat of arms) in any manner the General Manager thinks fit, provided the General Manager notifies the Mayor or Commissioner (as the case may be) in writing of each occasion on which the General Manager exercises this power.	Nil
COVID-19	Pursuant to the General Managers powers under section 64 of the LGA, 1993, issue the following delegation/s.  Where a person is unable to perform their delegated function or exercise their delegated power due to illness or some other cause, the person who is immediately subordinate to that position, per the most current organisational structure, may exercise any powers and functions of that position.	Excludes functional power which is explicitly granted to an individual person; and  Subject to policies, policy guidelines and directions as the Council may from time to time approve; and  council's by laws or the provisions of any Act.
Monetary Penalties Enforcement Act 2005		
Provision	Item Delegated	Conditions or Limitations
Various	All of the functions and powers of Council under the Monetary Penalties Enforcement Act 2005, including to the extent that the relevant powers are those of a 'fee-paying public sector body' or an 'issuing authority'.	Nil
Various	Authorisation to further delegate the functions and powers of Council under the Monetary Penalties Enforcement Act 2005 that have been delegated by Council to the General Manager.	Nil
Public Health Act 1997		
Provision	Item Delegated	Conditions or Limitations



<b>Public Health Act 1997</b>		
Various	All of the functions and powers of Council under the Public Health Act 1997, other than the power to impose fees under section 185(1).	Nil
Various	Authorisation to delegate the functions and powers of Council under the Public Health Act 1997 that have been delegated to the General Manager by Council.	Nil
<b>Right to Information Act 2009 - Right to Information Act 1995</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	All of the functions and powers of Council as a 'public authority' under the Right to Information Act 2009.	Nil
Various	Authorisation to delegate the functions and powers of Council as a public authority under the Right to Information Act 2009 that have been delegated by Council to the General Manager.	Nil
<b>Roads and Jetties Act 1935</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	All of Council's functions and powers under the Roads and Jetties Act 1935.	Nil
Various	Authorisation to further delegate the functions and powers of Council under the Roads and Jetties Act 2005 that have been delegated by Council to the General Manager.	Nil
<b>Workers Compensation and Rehabilitation Act 1988</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	Authority to exercise all the powers and functions of an 'employer' under the Workers Compensation and Rehabilitation Act 1988 on behalf of Council.	Nil
Various	Authorisation to further delegate the to exercise the such powers of and functions of an 'employer' under the Workers Compensation and Rehabilitation Act 1988 as are required to discharge Council's functions and powers under that Act.	Nil
<b>Strata Titles Act 1998</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	Council's functions and powers under Part 2 and Part 3, and sections 58(5) and 142 of the Stata Titles Act 1998.	Nil
Various	Authorisation to further delegate all of the functions and powers of Council under the Strata Titles Act 1998 that have been delegated by Council to the General Manager.	Nil
<b>Urban Drainage Act 2013</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Various	All of Council's functions and powers of under the Urban Drainage Act 2013.	Nil
Various	Authorisation to delegate the functions and powers of Council under the Urban Drainage Act 2013 that have been delegated by Council to the General Manager.	Nil
<b>Weed Management Act 1999</b>		
<b>Provision</b>	<b>Item Delegated</b>	<b>Conditions or Limitations</b>
Section 34 (3)	The power, with the approval of the Secretary, to appoint any person as an inspector for the purpose of the Weed Management Act 1999.	Nil



