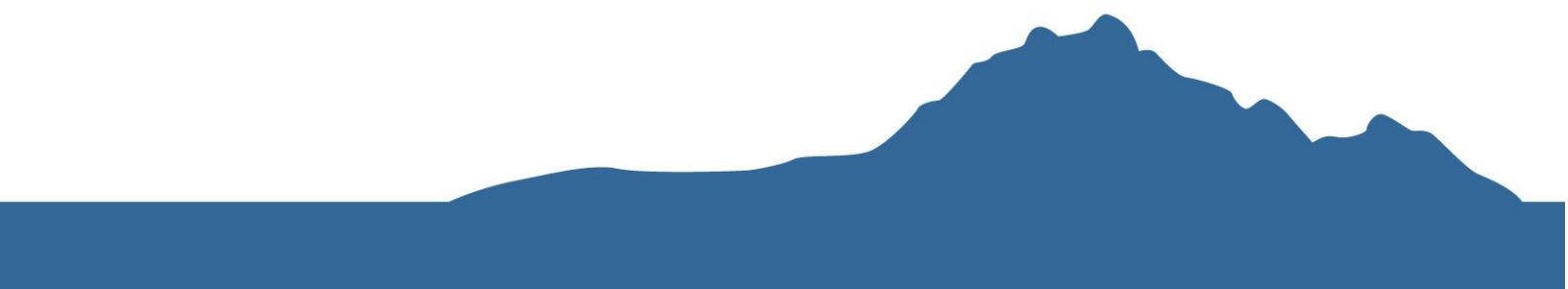




# Instrument of Delegation

Revised August 2016



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## 1 DEFINITIONS

For the purposes of this Instrument of Delegation, the following terms have the following meaning unless the contrary intention appears:

- ‘Council’** means the Flinders Council;
- ‘General Manager’** means the person appointed to the position of general manager of the Council pursuant to section 61 of the *Local Government Act 1993*;
- ‘LGA’** means the *Local Government Act 1993* as may be amended, varied or replaced from time to time; and
- ‘Officer’** means an employee of the Council.

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## 2 REVOCATION OF PREVIOUS DELEGATIONS

Pursuant to Section 23AA(2)(c) of the *Acts Interpretation Act 1931*, the Council hereby revokes all previous delegations made and approved by the Council, including without limitation all delegations made in exercise of the powers of delegation contained in the following legislation:

- (a) the LGA;
- (b) *Building Act 2000*;
- (c) *Land Use Planning and Approvals Act 1993*; and
- (d) *Local Government (Highways) Act 1982*.

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## 3 DELEGATIONS

This part sets out the delegations of Council’s functions and powers contained in the following statutes:

- (a) *LGA*;
- (b) *Local Government (Building and Miscellaneous Provisions) Act 1993*;
- (c) *Building Act 2000*;
- (d) *Public Health Act 1997*;
- (e) *Food Act 2003*;
- (f) *Environmental Management and Pollution Control Act 1994*;
- (g) *Local Government (Highways) Act 1982*; and
- (h) *Land Use Planning and Approvals Act 1993*.

### 3.1 LOCAL GOVERNMENT ACT 1993

Pursuant to Section 22(1) of the LGA, Council hereby delegates to the General Manager the functions and powers in the LGA specified in Column A of the delegation table below subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

For the purposes of Section 64(b) of the LGA, the Council hereby authorises the General Manager to further delegate the functions and powers set out in Column A of the delegation table below to one or more employees of the Council who hold the positions (in either a permanent or acting capacity) specified in Column B of the delegation table subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

**DELEGATION TABLE**

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
<b>Function or Power</b>	<b>Person(s) to whom General Manager may sub-delegate</b>	<b>Conditions or restrictions</b>
Section 73(c): Sources of funds	Corporate Services Manager	<ul style="list-style-type: none"> <li>Selling surplus plant, equipment and materials only. This delegation does not extend to selling real property.</li> <li>The delegate in exercising the powers and functions must do so in accordance with the appropriate policies and procedures determined by Council (as may be amended from time to time) in relation to tenders and contracts.</li> </ul>
Section 74: Expenditure (Part 1)	Corporate Services Manager Works & Services Manager Community and Economic Development Manager	<ul style="list-style-type: none"> <li>All expenditure to occur in accordance with Council's approved annual plan and budget estimates.</li> <li>All expenditure in excess of <b>\$50,000</b> proposed by a person in Column B must be authorised by the General Manager.</li> </ul>
Section 74: Expenditure (Part 2)	Works Coordinator	<ul style="list-style-type: none"> <li>All expenditure to occur in accordance with Council's approved annual plan and budget estimates.</li> <li>All expenditure in excess of <b>\$20,000</b> proposed by a person in Column B must be authorised by the General Manager.</li> </ul>

Section 74: Expenditure (Part 3)	Development Services Coordinator Executive Assistant Executive Officer Funeral Director Finance Officer Service Coordinator	<ul style="list-style-type: none"> <li>All expenditure to occur in accordance with Council's approved annual plan and budget estimates.</li> <li>All expenditure in excess of <b>\$10,000</b> proposed by a person in Column B must be authorised by the General Manager.</li> </ul>
Section 74: Expenditure (Part 4)	All Officers not included in Parts 1, 2 and 3 above with respect to Section 74: Expenditure	<ul style="list-style-type: none"> <li>All expenditure to occur in accordance with Council's approved annual plan and budget estimates.</li> <li>All expenditure in excess of <b>\$1000</b> proposed by a person in Column B must be authorised by the General Manager.</li> </ul>
Section 75: Investments	Corporate Services Manager	Investment in recognised financial institutions where the return to Council is greater than that received in Council's working accounts.
Section 76: Writing off bad debts	Corporate Services Manager	The delegate in exercising the powers and functions must do so in accordance with the appropriate policies and procedures determined by Council (as may be amended from time to time) in relation to the writing off of debts owed to the Council.
Section 81: Authorised deposit-taking institution accounts	Corporate Services Manager	NA
Section 92(1): Adjustment of amount payable	Corporate Services Manager	The delegate in exercising the powers and functions must do so in accordance with the appropriate policies and procedures determined by Council (as may be amended from time to time) in relation to the collection of rates and charges under Part 9 of the LGA.
Section 126: Postponement of payment	Corporate Services Manager	The delegate in exercising the powers and functions must do so in accordance with the appropriate policies and procedures determined by Council (as may be amended from time to time) in relation to the postponement of rates and charges.
Section 127: Postponement ceases to operate	Corporate Services Manager	The delegate in exercising the powers and functions must do so in accordance with the appropriate policies and procedures determined by Council (as may be amended from time to time) in relation to the postponement of rates and charges.

Section 129(3): Remission of rates (applications by ratepayers)	Corporate Services Manager	The delegate in exercising the powers and functions must do so in accordance with the appropriate policies and procedures determined by Council (as may be amended from time to time) in relation to the remission or rebate of rates and charges.
Section 133: Recovery of rates	Corporate Services Manager	NA
Section 135: Rents under leases, &c., for unpaid rates	Corporate Services Manager	NA
Section 140: Procedure if council cannot sell land	Corporate Services Manager	NA
Section 189(1): Closure of local highways	Works & Services Manager Development Services Coordinator	NA
Section 190(3): Objections	NA	NA
Section 197(1): Sale or destruction of unclaimed animals	Works & Services Manager Development Services Coordinator	NA
Section 200: Abatement notices	NA	NA
Section 201(4) – General manager may take necessary action	NA	NA
Section 207 – Remission of fees and charges	Corporate Services Manager	The delegate in exercising the powers and functions must do so in accordance with the appropriate policies and procedures determined by Council (as may be amended from time to time) in relation to the remission or rebate of rates and charges.

### 3.2 LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993

Pursuant to Section 22(1) of the LGA, Council hereby delegates to the General Manager the functions and powers in the *Local Government (Building and Miscellaneous Provisions) Act 1993* specified in Column A of the delegation table below subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

For the purposes of 64(b) of the LGA, the Council hereby authorises the General Manager to further delegate the functions and powers set out in Column A of the delegation table below to one or more employees of the Council who hold the positions (in either a permanent or acting capacity) specified in Column B of the delegation table subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

**DELEGATION TABLE**

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
<b>Function or Power</b>	<b>Person(s) to whom General Manager may sub-delegate</b>	<b>Conditions or restrictions</b>
Section 107: Access orders	NA	NA
Section 247: Removal of advertising hoardings	Development Services Coordinator	NA

### 3.3 BUILDING ACT 2000

Pursuant to Section 11(4) of the *Building Act* 2000, the Council hereby delegates to the persons specified in Column B of the delegation table below the functions and powers specified in Column A of the delegation table subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

**DELEGATION TABLE**

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
<b>Function or Power</b>	<b>Delegate</b>	<b>Conditions or restrictions</b>
Section 193: Possession of building	General Manager	NA
Section 197(2): Recovery of Costs	General Manager	NA

### 3.4 PUBLIC HEALTH ACT 1997

Pursuant to Section 22(1) of the LGA, Council hereby delegates to the General Manager the functions and powers in the *Public Health Act 1997* specified in Column A of the delegation table below subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

For the purposes of Section 64(b) of the LGA, the Council hereby authorises the General Manager to further delegate the functions and powers set out in Column A of the delegation table below to one or more employees of the Council who hold the positions (in either a permanent or acting capacity) specified in Column B of the delegation table subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

**DELEGATION TABLE**

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
<b>Function or Power</b>	<b>Person(s) to whom General Manager may sub-delegate</b>	<b>Conditions or restrictions</b>
Section 77: Grant or refuse a licence	Environmental Health Officer	NA
Section 78: Issue licence	Environmental Health Officer	NA
Section 81: Renewal of licence	Environmental Health Officer	NA
Section 82: Variation of licence	Environmental Health Officer	NA
Section 83: Cancellation of licence	Environmental Health Officer	NA
Section 87: Closure order	Environmental Health Officer	The delegate must prepare and delivery a report at the next ordinary meeting of Council following the issuance of a closure order.
Section 88: Service of closure order	Environmental Health Officer	NA
Section 89: Revocation of closure order	Environmental Health Officer	NA
Section 92: Rectification notice	Environmental Health Officer	NA
Section 97: Grant or refusal of registration of premises	Environmental Health Officer	NA
Section 98: Issue of certificate of registration of premises	Environmental Health Officer	NA
Section 101: Renewal of registration of premises	Environmental Health Officer	NA



Section 102: Variation of registration of premises	Environmental Health Officer	NA
Section 103: Cancellation of registration of premises	Environmental Health Officer	NA
Section 106: Grant or refusal of licence	Environmental Health Officer	NA
Section 107: Issue of licence	Environmental Health Officer	NA
Section 110: Renewal of licence	Environmental Health Officer	NA
Section 112: Cancellation of licence	Environmental Health Officer	NA
Section 115: Grant or refusal of registration of regulated system	Environmental Health Officer	NA
Section 116: Issue of certificate of registration	Environmental Health Officer	NA
Section 119: Notice to comply with direction	Environmental Health Officer	NA
Section 121: Renewal of registration	Environmental Health Officer	NA
Section 122: Variation of registration	Environmental Health Officer	NA
Section 123: Cancellation of registration	Environmental Health Officer	NA
Section 129: Orders relating to water quality	Environmental Health Officer	NA
Section 135: Grant or refusal of registration	Environmental Health Officer	NA

### 3.5 FOOD ACT 2003

Pursuant to Section 22(1) of the LGA, Council hereby delegates to the General Manager the functions and powers in the *Food Act 2003* specified in Column A of the delegation table below subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

For the purposes of 64(b) of the LGA, the Council hereby authorises the General Manager to further delegate the functions and powers set out in Column A of the delegation table below to one or more employees of the Council who hold the positions (in either a permanent or acting capacity) specified in Column B of the delegation table subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

**DELEGATION TABLE**

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
<b>Function or Power</b>	<b>Person(s) to whom General Manager may sub-delegate</b>	<b>Conditions or restrictions</b>
Section 87: Registration of food business	Environmental Health Officer	NA
Section 89: Renewal of registration	Environmental Health Officer	NA
Section 91: Variation of conditions, or suspension or cancellation, of registration of food businesses	Environmental Health Officer	NA

### 3.6 ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994

Pursuant to Section 22(1) of the LGA, Council hereby delegates to the General Manager the functions and powers in the *Food Act 2003* specified in Column A of the delegation table below subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

For the purposes of 64(b) of the LGA, the Council hereby authorises the General Manager to further delegate the functions and powers set out in Column A of the delegation table below to one or more employees of the Council who hold the positions (in either a permanent or acting capacity) specified in Column B of the delegation table subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

**DELEGATION TABLE**

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
<b>Function or Power</b>	<b>Person(s) to whom General Manager may sub-delegate</b>	<b>Conditions or restrictions</b>
Section 21: Council officers	Environmental Health Officer	NA
Section 44: Environment protection notices	NA	NA
Section 47: Action on non-compliance with environment protection notice	NA	NA
Section 48: Civil enforcement proceedings	NA	NA
Section 61: Reports in respect of alleged contraventions	Environmental Health Officer	NA

### 3.7 LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

Pursuant to Section 124(1) of the *Local Government (Highways) Act 1982*, the Council by special resolution hereby delegates to the Officers specified in Column B of the delegation table below the functions and powers specified in Column A of the delegation table subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

**DELEGATION TABLE**

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
<b>Function or Power</b>	<b>Officers</b>	<b>Conditions or restrictions</b>
Section 19: Closure of local highways for public functions, &c.	General Manager Works & Services Manager	NA
Section 20: Closure of parts of local highways for sale of goods, &c.	General Manager Works & Services Manager	NA
Section 35: Crossings over footpaths, table-drains, and gutters	General Manager Works & Services Manager	NA
Section 37: Alterations, &c., of entrances to highways	General Manager Works & Services Manager	NA
Section 39: Obligation of occupiers to cut back vegetation, &c.	General Manager Works & Services Manager	NA

### 3.8 LAND USE PLANNING AND APPROVALS ACT 1993

Pursuant to Section 6(3) of the *Land Use Planning and Approvals Act 1993*, the Council resolves to delegate to the Officers specified in Column B of the delegation table below the functions and powers specified in Column A of the delegation table subject to any corresponding conditions or restrictions specified in Column C of the delegation table.

**DELEGATION TABLE**

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
<b>Function or Power</b>	<b>Officers</b>	<b>Conditions or restrictions</b>
Section 33(2): Request for amendment of planning scheme	General Manager	NA
Section 35(4): Certification of draft amendments by planning authorities	General Manager	NA
Section 38: Public exhibition of draft amendment	General Manager	NA
Section 39(2): Representations in respect of draft amendments	General Manager	NA
Section 41: Modification of amendments as requested by Tasmanian Planning Commission	General Manager	NA
Section 43E: Additional information	General Manager	NA
Section 54: Additional information	General Manager	NA
Section 55: Correction of mistakes	General Manager	NA
Section 56: Minor amendments of permits issued by a planning authority	General Manager	NA
Section 57(5): Applications for discretionary permits	General Manager	NA

Section 57(6): Applications for discretionary permits	General Manager	Only in those cases where: <ul style="list-style-type: none"> <li>no representations have been received in respect of the application.</li> <li>or</li> <li>Council is not able to determine the application within the time period required by section 57(6)(b) of the <i>Land Use Planning and Approvals Act 1993</i>.</li> </ul>
Section 57(6A): Applications for discretionary permits	General Manager	NA
Section 57A: Mediation	General Manager	NA
Section 58: Application for other permits	General Manager	NA
Section 67: Power to withdraw or modify planning scheme or interim order after compensation determined	General Manager	NA