

## ITEM 3 DELEGATIONS TO THE GENERAL MANAGER AND LORD MAYOR

Section 380 of the Local Government Act 1993 requires Council to review its delegations during the first 12 months of its term. This provision only relates to delegations made by the Council to the General Manager or any other person or body. This report recommends that existing delegations to the General Manager and the Lord Mayor be maintained with minimal administrative and formatting changes.

### RECOMMENDATION

- 1 Any previous delegation to the General Manager and Lord Mayor be revoked.
- 2 Council delegate to the General Manager the "General Manager's Delegation (Instrument of Delegation)" attached as Attachment 1.
- 3 Council delegate to the Lord Mayor the "Lord Mayor's Delegation (Instrument of Delegation)" attached as Attachment 2.

### REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance + Customer Service  
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

### ATTACHMENTS

- 1 General Manager's Delegation (Instrument of Delegation)
- 2 Lord Mayor's Delegation (Instrument of Delegation)

### BACKGROUND

The current delegation to the General Manager, was adopted on 13 September 2021. The wording of the current delegation to the Lord Mayor, was adopted on 23 April 2012.

### PROPOSAL

#### **General Manager Delegation**

The current delegation to the General Manager, was adopted on 13 September 2021. This instrument of delegation saw the introduction of a new delegation surrounding the acceptance of Tenders, increasing the delegation to the General Manager to accept Tenders up to a value of \$500,000.

Since 13 September, 2021 the General Manager has accepted under delegation a total of 11 Tenders with a total value of \$2.3 million. Acceptance of these tenders by the General Manager as opposed to Council, has realised time savings and administrative efficiencies for the awarding of each Tender. It is estimated that on average the decision-making process is reduced by 4-6 weeks for tenders approved by the General Manager. There have been no identified concerns or risks identified in the Tenders accepted by the General Manager under delegation.

To ensure probity and oversight of the use of the delegation relating to Tenders the draft delegation to the General manager includes a requirement for the General Manager to report to Council on a quarterly basis, details of tenders accepted under delegation, including the cumulative value of tenders awarded to any single supplier in the preceding 12 month period under the General Manager's delegation.

The remaining sections of the General Manager's delegation appear to be operating effectively, and as such an unchanged Instrument of Delegation to the General Manager is recommended to Council for re-adoption.

## **Lord Mayor Delegation**

This delegation has been in place under the current wording since 2012, and there are no significant issues with the operation or range of this delegation. Whilst the same delegations are proposed, the Instrument of Delegation to the Lord Mayor that is recommended to Council for adoption has been updated to reflect a consistent style with that of the General Manager's Instrument of Delegation.

### PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 4 "We are a connected and engaged community".

It specifically delivers on core business activities as detailed in the Governance and Customer Service, Service Plan 2022-23.

### SUSTAINABILITY IMPLICATIONS

The proposed amendments to the General Manager's delegation are all aimed at promoting a more efficient delivery of Council services, particularly those that rely on major procurement processes. Increased efficiency in the procurement process will translate to potential efficiencies gained through service delivery.

### FINANCIAL IMPLICATIONS

There are no direct financial implications that arise from issuing delegations to the General Manager and the Lord Mayor.

### CONCLUSION

The current delegations to the General Manager and the Lord Mayor provide appropriate delegated authority to allow for the efficient management of the organisation, and it is recommended that the current delegations be re-adopted by Council.

## **GENERAL MANAGER'S DELEGATION (Instrument of Delegation)**

Pursuant to section 377 of the *Local Government Act 1993* and a resolution of the Council at its meeting held on 8 August 2022 Wollongong City Council:

1. revokes all delegations granted to the General Manager prior to the date of this Instrument;  
and
2. delegates to the General Manager, or to the person who acts in that position, all of the functions, powers, duties and authorities of the Council that it may lawfully delegate under the *Local Government Act 1993*, any other Act, regulation, instrument, rule or the like (including any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like):
  - i. other than those functions prescribed in section 377(1) of the *Local Government Act 1993* as functions which may not be delegated; and subject to
  - ii. the Restrictions set out in Column 2 in respect of those functions listed in Column 1 of Schedule 1 of this Instrument, and
  - iii. compliance with any applicable resolution of the Council.
3. Fixes the amount, pursuant to clause 213 of the *Local Government (General) Regulation 2021*, above which debts to the Council may be written off only by resolution of the Council to be \$10,000. A debt of or below that amount can be written off, by order, in writing by the General Manager and details reported to the ARIC on a monthly basis.
4. Notwithstanding any other provision of this Instrument, Council delegate to the General Manager the authority to accept all tenders, except tenders to provide services currently provided by members of staff, during the following Council recesses:
  - i) Between the last meeting of the Council for the calendar year and the first meeting of the following year, with the agreement of the Lord Mayor, or in the absence of the Lord Mayor, with the Deputy Lord Mayor; and
  - ii) Between the last meeting of the Council term and the day appointed for the next ordinary election; with the agreement of the Lord Mayor, or in the absence of the Lord Mayor, with the Deputy Lord Mayor, and remaining compliant with section 393B(1)(a) of the *Local Government (General) Regulation 2021*, and
  - iii) Between the day appointed for the ordinary election and the first meeting of the new Council term, with the agreement of the Lord Mayor.

### SCHEDULE 1

	Column 1	Column 2
	Function*	Restriction**
1.	General use of Delegation	The General Manager cannot use the delegation in relation to those functions specified in clauses (a) to (u) of section 377(1) of the <i>Local Government Act 1993</i>
2.	Granting of Leases on Council Property	The General Manager cannot do so if: <ul style="list-style-type: none"> <li>i) the term of the proposed lease or licence exceeds ten years, or</li> <li>ii) the rental payable to Council for the term of the lease exceeds \$1,000,000 (including GST)</li> </ul>
3.	Acceptance of Tenders invited by Council	The General Manager cannot do so if: <ul style="list-style-type: none"> <li>i) the value of the tender exceeds \$500,000 (including GST), or</li> <li>ii) the tender is to provide services currently provided by members of staff of the Council</li> </ul> <p>Note: The General Manager shall report to Council on a quarterly basis, details of tenders accepted under this delegation, including the cumulative value of tenders awarded to any single supplier in the preceding 12 month period under this delegation.</p>

**Notes to assist with interpretation**

\* To avoid doubt, the list of functions in Column 1 is not to be read as the list of total functions delegated to the General Manager pursuant to this Instrument. Column 1 merely lists those functions which are subject to restrictions as specified in Column 2.

\*\* To avoid doubt, any monetary amount shown is inclusive of GST where applicable.

## LORD MAYOR'S DELEGATION (Instrument of Delegation)

Pursuant to section 377 of the *Local Government Act 1993* and a resolution of the Council at its meeting held on 8 August 2022 Wollongong City Council:

1. revokes all delegations granted to the Lord Mayor prior to the date of this Instrument; and
2. delegates to the Lord Mayor, or to the Councillor who acts in that position, the functions, powers, duties and authorities of the Council specified in Schedule 1, subject to
  - i. the Restrictions set out in Column 2 in respect of those functions listed in Column 1 of Schedule 1 of this Instrument, and
  - ii. compliance with any applicable resolution of the Council.

### SCHEDULE 1

	Column 1	Column 2
	Function	Restriction*
1.	Day-to-day oversight of and liaison with the General Manager	Within the terms and conditions of the General Manager's contract and Section 352 of the Local Government Act 1993
2.	Approve leave applications of the General Manager	
3.	Authorise expenditure incurred by the General Manager on behalf of Council	In accordance with delegated limits
4.	Incur Council-related expenditure on a Council-provided Purchase Card	Up to a limit of \$20,000 per month and a transaction limit of \$20,000
5.	Manage declarations by the General Manager in Council's Gifts and Benefits and Conflicts of Interests Registers	
6.	Authorise the holding of civic events, receptions and functions in consultation with the General Manager	
7.	Sign outgoing correspondence on behalf of the Office of the Lord Mayor	Where consistent with resolutions and adopted policies of the Council.

#### Notes to assist with interpretation

\* To avoid doubt, any monetary amount shown is inclusive of GST where applicable.