



<Organisation Name>

INSTRUMENT OF SUBDELEGATION

BY THE

CHIEF EXECUTIVE OFFICER

<Position>

<DATE>

PROVISIONS for <POSITION>

Dated:

Instrument of Sub Delegation by the Chief Executive Officer

In exercise of the power contained in Sections 44 (4) and 101 of the Local Government Act 1999, I hereby sub-delegate to the <POSITION> and any person appointed to act in that position, the following powers and functions which have been delegated to me by Council pursuant to Section 44 of the Act.

This delegation instrument revokes all previous delegations relating to the same position.

So the Table will look like this example...

SUBDELEGATIONS APPLYING TO THE POSITION OF <POSITION>		
Section	Description	Conditions and Limitations
Instrument of Delegation under the Local Government Act 1999		
s122(6)	33. Certain Aspects of Strategic Management Plans 33.1 The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.	
s122(7)	33. Certain Aspects of Strategic Management Plans 33.2 The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	
s132A	44. Related Administrative Standards 44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order: 44.1.2 to ensure compliance with any statutory requirements; and 44.1.2 to achieve and maintain standards of good public administration.	
s133	45. Sources of Funds 45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.	Sources of Funds Excludes sale of land. Selling property (excluding land) Manager Finance & Rating Operations, Manager Buildings Assets and Environment, Manager IT Solutions, Manager Parks, Team Leader Rating and Finance Operations

		<p>By obtaining grants or other allocations of money other than by borrowing Manager Buildings Assets & Environment, Manager City Strategy, Manager Civil Assets, Manager IT Solutions, Manager Library Services Arts and Culture</p> <p>By carrying out commercial activities Manager IT Solutions, Manager Library Services Arts and Culture</p> <p>By recovering fees, charges, penalties or other money payable to the Council Manager Buildings Assets & Environment, Manager City Strategy, Manager Library Services Arts and Culture</p>
s200(1), s200(2), s200(3)	<p>92. Use of Community Land for Business Purposes 92.1 The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.</p>	
s221(1)	<p>109. Alteration of Road 109.1 The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:</p> <p>109.1.1 altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or</p> <p>109.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or</p> <p>109.1.3 changing or interfering with the construction, arrangement or materials of the road; or</p> <p>109.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or</p> <p>109.1.5 planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.</p>	
s221(2)(b)	<p>109. Alteration of Road 109.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:</p> <p>109.2.1 unduly obstruct the use of the road; or</p> <p>109.2.2 unduly interfere with the construction of the road; or</p> <p>109.2.3 have an adverse effect on road safety.</p>	
s221(6)	<p>109. Alteration of Road 109.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:</p> <p>109.3.1 for a particular act or occasion; or</p>	

	109.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.	
s232	<p>115. Trees</p> <p>The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):</p> <p>115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -</p> <p>115.1.1 environmental and aesthetic issues; and</p> <p>115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and</p> <p>115.1.3 road safety matters; and</p> <p>115.1.4 other matters (if any) considered relevant by the Delegate; and</p> <p>115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.</p>	<p>Trees</p> <p>Before granting approval under this delegation the delegate must consider whether the vegetation is appropriate to the location, and is required to take into account the following matters:</p> <ul style="list-style-type: none"> * Environmental and aesthetic issues * The use and construction of the road * Road safety matters * Factors of risk to the public and to property * Any expert advice * The views of the public if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area <p>any other matter the delegate considers appropriate.</p>
s245	<p>123. Liability for Injury, Damage or Loss Caused by Certain Trees</p> <p>123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).</p>	<p>Liability for Injury, Damage or Loss Caused by Certain Trees</p> <p>The following conditions apply to this delegation:</p> <ul style="list-style-type: none"> * The delegate is required to make proper arrangements for the recording of the following information: * details of requests relating to trees * details of the person or organisation making the request * location of the tree * detail of the tree in terms of species, condition and any other relevant characteristics * the proposed recommended action * details of any expert advice * a photograph of the tree and/or any damage purportedly caused by the tree.
s281(1)	<p>140. Recovery of Amounts from Lessees or Licensees</p> <p>140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.</p>	
s298(1)	<p>145. Power of Council to Act in Emergency</p> <p>145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.</p>	<p>Flooding - Senior Engineer Water Operations, Manager Civil and Water Operations, Manager Parks</p> <p>Emergencies - Call Out Duty Officer, Fire Prevention Officer, Manager Civil</p>

		and Water Operations
Local Government Act 1999 (CTTG only)		
137	Expenditure of funds (Expenditure) - Expend Band A (up to \$10,000)	
137	Expenditure of funds (Expenditure) - Expend Band B (up to \$100,000)	
Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017		
s29	8. Notification of EPA of Serious or Material Environmental Harm 8.1 The duty pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.	
Instrument of Delegation under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General)		
s51(21)	10. Regional Public Health Plans 10.12 The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or the Delegate should implement changes to the manner in which, or the means by which, the Council or the Delegate performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.	
Instrument of Delegation under the Work Health and Safety Act 2012		
s70(1)	70. General obligations of person conducting business or undertaking (1) The power pursuant to Section 70(1) of the Act, to (a) consult, so far as is reasonably practicable, on work health and safety matters with any health and safety representative for a work group of workers carrying out work for the Council; and (b) confer with a health and safety representative for a work group, whenever reasonably requested by the representative, for the purpose of ensuring the health and safety of the workers in the work group; and (c) allow any health and safety representative for the work group to have access to information that the Council has relating to: (i) hazards (including associated risks) at the workplace affecting workers in the work group; and (ii) the health and safety of the workers in the work group; and (d) with the consent of a worker that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between the worker and: (i) an inspector; or (ii) the Council or the Council's representative; and	

	<p>(e) with the consent of one or more workers that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and:</p> <p>(i) an inspector; or</p> <p>(ii) the Council or the Council's representative; and</p> <p>(f) provide any resources, facilities and assistance to a health and safety representative for the work group that are reasonably necessary or prescribed by the regulations to enable the representative to exercise his or her powers or perform his or her functions under the Act.</p> <p>(g) allow a person assisting a health and safety representative for the work group to have access to the workplace if that is necessary to enable the assistance to be provided; and</p> <p>(h) permit a health and safety representative for the work group to accompany an inspector during an inspection of any part of the workplace where a worker in the work group works; and</p> <p>(i) provide any other assistance to the health and safety representative for the work group that may be required by the regulations.</p>	
s72(3)	<p>72. Obligation to train health and safety representatives</p> <p>(3) The power pursuant to Section 72(3) of the Act to:</p> <p>(a) as soon as practicable within the period of 3 months after the request is made, allow the health and safety representative time off work to attend the course of training; and</p>	

Signed _____
Chief Executive Officer

Signed _____
<POSITION>

Date

Date