



MID-COAST COUNCIL

INSTRUMENT OF SUB-DELEGATION

TO Manager Governance

On Wednesday, 18 July 2018, I Adrian Panuccio being the General Manager of the Mid-Coast Council ("**Council**");

1. Revoke all previous sub-delegations of Functions to the Position.
2. Pursuant to section 378 of the LG Act sub-delegate to the Position to exercise and/or perform on behalf of Council:
 - a. the Functions identified in **Schedule 1**, subject to any condition or limitation specified in Schedule 1.
 - b. the Functions identified in **Schedule 2** that have been sub-delegated to the General Manager by the Council under, and in accordance with, the instrument of delegation to the Council.
3. Confer authority to the Position to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These sub-delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These sub-delegations and authorities are effective from the date of the signature of the General Manager of the Council and remain in force until amended or revoked by the General Manager.
6. In this delegation:

- **“Functions”** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
- **“Legislation”** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
- **“LG Act”** means the *Local Government Act 1993* as amended.
- **“Position”** means the position of Manager Governance and each person employed by the Council in that position from time to time.

Schedule 1: Sub-delegated Functions

Government Information (Public Access) Act 2009

Function Code	Function	Condition/ Limitation (if any)
GIPA Act 001	<p>Overriding Public Interest Against Disclosure –</p> <p>Authority to decide whether there is an overriding public interest against disclosure for the purposes of sections 6-9, 32(1)(d), 58(1)(d) and (f)</p> <p>Pursuant To –</p>	
GIPA Act 002	<p>Authorised Proactive release of information –</p> <p>Authority to make any government information held by the council publicly available unless there is an overriding public interest against disclosure of the information.</p> <p>Pursuant To –</p> <p>Section 7</p>	

GIPA Act 003	<p>Informal release of information –</p> <p>Authority to release government information held by it to a person in response to an informal request by the person (that is, a request that is not an access application) unless there is an overriding public interest against disclosure of the information.</p> <p>Pursuant To –</p> <p>Section 8</p>	
GIPA Act 004	<p>Validity of application –</p> <p>Authority to decide whether the application is a valid access application and notify the applicant of its decision in accordance with sections 51, 51A and 52</p> <p>Pursuant To –</p> <p>Section 51</p>	
GIPA Act 005	<p>Consultation –</p> <p>Authority to consult with a person before providing access to information relating to the person and decide whether information about a person consulted under this section is likely to be included in the agency's disclosure for the purposes of giving a written notice to the person, in accordance with section 54</p> <p>Pursuant To –</p> <p>Section 54</p>	
GIPA Act 006	<p>Personal factors of the application –</p>	

	<p>Authority to require an applicant to provide evidence concerning any personal factors of the application that were relevant to a decision by the agency that there was not an overriding public interest against disclosure of the information.</p> <p>Pursuant To – Section 55</p>	
GIPA Act 007	<p>Deciding access applications –</p> <p>Authority to decide an access application and give the applicant notice of the decision in accordance with section 9 and Part 4, Division 4 (sections 57 – 63).</p> <p>Pursuant To – Sections 9 and Part 4, Division 4 of the Government Information (Public Access) Act 2009</p>	
GIPA Act 008	<p>Processing charge –</p> <p>Authority to carry out the functions of the Council as an agency under the Government Information (Public Access) Act 2009 which are provided for in Part 4, Division 5 (sections 64-71) of the Government Information (Public Access) Act 2009 in accordance with those sections, including the following functions:</p> <ul style="list-style-type: none"> • To impose or waive a processing charge, or discounted processing charge, for dealing with an access application, • to require the applicant to make an advance payment of a processing charge • to refuse to deal further with an access 	

	<p>application if the applicant has failed to pay an advance deposit within the time required for payment.</p> <p>Pursuant To –</p> <p>Part 4, Division 5 of the Government Information (Public Access) Act 2009</p>	
GIPA Act 009	<p>Deferral of access –</p> <p>Authority to defer access to information where the Council has decided to provide access in response to an access application, in accordance with section 78.</p> <p>Pursuant To –</p> <p>Section 78</p>	
GIPA Act 010	<p>Application for Internal review –</p> <p>Authority to agree to accept an application for internal review out of time.</p> <p>Pursuant To –</p> <p>Section 83</p>	
GIPA Act 011	<p>Conduct of Internal Review –</p> <p>Authority to determine an application for internal review of a decision of the Council and give the applicant notice of the decision in accordance with Part 5, Division 2.</p> <p>Pursuant To –</p> <p>Part 5, Division 2 of the Government</p>	

	Information (Public Access) Act 2009	
GIPA Act 012	<p>Review by Information Commissioner –</p> <p>Authority, pursuant to a recommendation by the Information Commissioner, to reconsider a decision and make a new decision in accordance with section 93.</p> <p>Pursuant To –</p> <p>Section 93</p>	
GIPA Act 013	<p>Waiver, reduction or refund of fees and charges –</p> <p>Authority to waive, reduce or refund any fee or charge payable or paid under the Government Information (Public Access) Act 2009 in any case that the delegate thinks appropriate.</p> <p>Pursuant To –</p> <p>Section 127</p>	
GIPA Act 014	<p>Confidential information in register –</p> <p>Authority to decide whether or not to include information in the register</p> <p>Pursuant To –</p> <p>section 32</p>	

Local Government (General) Regulation 2005

Function Code	Function	Condition/ Limitation (if any)
LG Reg 001	Act as appropriate person –	

	<p>Authority to act as an appropriate person, within the meaning of clause 164 of the Local Government (General) Regulation 2005, to receive or deal with tenders submitted to Council.</p> <p>Pursuant To –</p> <p>Clause 164</p>	
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Local Government Act 1993

Function Code	Function	Condition/ Limitation (if any)
LG Act 019	<p>Notice of entry –</p> <p>Authority to give written notice to the owner or occupier of the premises of the intention to enter the premises and authority to give notification of the use of force or urgent entry to such persons or authorities as appear to the delegate to be appropriate in the circumstances.</p> <p>Pursuant To –</p> <p>Sections 193 and 195</p>	
LG Act 023	<p>Insurance –</p> <p>Authority to make arrangements for the council's adequate insurance against public liability and professional liability in accordance with the regulations.</p>	

	<p>Pursuant To –</p> <p>Section 382</p>	
LG Act 050	<p>Laying of informations –</p> <p>Authority to lay information in respect of any proceedings for an offence</p> <p>Pursuant To –</p> <p>Section 684</p>	
LG Act 051	<p>Appearance in local court –</p> <p>Authority for an employee of the council appointed in writing by the general manager to represent the council in all respects in proceedings in the local court and to institute and carry on any proceedings in the local court which the council is authorised to institute and carry on under the Local Government Act 1993.</p> <p>Pursuant To –</p> <p>Section 687</p>	
LG Act 057	<p>Protection of privacy –</p> <p>Authority to determine a request made by a person that any material that is available (or is to be made available) for public inspection by or under that Act be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or the</p>	

	<p>person's family at risk.</p> <p>Pursuant To –</p> <p>Section 739</p>	
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Ombudsman Act 1974

Function Code	Function	Condition/ Limitation (if any)
Ombudsmans Act 001	<p>Complaints –</p> <p>Authority to complain to the Ombudsman about the conduct of a public authority in accordance with section 12</p> <p>Pursuant To –</p> <p>Section 12</p>	

Privacy and Personal Information Protection Act 1998

Function Code	Function	Condition/ Limitation (if any)
PPIP Act 001	<p>The powers to comply with Act –</p> <p>Authority to exercise and/or perform all powers and functions necessary or desirable to enable the Council to comply with its obligations under the Privacy and Personal Information Protection Act 1998.</p> <p>Pursuant To –</p>	

	Privacy and Personal Information Protection Act 1998	
PIIP Act 002	<p>Conduct internal review –</p> <p>Authority to conduct internal review requested by an aggrieved person</p> <p>Pursuant To –</p> <p>Sections 53 and 54</p>	

Public Interest Disclosures Act 1994

Function Code	Function	Condition/ Limitation (if any)
PID Act 002	<p>Provide report –</p> <p>Authority to provide report to Ombudsman and to Minister</p> <p>Pursuant To –</p> <p>Section 6CA, section 31</p>	
PID Act 003	<p>Refer evidence of an offence –</p> <p>Authority to refer evidence of an offence to Commissioner of Police or Commissioner</p> <p>Pursuant To –</p> <p>Section 20</p>	
PID Act 004	<p>Determine to disclose –</p> <p>Authority to determine to disclose and</p>	

	disclose identifying information Pursuant To – section 22(1)(c)	
PID Act 005	Provide investigating authority – Authority to provide investigating authority with view of Council as to proposed transfer of investigation, enter arrangements with investigating authority Pursuant To – Section 25	
PID Act 006	Notify person – Authority to notify person of action or proposed action in respect of a disclosure Pursuant To – Section 27	

State Records Act 1998

Function Code	Function	Condition/ Limitation (if any)
SR Act 001	Exercise functions – Authority to exercise the Council's functions, including the disposal of Council records and making of open and closed access directions in accordance with that Act and the State Records Regulation 2005	

	Pursuant To – State Records Act 1998	
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Schedule 2: Instruments of Delegation to Council


Delegator	Function & Instrument Name	Date Of Instrument
N/A	N/A	N/A

Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
ADMINGENA	Authorised to carry out administrative actions, including written and oral communication, necessary to perform the duties and functions of this position.	
ADMINGENB	Act as Council's Corporate Record Manager as appointed by the General Manager, with responsibilities in accordance with the requirements of the State Records Act 1998.	
ADMINGENC	Act as Council's Privacy Officer in all matters related to the Privacy & Personal Information Protection Act and Health Records & Personal Information Act.	
ADMINGEND	Act as Disclosure Co-ordinator/Nominated Disclosure Officer for "Public Interest Disclosure Act 1994" disclosures made by staff under Council's Internal Reporting Policy.	
ADMINGENF	Act as Council's Complaints Coordinator for Code of Conduct complaints as required by the Procedures for the Administration of the Code of Conduct.	

ADMINGENG	Accept service of documents on behalf of Council.	
ADMINGENH	To approve and settle statements of claim and insurance matters up to the level of Council's excess amounts payable under the respective insurance policies.	
ADMINGENI	To receive returns disclosing interests of councillors and designated persons pursuant to Section 449 of the Local Government Act 1993, issue receipts acknowledging lodgement of such returns and undertake actions required by Section 450A of the Local Government Act 1993.	
CORRESA	Sign correspondence relating to the core position responsibilities and other correspondence as required. Any correspondence addressed to Members of Parliament, Heads of Government Departments, Mayors, Local Government NSW, Unions (covering any Council Employee), Newspaper Editors, Media, Ombudsman, ICAC, Staff (affecting employment conditions) and any correspondence which gives political comments or contains matters of a vexatious or controversial nature should be signed following consultation with the relevant Manager, Director or General Manager.	
FINEXPB7	To authorise expenditure for works, services, facilities and goods on behalf of Council from the relevant budget up to a cost of \$50,000 provided that: <ul style="list-style-type: none"> i) Due provision has been made in the approved budget or the incurring of such expenditure is otherwise authorised. ii) An official order is placed in accordance with Council's policies and procedures. 	
FINEXPF	To procure goods or services for Council by means of an authorised Council purchasing card issued by Council's banking institution subject to the	

	approved transaction limit, monthly limit and compliance with Council's Procurement Policy and Procedures.	
GENMATA	Exercise the functions of the Council position to which the position-holder is appointed in accordance with the job description for that position, Council resolutions and policies, Council's Enterprise Agreement and management direction.	
GENMATB	Exercise the functions of the Council position to which the position-holder is temporarily appointed in accordance with the job description for that position, Council resolutions and policies, Council's Enterprise Agreement and management direction.	
STAFFA	To authorise timesheets for employees within the area of control of the position (referred hereafter as relevant staff)	
STAFFB	Determine all leave applications relative to all relevant staff having due regard to the proper functioning of the Section and maintenance of appropriate levels of service to the public.	
STAFFC	Authorise the attendance of relevant staff at technical seminars/conferences/residential schools and the like, subject to funding being available in the Council's budget.	
STAFFD	To authorise the payment of travelling and subsistence expenses for relevant staff in accordance with Council's policy on travelling and subsistence expenses.	
STAFFE	Approve overtime for relevant staff in accordance with approved budget.	
STAFFF	Approve relevant staff members to act in higher grade positions during periods of absence of key staff members in the Division.	



Adrian Panuccio

General Manager of Mid-Coast Council

Date: Wednesday, 18 July 2018

Review date:

Sub-delegate's Acknowledgement of Delegations of Authority

I Rob Griffiths currently employed by the Council in the position of Manager Governance do hereby acknowledge that I have read and understood this Instrument of Sub-Delegation and that I will perform these sub-delegations and authorities in accordance with this Instrument of Sub-Delegation and my position description.



Manager Governance of Mid-Coast Council

Date: 6/12/2018