

YORKE PENINSULA COUNCIL

Instrument of delegation

1. I delegate each function or power listed in the attached tables to the delegate or delegates nominated in respect of the function or power pursuant to:
 - (a) section 91 of the *Food Act 2001* with respect to the powers and functions of the head of an enforcement agency under the Food Act; and
 - (b) section 101 of the *Local Government Act 1999* with respect to powers and functions vested or conferred on the chief executive officer by the Local Government Act.
2. If two or more delegates are nominated in respect of a power or function, then each nominated person is granted a delegation and may exercise the power or function independently of any other delegate.
3. The delegations are granted subject to the following conditions and limitations:
 - (a) the delegate must exercise a delegated function or power in accordance with:
 - (i) due regard to applicable legislative and other legal requirements; and
 - (ii) relevant policies and guidelines adopted by the Council.
4. Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument.
5. If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and the remaining delegations will continue to operate according to their terms.
6. The delegations provided for in this instrument of delegation will come into operation on 14 September 2023.
7. Previous delegations granted by the Chief Executive Officer of the powers and functions delegated by this instrument are revoked with effect from the date on which the delegations provided for in this instrument come into operation.



Signature

Andrew Cameron, Chief Executive Officer

14/09/2023

Yorke Peninsula Council (**Council**)

Delegated functions and powers

Food Act 2001		
Statutory provision	Power/function	Delegate
section 46(1)	Serve a prohibition order on the proprietor of a food business	Director Development Services Environmental Health Officer
section 46(5)	Provide a certificate of clearance	Director Development Services Environmental Health Officer
section 88(5)	Consent to the delegation of power or function by a relevant authority to the Chief Executive Officer	?
section 93(1)	Report to the relevant authority on the performance of functions under the Food Act by persons employed or engaged by the council	Director Development Services
section 93(2)	Forward to the relevant authority details of any proceedings for an offence under the Food Act or the regulations taken by an officer of the council	Director Development Services

Local Government Act 1999		
Statutory provision	Power/function	Delegate
section 4(1aa)(a)(ii)(A)	Determine a website for the publication of a public notice by the council	No Sub Delegation
section 12(19)(b)	Refer a failure by the council of a type listed in section 12(1) of the Local Government Act to the Electoral Commissioner	No Sub Delegation
section 54(1)(b)	Receive notice of resignation of a council member	No Sub Delegation
section 54(6)	Notify council members of a vacancy in the office of a member of a council	No Sub Delegation
section 54(6)	Provide notice in the Gazette of a vacancy in the office of a member of a council	No Sub Delegation
section 55(c)	Receive a notice of disqualification from a member of the council	No Sub Delegation
section 56(1)	Publish a notice in the Gazette indicating that Division 2, Part 2, Chapter 5 of the Local Government Act applies to the council	No Sub Delegation
section 56(2)	Fix a polling day	No Sub Delegation

Local Government Act 1999		
Statutory provision	Power/function	Delegate
section 61(2)	Receive a request for access to a document	Director Assets & Infrastructure Services Director Development Services Director Corporate & Community Services
section 61(3)	Indicate that information contained in a document is confidential	Director Assets & Infrastructure Services Director Development Services Director Corporate & Community Services
section 65	Receive a primary return from a council member	No Sub Delegation
section 66	Receive an ordinary return from a council member	No Sub Delegation
section 67(1)	Receive notification from a council member of a change or variation in the information appearing on the Register of Interests	No Sub Delegation
section 68(1)	Maintain a Register of Interests and cause information furnished pursuant to Subdivision 2, Part 4, Chapter 5 of the Local Government Act and Schedule 3 to the Local Government Act to be entered on the register	No Sub Delegation
section 68(2)	Notify a council member of a failure by that member to submit a return and the consequences of not submitting a return	No Sub Delegation
section 68(3a)(a)	Publish a notice on a website determined by the chief executive officer specifying date return submitted	No Sub Delegation
section 68(3a)(a)	Determine website for publishing notice	No Sub Delegation
section 68(4)	Suppress an address of a person from the Register of Interests	No Sub Delegation
section 70(a1)	Determine a website for publication of the Register	No Sub Delegation
section 72A(2)	Determine requirements for provision of details of gifts or benefits received by a council member	No Sub Delegation
section 72A(4)	Maintain a register of gifts and benefits received by members and ensure details of each gift and benefits provided under this section included in the register	No Sub Delegation

Local Government Act 1999		
Statutory provision	Power/function	Delegate
section 72(3)(a)	Receive a primary return or ordinary return from a board member of a regional subsidiary of the council	No Sub Delegation
section 72(3)(b)	Participate in consultation with a regional subsidiary of the council to ensure that a Register of Interest relating to its board members is maintained and available for public inspection	No Sub Delegation
section 75G(1)(b) and 75G(2)	Issue a reasonable direction to a member for the purposes of ensuring the member's acts or omissions do not adversely affect the health or safety of employees of the council	No Sub Delegation
section 75G(5)	Ensure a complaint relating to the matter is referred to the Behavioural Standards Panel	No Sub Delegation
section 79(1)	Keep a Register of Allowances and Benefits	No Sub Delegation
section 79(2)	Ensure that an appropriate record is made in the Register of Allowances and Benefits	No Sub Delegation
section 80A(2h)	Maintain a register relating to training and development	No Sub Delegation
section 80A(2i)	Request a member provide within a period specified in the request information relating to training and development by the member	No Sub Delegation
section 80B(1)(b)	Suspend a member subject to a relevant interim intervention order from the office of member of the council where the person protected by the order is an employee of the council	No Sub Delegation
section 80B(4)	Revoke a suspension	No Sub Delegation
section 80B(7)	Notify the member of the suspension under section 80B(5) of the Local Government Act	No Sub Delegation
section 81(3)	Appoint a time and place at which an ordinary meeting of the council will be held	No Sub Delegation
section 81(3)(a)	Appoint a time and place at which the first ordinary meeting of the council will be held after being constituted under Chapter 3 of the Local Government Act	No Sub Delegation
section 81(3)(b)	Appoint a time and place at which the first ordinary meeting of the council will be held after a general election of the council	No Sub Delegation

Local Government Act 1999		
Statutory provision	Power/function	Delegate
section 82(1)	Call a special meeting of the council	No Sub Delegation
section 83(1)	Provide notice of an ordinary meeting of the council	No Sub Delegation
section 83(2)	Provide notice of a special meeting of the council	No Sub Delegation
section 83(4)(a)	Ensure that items on an agenda for a council meeting are described with reasonable particularity and accuracy	No Sub Delegation
section 83(4)(b)	Supply to a council member a copy of any documents or reports that are to be considered at a council meeting	No Sub Delegation
section 83(5)	Indicate on a document or report any information or matters that may, if the council so determined, be considered in confidence under Part 3 of the Local Government Act and the basis for a confidentiality order	No Sub Delegation
section 83(7)	Take action to bring a notice to the attention of a council member	No Sub Delegation
section 84(1)	Give notice to the public of the times and places of meetings of the council	No Sub Delegation
Section 84(1a)	Publicly display notice at principal office of the Council and publish notice and agenda in accordance with Section 132(1)(a) of the Local Government Act	No Sub Delegation
section 84(2a)	Give notice to the public of the times and places of meetings of the council	No Sub Delegation
section 84(5)	Ensure that a reasonable number of copies of any document or report supplied to council members for consideration at a meeting are available for inspection by members of the public	No Sub Delegation
Section 84(5)(a)	Determine website for publication of document or report	No Sub Delegation
section 86(3)	Preside at a meeting of the council until a council member is chosen to preside	No Sub Delegation
section 87(4)	Provide notice to a member of a council committee of an ordinary meeting of the committee	No Sub Delegation
section 87(5)	Call a special meeting of a council committee	No Sub Delegation

Local Government Act 1999		
Statutory provision	Power/function	Delegate
section 87(7)	Provide notice to a member of a council committee of a special meeting of the committee	No Sub Delegation
section 87(9)(a)	Ensure that items on an agenda for a council committee meeting are described with reasonable particularity and accuracy	No Sub Delegation
section 87(9)(b)	Supply to a council committee member a copy of any documents or reports that are to be considered at a council committee meeting	No Sub Delegation
section 87(10)	Indicate on a document or report any information or matters that may, if the council so determined, be considered in confidence under Part 3 of the Local Government Act and the basis for a confidentiality order	No Sub Delegation
section 87(12)	Take action to bring a notice to the attention of a council member	No Sub Delegation
section 87(13)	Maintain a record of all notices given under section 87 of the Local Government Act	No Sub Delegation
section 88(1)	Give public notice of the times and places of council committee meetings	No Sub Delegation
Section 88(1a)	Publicly display notice at principal office of the Council and publish the notice and agenda in accordance with Section 132(1)(a) of the Local Government Act	No Sub Delegation
section 88(2a)	Give public notice of the times and places of council committee meetings	No Sub Delegation
section 88(5)	Ensure that a reasonable number of copies of any document or report supplied to council committee members for consideration at a meeting are available for inspection by members of the public	No Sub Delegation
section 90(8d)	Determine a website for publishing an informal gathering or discussions policy	No Sub Delegation
section 91(1)	Ensure minutes are kept of council and council committee meetings	No Sub Delegation
section 91(11)	Sign minutes of a council or council committee meeting	No Sub Delegation
section 92(5)	Determine a website for publishing a code of practice or alterations or substitutions to a code of practice	No Sub Delegation

Local Government Act 1999

Statutory provision	Power/function	Delegate
section 93(2)	Give public notice of the time and place of a meeting of electors	No Sub Delegation
section 93(2)	Ensure that minutes are kept of the proceedings at a meeting of electors	No Sub Delegation
section 99(1)(a)	Ensure that the policies and lawful decisions of the council are implemented in a timely and efficient manner	No Sub Delegation
section 99(1)(b)	Undertake responsibility for the day-to-day operations and affairs of the council	No Sub Delegation
section 99(1)(c)	Provide advice and reports to the council on the exercise and performance of the council's powers and functions under the Local Government Act or any other Act	No Sub Delegation
section 99(1)(d)	Co-ordinate proposals for consideration by the council for developing objectives, policies and programs for the area	No Sub Delegation
section 99(1)(e)	Provide information to the council to assist the council to assess performance against its strategic management plans	No Sub Delegation
section 99(1)(f)	Ensure that timely and accurate information about council policies and programs is regularly provided to the council's community, and to ensure that appropriate and prompt responses are given to specific requests for information made to the council	No Sub Delegation
section 99(1)(g)	Ensure that the assets and resources of the council are properly managed and maintained	No Sub Delegation
section 99(1)(h)	Ensure that records required under this or another Act are properly kept and maintained	No Sub Delegation
section 99(1)(i)	Give effect to the principles of human resource management prescribed by the Local Government Act and to apply proper management practices	No Sub Delegation
section 99(1)(j)	Exercise, perform or discharge other powers, functions or duties conferred on the chief executive officer by or under the Local Government Act or other Acts, and to perform other functions lawfully directed by the council	No Sub Delegation
section 99(2)	Consult with the council when determining, or changing to a significant degree, the organisational structure for the staff of the council, the processes,	No Sub Delegation

Local Government Act 1999

Statutory provision	Power/function	Delegate
	terms or conditions that are to apply to the appointment of senior executive officers or the appraisal scheme that is to apply to senior executive officers	
section 100(1)	Determine whether to have a deputy chief executive officer	No Sub Delegation
section 100(2)	Appoint a deputy chief executive officer	No Sub Delegation
section 100(3)	Obtain the concurrence of the council before appointing a deputy chief executive officer or removing a deputy chief executive officer	No Sub Delegation
section 103(1)	Appointing, managing, suspending and dismissing employees of the council	No Sub Delegation
section 104	Determine the conditions of service of an employee of the council	No Sub Delegation
section 105(1)	Ensure that a Register of Salaries is kept	No Sub Delegation
section 105(2)	Ensure that a record is made in the Register of Salaries of a change in the salary, wage or remuneration, or an allowance or benefit, payable to, or provided for the benefit of, an employee or the payment or provision of an allowance or benefit not previously recorded in the Register	No Sub Delegation
section 107(1)	Ensure that sound principles of human resource management are applied to employment in the administration of the council, and must take reasonable steps to ensure that those principles are known to all employees	No Sub Delegation
section 113(b)	Receive a primary return from a prescribed officer	No Sub Delegation
section 114(b)	Receive an ordinary return from a prescribed officer	No Sub Delegation
section 116(1)	Maintain a Register of Interests and cause to be entered in the Register all information pursuant to Division 2, part 4, Chapter 7 of the Local Government Act	No Sub Delegation
section 116(2)	Notify a person who fails to submit a return of the failure	No Sub Delegation
section 118	Enable the inspection of the Register of Interests by a council member	No Sub Delegation

Local Government Act 1999		
Statutory provision	Power/function	Delegate
section 119A(2)	Determine requirements for provision of details of gifts and benefits received by an employee	No Sub Delegation
section 119A(4)	Maintain a register of gifts and benefits received by employees of the council and ensure details of each gift and benefit provided under this section are included in the register	No Sub Delegation
section 119A(5)	If the register includes information by reference to another register, publish or make available for inspection at the council that other register or information	No Sub Delegation
section 120(2)	Receive a disclosure of an interest in a matter from an employee of the council	No Sub Delegation
section 122(4a)(a)	Provide a report to the council on the sustainability of the council's long-term financial performance and position	No Sub Delegation
section 123(4)(a)	Determine a website for the publication of a notice informing the public of the preparation of a draft annual business plan and inviting attendance at a meeting or the making of submissions	No Sub Delegation
section 123(9)(c)	Determine a website for the publication of annual business plan and budget	No Sub Delegation
section 128(5)(b)	Receive a notice of resignation from an auditor	Director Corporate & Community Services
section 129(5b)(b)	Participate in consultation with the principal member of the council in relation to whether the opinions and advice of the auditor should be a late item on the agenda for a council meeting	Director Corporate & Community Services
section 130(1)	Produce accounts, accounting records and other documents to the auditor	Director Corporate & Community Services
section 130(2)	Produce explanations or information to the auditor	Director Corporate & Community Services
section 130A(4)	Produce any documents relevant to an examination to, and provide any explanation or information required by, a person undertaking an examination under section 130A of the Local Government Act	Director Assets & Infrastructure Services Director Development Services Director Corporate & Community Services
section 130(6)(b)	Participate in consultation with the principal member of the council in relation to whether a report on an examination under section 130A of the Local	No Sub Delegation

Local Government Act 1999		
Statutory provision	Power/function	Delegate
	Government Act should be a late item on the agenda for a council meeting	
section 132(1)	Determine a website for the publication of documents referred to in Schedule 5) of the Local Government Act	No Sub Delegation
section 132(3a)	Determine website for the publication of a document or part of a document if an order under section 91(7) expires or ceases to apply to the document or a part of the document	No Sub Delegation
section 143(2)	Certify that reasonable attempts have been made to recover a debt or that the costs of recovery are likely to equal or exceed the amount to be recovered	Director Corporate & Community Services Manager Financial Services
section 172(1)	Ensure that an assessment record is kept	Director Corporate & Community Services Manager Financial Services
section 172(2)	Receive an application to have an occupier's name entered in the assessment record as the principal ratepayer in respect of land	Director Corporate & Community Services Manager Financial Services
section 172(2)	Determine the manner and form of an application under section 172(2) of the Local Government Act	Director Corporate & Community Services Manager Financial Services
section 172(3)	Enter an occupier's name in the assessment record as the principal ratepayer in respect of land	Director Corporate & Community Services Manager Financial Services
section 172(4)	Suppress the name or address of a person from the assessment record	Director Corporate & Community Services Manager Financial Services
section 172(5)	Suppress the name or address of a person from the assessment record	Director Corporate & Community Services Manager Financial Services
section 172(6)(b)	Make any alteration to the assessment record	Director Corporate & Community Services Manager Financial Services
section 173(1)	Receive an application to alter the assessment record	Director Corporate & Community Services Manager Financial Services
section 173(2)	Approve the manner and form of an application under section 173(1) of the Local Government Act	Director Corporate & Community Services Manager Financial Services

Local Government Act 1999		
Statutory provision	Power/function	Delegate
section 184(15)	Provide a statutory declaration to the Registrar-General stating that the requirements of section 184 of the Local Government Act have been observed in regard to the sale of land	Director Corporate & Community Services Manager Financial Services
section 187(3)(d)	Receive an application for a certificate of liabilities	Director Corporate & Community Services Manager Financial Services
section 219(7)(c)	Determine a website for publishing a notice of the adoption or alteration of a policy under section 219 of the Local Government Act	Director Corporate & Community Services Manager Financial Services
section 234A(6)(c)	Determine a website for publishing a resolution passed under section 234A of the Local Government Act	Director Corporate & Community Services Manager Financial Services
section 252(7)	Provide a certificate for the purposes of section 252(5) or 252(6) of the Local Government Act	Director Corporate & Community Services Manager Financial Services
section 264(1)(b)	Lodge a complaint against a council member with the South Australian Civil and Administrative Tribunal	No Sub Delegation
section 264(1)(b)	Lodge a complaint with SACAT	No Sub Delegation
section 287	Certify a copy of, or extract from, the assessment record kept under Chapter 10 of the Local Government Act	Director Corporate & Community Services Manager Financial Services
section 289	Certify a copy of, or extract from, a register kept under the Local Government Act	Director Corporate & Community Services Manager Financial Services
section 290(1)	Certify a copy of a by-law in force within the council area	No Sub Delegation
section 291	Issue a certificate giving details of the boundaries of the council area	Director Assets & Infrastructure Services Director Development Services Director Corporate & Community Services
section 293	Issue a certificate giving details of the cost of work undertaken, the portion payable by a person and the date of the completion of the work	Director Assets & Infrastructure Services Director Development Services Director Corporate & Community Services
clause 9(6), schedule 1B	Provide a statutory declaration stating that the requirements of clause 9 of Schedule 1B of the Local Government Act and the	Director Assets & Infrastructure Services

Local Government Act 1999		
Statutory provision	Power/function	Delegate
	regulations have been observed in relation to the sale of land	Director Development Services Director Corporate & Community Services
clause 3(5)(b), schedule 2	Determine a website for publishing a copy of a subsidiary charter	No Sub Delegation
clause 19(5)(b), schedule 2	Determine, in conjunction with the chief executive officers of the other constituent councils, a website for publishing a copy of a regional subsidiary charter	No Sub Delegation

Local Government (Financial Management) Regulations 2011		
Statutory provision	Power/function	Delegate
regulation 14(a)	Sign the financial statements of the council	No Sub Delegation
regulation 16(3)	Certify that the information provided under regulation 16(2) of the Local Government (Financial Management) Regulations has been reconciled to, and is consistent with, the audited financial statements of the council	No Sub Delegation
regulation 18(4)	Determine, in conjunction with the chief executive officers of other constituent councils, a website or websites for the publication of a notice given to a regional subsidiary under regulation 18 of the Local Government (Financial Management) Regulations	No Sub Delegation
regulation 18(4)	Ensure, in conjunction with the chief executive officers of the other constituent councils, that a notice given to a regional subsidiary under regulation 18 of the Local Government (Financial Management) Regulations is published on a website or websites determined by the chief executive officers	No Sub Delegation
regulation 21(4)	Lay before the council any audited financial statements of a subsidiary received for the purposes of clause 12(3)(a) or 28(2)(a) of Schedule 2 to the Local Government Act	No Sub Delegation
regulation 22(3)(a)	Provide a statement certifying compliance for the financial year with the requirement that the auditor be independent of the council	No Sub Delegation

Local Government (Financial Management) Regulations 2011

Statutory provision	Power/function	Delegate
regulation 22(3)(b)(i)	Provide a statement certifying compliance for the financial year with the requirement that the auditor be independent of the regional subsidiary	No Sub Delegation

Local Government (General) Regulations 2013

Statutory provision	Power/function	Delegate
regulation 8AB	Determine website for publication of information listed in regulation 8AB of the Local Government (General) Regulations	No Sub Delegation
clause 1(2), Schedule 2A	Receive details of a gift or benefit received by an employee of the council	No Sub Delegation
clause 1(2), Schedule 2A	Determine any requirements applying to an employee of the council notifying the receipt of a gift or benefit	No Sub Delegation
clause 1(3), Schedule 2A	Maintain a register of gifts or benefits received by employees of the council	No Sub Delegation
clause 1(4)(b), Schedule 2A	Determine a website for the publication of the register of gifts or benefits received by employees of the council	No Sub Delegation

Local Government (Procedures at Meetings) Regulations 2013

Statutory provision	Power/function	Delegate
regulation 7(2)	Adjourn a meeting where the number of apologies received indicates that the meeting will lack a quorum to a specified day and time	No Sub Delegation
regulation 7(3)	Adjourn a meeting which lacks a quorum to a specified day and time	No Sub Delegation
regulation 7(4)	Record in the minute book the reason for an adjournment, the names of any members present and the date and time to which the meeting is adjourned	No Sub Delegation
regulation 7(5)(a)	Give notice of an adjourned meeting to each council member setting out the date, time and place of the meeting	No Sub Delegation
regulation 7(5)(b)	Give notice of an adjourned meeting to the public setting out the date, time and place of the meeting	No Sub Delegation

Local Government (Procedures at Meetings) Regulations 2013

Statutory provision	Power/function	Delegate
regulation 9(1)	Receive written notice of a question on notice	No Sub Delegation
regulation 9(2)(a)	Place a question on notice on the agenda for the meeting at which the question will be asked	No Sub Delegation
regulation 10(2)	Place a petition (or, if provided for in a policy of the council, a summary of the petition as described in regulation 10(2) of the Local Government (Procedures at Meetings) Regulations) on the agenda for the next ordinary meeting of the council (or, if provided for in a policy of the council, on the agenda for the next ordinary meeting of a council committee)	No Sub Delegation
regulation 11(2)	Transmit a request for a deputation to the presiding member of the council	No Sub Delegation
regulation 11(4)	Take reasonable steps to inform a person or persons requesting a deputation of the outcome of the request	No Sub Delegation
regulation 12(2)	Receive a notice of motion	No Sub Delegation
regulation 12(20)	Report on each question that lapses under regulation 12(19) at the first ordinary meeting of the council after a general election	No Sub Delegation
regulation 16(1)	Read out a motion before a vote is taken	No Sub Delegation
regulation 17(4)	Record in the minutes the names of the council members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote) when a division is taken	No Sub Delegation
regulation 18(1)	Table documents relating to a motion that is before a meeting	No Sub Delegation
regulation 18(2)	Indicate an opinion that consideration should be given to dealing with a document on a confidential basis under sections 90 or 91 of the Local Government Act	No Sub Delegation
regulation 21(1)	Submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council	No Sub Delegation
regulation 21(2)	Place a report under regulation 21(1) of the Local Government (Procedures at Meetings) Regulations on the agenda for	No Sub Delegation

Local Government (Procedures at Meetings) Regulations 2013		
Statutory provision	Power/function	Delegate
	the meeting at which the report is to be considered	