



## CESSNOCK CITY COUNCIL

### INSTRUMENT OF DELEGATION TO MAYOR

On Wednesday, 16 October 2024 the Cessnock City Council (“**Council**”) resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Mayor be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. A Councillor elected as the Deputy Mayor be delegated the functions, powers and duties of the Mayor with the general limitations that the Deputy Mayor may only exercise these Functions:
  - a. at the request of the Mayor; or
  - b. if the Mayor is prevented by illness, absence or otherwise from exercising these functions; or
  - c. if there is a casual vacancy in the office of Mayor.
5. These 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, Schedule 2** and **Schedule 3**; and
  - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
6. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
7. Notwithstanding any other provision of this Instrument, during a **Recess Period**, may, with the General Manager, determine matters not otherwise restricted from delegation, that would normally be referred to Council.

8. 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 (NSW)* as amended.
- **"LG Regulation"** means the *Local Government (General) Regulation 2021 (NSW)* and as amended from time to time.
- **"Recess period"** means a period of time where there is a break in Council's ordinary meeting schedule, specifically being:
  - Between the last meeting of Council for the calendar year and the first meeting of the following year, with the agreement of the Mayor, or in the absence of the Mayor, with the Deputy Mayor; and
  - Between the last meeting of the Council term and the day appointed for the next ordinary election; with the agreement of the Mayor, or in the absence of the Mayor, with the Deputy mayor, and remaining compliance with section 393(B)(1)(a) of the LG Regulation; and
  - Between the last day appointed for the ordinary election and the first meeting of the new Council term, with the agreement of the Mayor; and
  - Not the time between the Ordinary Council meeting schedule adopted for the calendar year by resolution of Council (when an extraordinary meeting can be called where decisions are required to be made as a matter of urgency).

## Schedule 1: Delegated Functions

### Local Government Act 1993 (NSW)

<b>Function Code</b>	LG Act 004
<b>Function</b>	<p><b>Mayor Functions –</b>            Authority to exercise and/or perform the role of the Mayor,  <b>Pursuant to – section 226</b></p>
<b>Condition/ Limitation (if any)</b>	<p>The Mayor may exercise the functions only in accordance with the following conditions and limitations:</p> <ol style="list-style-type: none"> <li>1. Authority, in the cases of emergency where it is not practical to wait for the next scheduled meeting of Council, to exercise such functions of the Council as necessary in the situation, except those functions listed under section 377 of the LG Act and those regulatory functions under Chapter 7 of the LG Act. This delegation applies only to those functions properly held by the Council and does not extend to statutory functions of the General Manager under section 335 of the Act.</li> <li>2. Authority to affix the corporate seal of Cessnock City Council to all documents necessary for Council to enter into or be a party to any property or commercial transaction, provided that the transaction has already been authorised by specific resolution of Council.</li> <li>3. Recruitment, appointment, oversight and performance management of the General Manager in accordance with the Office of Local Government's <i>Guidelines for the Appointment and Oversight of General Managers, the General Manager's Performance Review Panel</i> and other relevant Council policies and procedures including approval of General Manager's applications for leave and appointing Acting General Manager during periods of leave.</li> <li>4. The determination of Council's organisational structure in accordance with section 332 of the LG Act as per the <i>General Manager's Performance Review Panel</i> and other relevant Council policies and procedures.</li> </ol>

## Schedule 2: Policy Authorities


Code	Policy Authority	Conditions / Limitations (if any)
N/A		

## Schedule 3: General Limitations

Limitation (if any)
N/A

## Delegate Acknowledgement of Delegation

I, **Daniel Watton**, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation, and my position description.

  
\_\_\_\_\_  
**Daniel Watton**

**Mayor of Cessnock City Council**

Date: Wednesday, 23 October 2024