



Register of Delegations



EASTERN WASTE MANAGEMENT AUTHORITY

Version History

Date	Changes
29 November 2024	East Waste Board delegations to the General Manager East Waste
15 June 2025	Delegation Review
24 February 2026	Inclusion of Finance Business Partner

Notes:

Refer to the relevant dates to identify when these delegations were made, reviewed or amended.

Conditions or limitations may apply to the delegations contained in this Instrument.

Instruments of Delegation in this Document

Appendix 1 – Instrument of Delegation under the Local Government Act 1999. Page 4

Appendix 2 – Instrument of Delegation under the Work, Health, Safety Act 2012. Page 17

Positions

Abbreviation	Position
General Manager	GM
Manager Business Services	MBS
Manager HR & Financial Services	MHRFS
Manager Operational Services	MOS
Finance Business Partner	FBR
Coordinator Risk & WHS	CRWHS
Coordinator Operations	CO
Team Leader Operations	TLO
Team Leader Workshop	TLW
Team Leader Customer Service	TLCS

**INSTRUMENT OF DELEGATION UNDER THE
LOCAL GOVERNMENT ACT 1999**

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
1. General Powers and Capacities	1.1 The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Authority is not required.	GM	MBS, MOS, MHRFS, FBP	<p>The ability to enter into contracts is limited by the Authorisation limits for Purchase Requisition Amounts found in the delegations for section 137 of the Act.</p> <hr/> <p>The power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the East Waste Board.</p>

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
	<p>1.2 The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Authority to perform or discharge the Authority's functions or duties or to achieve the Authority's objectives.</p>	GM	MBS, MOS, MHRFS, FBP	
<p>2. Provision Relating to Contract and Transactions</p>	<p>2.1 The power pursuant to Section 37(b) of the Act to enter into contracts or to authorise another officer, employee or agent of the Authority to enter into contracts, on behalf of the Authority, where the common seal of the Authority is not required.</p>	GM	MBS, MOS, MHRFS	<p>The ability to enter into contracts is limited by the Authorisation limits for Purchase Requisition Amounts found in the delegations for section 137 of the Act.</p> <hr/> <p>The power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the East Waste Board.</p>
<p>3. Delegations by the Board of the Authority</p>	<p>3.1 The function pursuant to Section 44(6) of the Act to cause a separate record to be kept of all</p>	GM	N/A	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
	delegations under the Act.			
4. Commercial Activities	4.1 Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Authority's functions, engage in a commercial activity or enterprise ('a commercial project').	GM	N/A	
4. Commercial Activities	4.2 The power pursuant to Section 46(2) of the Act, to, in connection with a commercial project: 4.2.1 establish a business. 4.2.2 participate in a joint venture, trust, partnership or other similar body.	NOT DELEGATED		
5. Interests in Companies	5.1 The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.	GM	N/A	
6. Prudential Requirements	6.1 The power and function pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Authority –	GM	MBS, MOS, MHRFS, FBP	In accordance with Prudential Management Policy.
	6.1.1 acts with due care, diligence and foresight; and 6.1.2 identifies and manages risks associated with a project; and			

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
	<p>6.1.3 makes informed decisions; and</p> <p>6.1.4 is accountable for the use of Council and other public resources.</p>			
<p>6. Prudential Requirements</p>	<p>6.2 The function pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Authority for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.</p>	<p>GM</p>	<p>MBS, MOS, MHRFS, FBP</p>	<p>N/A</p>
<p>6. Prudential Requirements</p>	<p>6.3 Without limiting Section 48(aa1) of the Act, the power and function pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Board of the Authority:</p> <p>6.3.1 engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -</p>	<p>GM</p>	<p>MBS</p>	<p>In accordance with Prudential Management Policy</p>

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
7. Contracts and Tenders Policies	<p>7.1 The function pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:</p> <p>7.1.1 obtaining value in the expenditure of public money; and</p> <p>7.1.2 providing for ethical and fair treatment of participants; and</p> <p>7.1.3 ensuring probity, accountability and transparency in procurement operations.</p>	GM	MBS, MOS, MHRFS, FBP	
7. Contracts and Tenders Policies	<p>7.1 Without limiting Section 49(a1) of the Act, the power and function pursuant to Section 49(1) of the Act to prepare policies on contracts and tenders including policies on the following:</p> <p>7.1.1 the contracting out of services; and</p> <p>7.1.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and</p> <p>7.1.3 the use of local goods and services; and</p> <p>7.1.4 the sale or disposal of land or other assets.</p>	GM	MBS, MOS, MHRFS, FBP	
7. Contracts and Tenders Policies	<p>7.2 The power and function pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:</p> <p>7.2.1 identify circumstances where the Authority will call for tenders for the supply of goods, the provision of services</p>	GM	N/A	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
	<p>or the carrying out of works, or the sale or disposal of land or other assets; and</p> <p>7.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and</p> <p>7.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process.</p> <p>7.2.4 are consistent with any requirement prescribed by the regulations.</p>			
7. Contracts and Tenders Policies	7.3 The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).	NOT DELEGATED		
8 Reimbursement of Certain Expenses	8.1 The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Board of the Authority expenses of a kind prescribed for these purposes and approved by the Board (either specifically or under a policy established by the Board for these purposes) incurred in performing or discharging official functions and duties.	GM	MBS, MOS, MHRFS, FBP	
9. Insurance of Members	9.1 The power pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Board of the Authority and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or	GM	N/A	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
	discharge of official functions and duties by members.			
10. Committee Meetings	10.1 The power pursuant to Section 87(1) of the Act to determine the times and places of ordinary meetings of Board of Authority committees.	GM	N/A	
11. Application of Division	10.2 The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division of the Act,	GM	N/A	
12. Behavioural standards.	12.1 The power under section 120A(1) of the Act to prepare and adopt employee behavioural standards.	NOT DELEGATED		
12. Behavioural standards.	12.2 The power under section 120A(4) to alter or substitute employee behavioural standards.	NOT DELEGATED		
12. Behavioural standards.	<p>12.3 The power under section 120A(5) of the Act to consult with any registered industrial association that represents interests of employees before adopting, altering or substituting employee behavioural standards.</p> <p>12.4 The power under section 120A(6)(a) of the Act to Review the operation of the employee behavioural standards.</p>	GM	MBS, MOS, MHRFS	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
12. Behavioural standards.	12.5 The power under section 120A(6)(b) of the Act to consider whether to adopt employee behavioural standards within 6 months of a periodic election.	NOT DELEGATED		
13. Certain Aspects of Strategic Management Planning	13.1 The function pursuant to Section 122(1) of the Act to develop for consideration and adoption by the Authority strategic management plans for the Authority over a period of at least 4 years in accordance with the principles set out at Section 122(1), (2) and (3) of the Act.	GM	N/A	
13. Certain Aspects of Strategic Management Planning	<p>13.2 In conjunction with the development of the plans required under Section 122(1) of the Act, the function pursuant to Section 122(1a) of the Act to develop in accordance with Section 122(2) and (3) of the Act for consideration and adoption by the Board of the Authority—</p> <p>13.2.1 a long-term financial plan for a period of at least 10 years; and</p> <p>13.2.2 an infrastructure and asset management plan, relating to the management and development of infrastructure and major assets by the Authority for a period of at least 10 years.</p>	GM	MBS, MOS, MHRFS	
13. Certain Aspects of Strategic Management Planning	<p>13.3 In conjunction with the development of the plans required under Section 122(1) of the Act, within the prescribed period, to</p> <p>13.3.1 provide information relating to long-term financial plan and infrastructure and</p>	GM	MBS, MOS, MHRFS	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
	<p>asset management plan to designated authority in accordance with Section 122(1c) of the Act.</p> <p>13.3.2 provide to the designated authority all relevant information on the matters specified in this section in accordance with guidelines determined by designated authority in accordance with Section 122(1e) of the Act;</p> <p>13.3.3 ensure advice provided by designated authority and any response of a Member Council is published in the Council's annual business plan (draft and adopted) in the relevant financial year and subsequent financial year (until next relevant financial year) in accordance with section 122(1h) of the Act;</p> <p>13.3.4 provide to the designated authority within time and in manner specified in notice information the designated authority reasonably requires in accordance with Section 122(1j) of the Act.</p>			
14 Accounting Records to be Kept				
<p>14.1 The function pursuant to Section 124(1) of the Act to:</p> <p>14.1.1</p>	<p>keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Authority;</p>	GM	MHR&FS, FBP	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
14.1.2	keep the Authorities accounting records in such manner as will enable— 14.1.1.1 the preparation and provision of statements that fairly present financial and other information; and 14.1.1.2 the financial statements of the Authority to be conveniently and properly audited.			
14.2	The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Authority.	GM	N/A	
15 Internal Control and Audit Committee				
15.1	The function pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Authority to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Authority's assets and to secure (as far as possible) the accuracy and reliability of the Authority's records.	GM	MBS, MOS, MHRFS, FBP	
15.2	The power pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.	NOT DELEGATED		
16 Financial Statements				
16.1	The function pursuant to Section 127(1) of the Act to prepare for each financial year: 16.1.1 financial statements and notes in accordance with standards prescribed by the regulations; and	GM	MHR&FS, MBS, FBP	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
	16.1.2 other statements and documentation referring to the financial affairs of the Authority required by the Regulations.			
16.2	<p>The function pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Authority pursuant to Section 127(1) of the Act—</p> <p>16.2.1 are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and</p> <p>16.2.2 comply with standards and principles prescribed by the Regulations; and</p> <p>16.2.3 include the information required by the Regulations.</p>	GM	MHR&FS, MBS, FBP	
16.3	The function pursuant to Section 127(3) of the Act to submit for auditing by the Authority's auditor the statements prepared for each financial year.	GM	MHR&FS, FO, FBP	
16.4	The function pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.	GM	MHR&FS, MBS, FO, FBP	
17 The Auditor				
17.1	The power pursuant to Section 128(2) of the Act to appoint an auditor on the recommendation of the relevant audit committee.	GM	N/A	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
17.2	<p>The function pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:</p> <p>17.2.1 information on the remuneration payable to the Authority's auditor for work performed during the relevant financial year, distinguishing between—</p> <p>17.2.2 remuneration payable for the annual audit of the Authority's financial statements; and</p> <p>17.2.2.1 other remuneration;</p> <p>17.2.2.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office—the reason or reasons why the appointment of the Council's auditor came to an end.</p>	GM	MBS	
18 Conduct of Audit				
18.1	<p>The function pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Authority under Section 129 of the Act accompany the financial statements of the Authority.</p>	GM	MHR&FS, MBS, FBP	
19 Investigations				
19.1	<p>The power pursuant to and in accordance with Section 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Authority's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Authority manages or uses its resources to achieve its objectives, that would not</p>	GM	MHR&FS, MBS, MOS, FBP	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
	<p>otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.</p>			
<p>19.2 Unless Section 130A(7) of the Act applies, the function pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:</p> <p>19.2.1 unless Section 130A(6)(b) of the Act applies—at the next ordinary meeting of the Board of the Authority in accordance with Section 130A(6)(a) of the Act;</p> <p>19.2.2 if the agenda for the next ordinary meeting of the Board has already been sent to members of the Board at the time that the report is provided to the principal member of the Board—at the ordinary meeting of the Board next following the meeting for which the agenda has already been sent unless the principal member of the Board determines, after consultation with the General Manager , that the report should be considered at the next meeting of the Authority as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.</p>		GM	MHR&FS, MBS, MOS, FBP	
<p>20 Administrative Standards</p>				
<p>20.1 The power pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order –</p> <p>20.1.1 to ensure compliance with any statutory requirements; and</p> <p>20.1.2 to achieve and maintain standards that reflect good administrative practices.</p>		GM	MBS	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
21 Sources of Funds				
21.1	Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under this or another Act and as may otherwise be appropriate in order to carry out the Authority's functions under this or another Act, by –	GM	MHR&FS, MBS, MOS, FBP	
21.2	selling property;			
21.3	by leasing or hiring out property;			
21.4	by obtaining grants or other allocations of money other than by borrowing;			
21.5	by carrying out commercial activities;			
21.6	by recovering fees, charges, penalties or other money payable to the Authority.			
22 Expenditure of Funds				
22.1	Subject to the Act or another Act, the power pursuant to Section 137 of the Act, to expend the Authority's approved budgeted funds, in the exercise, performance or discharge of the Authority's powers, functions or duties under the Act or other Acts.	<p>NOTE:</p> <p>Authorisation Limits:</p> <p>GM – Purchasing - \$250,000, EFT - \$3,000,000, Credit Card - \$9,000</p> <p>MBS – Purchasing - \$150,000; EFT - \$3,000,000, Credit Card \$9,000</p>		

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
				<p>MHR&FS - Purchasing - \$150,000; EFT - \$3,000,000, Credit Card \$3,000</p> <p>FBP – Purchasing \$50,000, EFT - \$1,000, 000</p> <p>MOS - Purchasing - \$150,000; EFT - \$3,000,000, Credit Card \$5,000</p> <p>CO - Purchasing - \$20,000; Credit Card - \$3,000</p> <p>CR&WHS - \$20,000</p> <p>TLW - \$10,00</p> <p>TLCS - \$1,000</p> <p>FSO - \$1,000</p> <p>DS- \$1,000</p> <p>The power to expend funds in the performance or discharge of the Authority’s powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the Authority.</p>
23	Investment Powers			
23.1	The power pursuant to Section 139(1) of the Act to invest money under the Authority’s control.	GM	MHR&FS, MBS, FBP	
23.2	The function pursuant to Section 139(2) of the Act in exercising the power of investment, to:	GM	MHR&FS, MBS, FBP	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
	<p>23.2.1 exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and</p> <p>23.2.2 avoid investments that are speculative or hazardous in nature.</p>			
<p>23.3</p>	<p>The power pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters—</p> <p>23.3.1 the purposes of the investment;</p> <p>23.3.2 the desirability of diversifying the Authority’s investments.</p> <p>23.3.3 the nature of and risk associated with existing the Authority’s investments;</p> <p>23.3.4 the desirability of maintaining the real value of the capital and income of the investment;</p> <p>23.3.5 the risk of capital or income loss or depreciation;</p> <p>23.3.6 the potential for capital appreciation;</p> <p>23.3.7 the likely income return and the timing of income return;</p> <p>23.3.8 the length of the term of a proposed investment;</p> <p>23.3.9 the period for which the investment is likely to be required;</p> <p>23.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;</p> <p>23.3.11 the aggregate value of the assets of the Authority;</p> <p>23.3.12 the likelihood of inflation affecting the value of a proposed investment;</p> <p>23.3.13 the costs of making a proposed investment;</p> <p>23.3.14 the results of any review of existing Authority investments.</p>	<p>GM</p>	<p>MHR&FS, MBS, FBP</p>	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
23.4	Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to— 23.4.1 the anticipated community benefit from an investment; and 23.4.2 the desirability of attracting additional resources into the local community.	GM	MHR&FS, MBS, FBP	
23.5	The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Authority’s investments from the person whom the Delegate reasonably believes to be competent to give the advice.	GM	MHR&FS, MBS	
24 Review of Investment				
24.1	The function pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Authority’s investments, at least once in each year and the function to report to the Board on the outcome of the review.	GM	MHR&FS, MBS, FBP	
25 Gifts to the Authority				
25.1	Within the confines of Section 44(3) of the Act:	GM	N/A	
25.1.1	the power pursuant to Section 141(1) of the Act to accept a gift made to the Authority ;			
25.1.2	the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to the Authority;			

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
25.1.3	the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Authority has been constituted a trustee;			
25.1.4	where a variation is sought in the terms of a trust, the function pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court.			
26	Function to Insure Against Liability			
26.1	The power pursuant to Section 142 of the Act to take out and maintain insurance to cover the Authority's civil liabilities at least to the extent prescribed by the Regulations.	GM	N/A	
27	Writing off Bad Debts			
27.1	The power pursuant to Section 143(1) of the Act to write off any debts owed to the Authority— 27.1.1 if the Authority has no reasonable prospect of recovering the debts; or 27.1.2 if the costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of \$5,000.00 in respect of any one debt.	GM	N/A	
27.2	The function pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the General Manager has certified— 27.2.1 reasonable attempts have been made to recover the debt; or	GM	N/A	

Provision	Functions and Powers Delegated	Delegate	Sub-delegate	Conditions and Limitations
27.2.2	the costs of recovery are likely to equal or exceed the amount to be recovered.	GM	N/A	
28 Recovery of Amounts due to the Authority				
28.1	The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.	GM	MHR&FS, FO, FBP	
29 Business Plans and Budgets				
29.1	The function pursuant to Schedule 2, Clause 24 of the Act to prepare an annual business plan in accordance with the principles and requirements set out at Schedule 2, Part 24(6),) of the Act for consideration and adoption by the Member Councils	GM	MBS	
29.2	The function pursuant to Schedule 2, Clause 25 of the Act to prepare a budget in accordance with the requirements set out at Schedule 2, Clause 25 (2) of the Act for consideration and adoption by the Member Councils.	GM	N/A	
29.3	The function pursuant to Schedule 2, Clause 25(4) that a subsidiary may incur, for the purpose of a genuine emergency or hardship, spending that is not authorised by its budget.	GM	N/A	
30 Annual Report of the Authority				
30.1	The function to pursuant to Schedule 2, Clause 28 of the Act to, on or before 30 September in each year subsequent to the financial year to which the report relates, furnish to the Member Councils, a report on the work and operations of the Authority for the preceding financial year.	GM	MBS	

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Note:	Clause 11.2 of the Eastern Waste Management Authority Charter forbids the power to enter into transactions in excess of \$50 000 unless authorised in an Annual Plan.
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APPENDIX 3

**INSTRUMENT OF DELEGATION UNDER THE
WORK HEALTH AND SAFETY ACT 2012**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
1.	Determination of work groups			
1.1	The power pursuant to Section 51(1) of the <i>Work Health and Safety Act 2012</i> (the Act), to, if a request is made under Section 50 of the Act, facilitate the determination of one or more work groups of workers.	GM	MBS, CR&WHS	
2.	Negotiations for agreement for work group			
2.1	The power pursuant to Section 52(1) of the Act, and in accordance with Sections 52(2), (3) and (6) of the Act, to determine a work group by negotiation and agreement with the workers who will form the work group or their representatives.	GM	MBS, CR&WHS	

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
2.2	The power pursuant to Section 52(4) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement in accordance with Section 52(6) of the Act.	GM	MBS, CR&WHS	
3. Failure of negotiations				
3.1	The power pursuant to Section 54(1) of the Act to, if there is a failure of negotiations (including negotiations concerning the variation of an agreement), ask the regulator to appoint an inspector for the purposes of Section 54 of the Act.	GM	MBS, CR&WHS	
4 Determination of work groups of multiple businesses				
4.1	The power pursuant to Section 55(2) of the Act to determine the particulars of the work groups by negotiation and agreement, in accordance with Section 56 of the Act, between each of the persons conducting the businesses or undertakings and the workers.	GM	MBS, CR&WHS	
4.2	The power pursuant to Section 55(3) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement.	GM	MBS, CR&WHS	
5 Negotiation of agreement for work groups of multiple businesses				
5.1	The power pursuant to Section 56(3) of the Act to, if agreement cannot be reached on a matter relating to the	GM	MBS, CR&WHS	

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
	determination of a work group (or a variation of an agreement) within a reasonable time after negotiations commence under Subdivision 3 of Division 3, Part 5 of the Act, ask the regulator to appoint an inspector to assist the negotiations in relation to that matter.			
6	Withdrawal from negotiations or agreement involving multiple businesses			
6.1	The power pursuant to Section 58(1) of the Act to, in relation to a negotiation for an agreement, or an agreement, concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, withdraw from the negotiation or agreement at any time by giving reasonable notice (in writing) to the other parties.	GM	MBS, CR&WHS	
6.2	The power pursuant to Section 58(2) of the Act to, if a party withdraws from an agreement concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, negotiate a variation to the agreement in accordance with Section 56 of the Act.	GM	MBS, CR&WHS	
7	Disqualification of health and safety representatives			
7.1	The power pursuant to Section 65(1) of the Act, to make an application to SAET to disqualify a health and safety representative on the ground that the representative has:	GM	MBS	
7.1.1	exercised a power or performed a function as a health and safety representative for an improper purpose; or	GM		

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
	<p>7.1.2 used or disclosed any information he or she acquired as a health and safety representative for a purpose other than in connection with the role of health and safety representative,</p>			
	<p>where the Authority is adversely affected by the exercise of a power or the performance of a function referred to in Section 65(1)(a) of the Act or the use or disclosure of information referred to in Section 65(1)(b) of the Act.</p>			
<p>8 General obligations of person conducting business or undertaking</p>				
<p>8.1 The power pursuant to Section 70(1) of the Act, to</p>		GM	MBS, CR&WHS	
<p>8.1.1 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 Authority; and</p>				
<p>8.1.2 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</p>				
<p>8.1.3 allow any health and safety representative for the work group to have access to information that the Council has relating to:</p>				

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
	8.1.3.1 hazards (including associated risks) at the workplace affecting workers in the work group; and			
	8.1.3.2 the health and safety of the workers in the work group; and			
	8.1.4 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:	GM		
	8.1.4.1 an inspector; or			
	8.1.4.2 the Authority or the Authority's representative; and			
	8.1.5 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:	GM		
	8.1.5.1 an inspector; or			
	8.1.5.2 the Authority or the Authority's representative; and			

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
	8.1.6 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.	GM		
	8.1.7 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	GM		
	8.1.8 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	GM		
	8.1.9 provide any other assistance to the health and safety representative for the work group that may be required by the regulations.	GM		
9 Exceptions for obligations under Section 70(1)				
	9.1 The power pursuant to Section 71(5) of the Act to refuse on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.	GM	MBS	

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
10 Obligation to train health and safety representatives				
10.1	The power pursuant to Section 72(1) of the Act to, consult with a health and safety representative in relation to the health and safety representative attending a course of training in work health and safety that is subject to Section 72(6), chosen by the health and safety representative.	GM	MBS, CR&WHS	
10.2	The power pursuant to Section 72(3) of the Act to:	GM	MBS	
(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			
(b)	pay the course fees and any other reasonable costs associated with the health and safety representative's attendance at the course of training.			
10.3	The power pursuant to Section 72(6) of the Act to, if agreement cannot be reached between the Authority or the Authority's delegate and the health and safety representative within the time required by Section 72(3) of the Act as to the matters set out in Sections 72(1)(c) and (3) of the Act, ask the regulator to appoint an inspector to decide the matter.	GM	MBS	

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
11	Obligation to share costs if multiple businesses or undertakings			
11.1	The power pursuant to Section 73(1) of the Act to, if a health and safety representative, or deputy health and safety representative (if any), represents a work group of workers carrying out work for the Authority and one or more other person conducting businesses or undertakings, agree that:	GM	MBS	
11.1.1	the costs of the representative exercising powers and performing functions under the Act; and			
11.1.2	the costs referred to in Section 72(3)(b) of the Act,			
	for which the Authority or any of the other persons conducting those businesses or undertakings are liable, are to be apportioned between each of those persons otherwise than equally.			
11.2	The power pursuant to Section 73(2) of the Act, to vary an agreement to apportion the costs in another way, at any time by negotiation and agreement between each of the persons conducting the businesses or undertakings.	GM		
12	Health and safety committees			
12.1	The power pursuant to Section 75(2) of the Act to, establish a health and safety committee for the workplace or part of the workplace.	GM		

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
13 Constitution of committee				
13.1	The power pursuant to Section 76(1) of the Act and subject to Sections 76(2) to (4) of the Act, to agree the constitution of a health and safety committee with the workers at the workplace.	GM		
13.2	The power pursuant to Section 76(5) of the Act to, if agreement is not reached under Section 76 within a reasonable time, ask the regulator to appoint an inspector to decide the matter.	GM		
14 Referral of issue to regulator for resolution by inspector				
14.1	The power pursuant to Section 82(2) of the Act to, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.	GM	MBS	
15 Alternative work				
15.1	The power pursuant to Section 87 of the Act to, if a worker ceases work under Division 6, Part 5 of the Act, direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.	GM		
16 Request to regulator to appoint inspector to assist				
16.1	The power pursuant to Section 89 of the Act to ask the regulator to appoint an inspector to attend the workplace to	GM		

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
	assist in resolving the issue arising in relation to the cessation of work.			
17	Request for review of provisional improvement notice			
17.1	The power pursuant to Section 100(1) of the Act, to, within 7 days after a provisional improvement notice is issued to the Authority or a worker who carries out work at the Authority, ask the regulator to appoint an inspector to review the notice.	GM		
18	Application for assistance of inspector to resolve dispute			
18.1	The power, pursuant to Section 141 of the Act, to, if a dispute arises about the exercise or purported exercise by a WHS entry permit holder of a right of entry under the Act, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	GM		
19	Authorising authority may deal with a dispute about a right of entry under this Act			
19.1	The power pursuant to Section 142(4) of the Act to apply to the authorising authority to deal with a dispute where the dispute relates to the Authority.	GM		
20	Return of seized things			
20.1	The power pursuant to Section 180(1) of the Act to, if a seized thing has not been forfeited, and the Authority is the person entitled to the thing, apply to the regulator for the	GM		

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
	return of the thing after the end of 6 months after it was seized.			
21 Access to seized things				
21.1	The power pursuant to Section 181(1) of the Act to, until a seized thing is forfeited or returned, inspect it and, if it is a document, to make copies of it at all reasonable times.	GM		
22 Application for internal review				
22.1	The power pursuant to Section 224(1) of the Act, to, where the Authority is an eligible person in relation to a reviewable decision, other than a decision made by the regulator or a delegate of the regulator, apply to the regulator for review (an internal review) in accordance with Section 224(2) of the Act, of the decision within:	GM		
22.1.1	the prescribed time after the day on which the decision first came to the Authority's notice; or			
22.1.2	such longer period as the regulator allows.			

Provision	Power or function delegated	Delegate	Sub-delegate	Conditions and limitations
23	Application for external review			
23.1	The power pursuant to Section 229(1) of the Act, to, where the Authority is an eligible person, apply to SAET under Part 3 Division 1 of the South Australian Employment Tribunal Act 2014, in accordance with Section 229(2) of the Act, for a review of:	GM		
23.1.1	a reviewable decision made by the regulator; or			
23.1.2	a decision made, or taken to have been made, on an internal review.			

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil