



NORTHERN MIDLANDS COUNCIL AGENDA – ORDINARY MEETING 10 DECEMBER 2018

CORP 2 DELEGATION APPROVAL: CHILD CARE SERVICES

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Responsible Officer: Maree Bricknell – Manager Corporate Services
Report prepared by: Maree Bricknell – Manager Corporate Services

1 PURPOSE OF REPORT

The purpose of this report is to seek delegated authority from Council for officers to operate the Midlands Rural & Remote Childcare Services.

2 INTRODUCTION/BACKGROUND

Council was granted Child Care Service (CCS) Approval for its child care services as at 1 July 2018. However, under the new child care package process there are some changes to the requirements for CCS Approval in terms of Persons with Management or Control of the provider, in our case Northern Midlands Council.

Providers who completed an “add service” CCS application for any of their services during transition to the new child care package, must also provide to the Department any outstanding documentation for all Persons with Management and Control at a Provider level.

This is a requirement of any child care provider before completing an application to add a service, however during the busy transition period it may not have been previously conveyed to some of the former providers.

Therefore, it is suggested that Council confirm its delegation to operate the service to the General Manager as per the attached Instrument of Delegation and Schedule.

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

4 POLICY IMPLICATIONS

No policy implications have been identified, however Council has operated child care services for many years.

5 STATUTORY REQUIREMENTS

Section 98 (1) of the Local Government Act provides the necessary delegation authority.

6 FINANCIAL IMPLICATIONS

No financial implications have been identified.

7 RISK ISSUES

If requirements for CCS Approval in terms of Persons with Management or Control are not met the child care services funding/support will cease.



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8 CONSULTATION WITH STATE GOVERNMENT

Not applicable.

9 COMMUNITY CONSULTATION

Not applicable.

10 OPTIONS FOR COUNCIL TO CONSIDER

Whether to approve the delegation or not.

11 OFFICER'S COMMENTS/CONCLUSION

It is noted that Council had previously approved delegation to the General Manager but not specifically for the child care services.

12 ATTACHMENTS

12.1 Instrument of Delegation and Schedule

RECOMMENDATION 1

That Council in exercising its powers conferred by section 98(1) of the Local Government Act delegate the General Manager the powers, duties and functions to operate the child care services as listed in the attached Instrument of Delegation and Schedule.

DECISION

Cr

S5. Instrument of Delegation to Chief Executive Officer

**Instrument of Delegation
to
The Chief Executive Officer**

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* (**the Act**) and all other powers enabling it, the _____ Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on _____ 2018;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The Common Seal of _____)
_____)
was affixed in the presence of _____)

.....
Chief Executive Officer

..... 12/28
Date

SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 4.1 awarding a contract exceeding the value of \$250,000;
 - 4.1.1 excluding the following procurement activities which are permitted but must not exceed the value of \$500,000:
 - (a) payment of all Council insurances;
 - (b) purchase of heavy fleet approved through the annual budget and procured in accordance with Council's Procurement Policy;
 - (c) Schedule of Rates contracts up to an anticipated amount not exceeding \$500,000 for the term of the contract;
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under s.125 of the Act;
 - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
 - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;

- 4.9 appointment of councillor or community delegates or representatives to external organisations; or
- 4.10 the return of the general valuation and any supplementary valuations;
- 5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
- 6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
- 7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 7.1 policy; or
 - 7.2 strategyadopted by Council; or
- 8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.