

## 11.5 Delegations and Authorisations Policy

REPORT BY THE GOVERNANCE COORDINATOR  
TO 19 MAY 2021 ORDINARY MEETING  
GOV400088, GOV400047

### RECOMMENDATION

#### That Council:

1. **receive the report by the Governance Coordinator on the Delegations and Authorisations Policy;**
2. **place the Delegations and Authorisations Policy on public exhibition for 28 days; and**
3. **adopt the policy if no submissions are received.**

### Executive summary

The Council requires accurate administrative procedures to manage the delegation and authorisation of the vast legislative powers it has enabling Council to undertake its functions and duties.

It is recommended that the Council adopt a Policy that will inform the community of the means by which Council delegates its powers. The Policy will also provide the appropriate framework to manage the delegation and authorisation process.

### Disclosure of Interest

Nil

### Detailed report

The purpose of the Delegations Policy is to establish a framework for delegating authority within Council in a manner that facilitates efficiency and increases the accountability of staff for their performance.

The policy is intended to achieve the following objectives:

1. To ensure legislative compliance of Chapter 12 Part 3 Local Government Act, Delegation of Functions
2. To ensure the efficiency and effectiveness of the Council's regulatory and administrative processes.
3. To ensure authorised officers have the level of authority necessary to discharge their responsibilities.
4. To ensure that delegated authority is exercised by the most appropriate and competent individuals within the organisation in accordance with the law and Councils Compliance & Enforcement Policy.
5. To ensure internal controls are effective.
6. To ensure transparency in decision making by ensuring that delegations to staff are clearly defined and recorded in Council's Delegation Register.

## Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
Goal	An effective and efficient organisation
Strategy	Provide a positive and supportive working environment for employees

## Strategic implications

### Council Strategies

- Provide accountable and transparent decision making for the community
- Improve communications between Council and the community and create awareness of Council's roles and responsibilities

### Council Policies

- Procurement Policy
- Purchase of Goods & Services procedure

### Legislation

Local Government Act 1993

Chapter 12 How Do Councils Operate

Part 3 Delegation of Functions

Section 377 General power of Council to Delegate,

Section 378 Delegations by the General Manager

Section 379 Delegation of regulatory functions

Section 380 Review of Delegations

Section 381 Exercise of functions conferred or imposed on council employees under other Acts

## Financial implications

Not Applicable

## Associated Risks

If the delegations are not done properly, the enforcement of decisions and actions taken may be compromised and there may be legal and administrative problems for the Council.

TIM JOHNSTON  
GOVERNANCE COORDINATOR

SIMON JONES  
DIRECTOR COMMUNITY

4 May 2021

*Attachments:* 1. Draft Delegations Policy.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

ADOPTED		VERSION NO	1.0
COUNCIL MEETING MIN	[xx/xx]	REVIEW DATE	MARCH 2022
DATE:	19 <sup>TH</sup> MAY 2021	FILE NUMBER	GOV400070

## Objective

The purpose of the Delegations Policy is to establish a framework for delegating authority within Council in a manner that facilitates efficiency and increases the accountability of staff for their performance.

Delegations Policy is intended to achieve the following objectives:

1. To ensure legislative compliance of Chapter 12 Part 3 Local Government Act, Delegation of Functions
2. To ensure the efficiency and effectiveness of the Council's regulatory and administrative processes.
3. To ensure authorised officers have the level of authority necessary to discharge their responsibilities.
4. To ensure that delegated authority is exercised by the most appropriate and competent individuals within the organisation in accordance with the law and Councils Compliance & Enforcement Policy.
5. To ensure internal controls are effective.
6. To ensure transparency in decision making by ensuring that delegations to staff are clearly defined and recorded in Council's Delegation Register.

## Legislative requirements

Local Government Act 1993

Chapter 12 How Do Councils Operate  
Part 3 Delegation of Functions

Section 377 General power of Council to Delegate,

Section 378 Delegations by the General Manager

Section 379 Delegation of regulatory functions

Section 380 Review of Delegations

Section 381 Exercise of functions conferred or imposed on council employees under other Acts

## Related policies and plans

- Procurement Policy
- Purchase of Goods & Services Procedure
- Delegations and Authorisations Procedure

**POLICY: | V 1.0 , 17 FEBRUARY 2021**

## Policy

Delegations and authorisations are the legislative mechanism by which the Council enables its officers to act on its behalf by devolving responsibility for decision making downwards through the organisation.

Delegations are a fundamental part of good governance and play an important role in ensuring that Council is acting in accordance with the legal and policy framework that applies to it.

Delegations and authorisations enable Council to carry out its functions and to be accountable for the decisions and actions taken on its behalf under specific legislative provisions.

Those tasked with the responsibility to carry out a function must have the corresponding authority to carry it out. It is important that delegations and authorisations are managed effectively to ensure decisions are validly made by a lawfully appointed delegate or authorised officer.

The Local Government Act 1993 (Act), and other relevant legislation, authorises Council to undertake a range of functions by way of delegations and authorisations to staff (or another person or body such as a section 355 committee).

Current delegations and authorisations assigned by the elected Council are:

- Instrument of delegation and authorisation to the Mayor and Deputy Mayor
- Instrument of delegation and authorisation to the General Manager (GM)
- Instrument of delegation and authorisation to Committees

Section 377 of the Act allows the elected Council to delegate, by Council resolution, authority to the General Manager to make most of the decisions and perform most of the functions required for council to operate on a day-to-day basis.

In turn, Council's General Manager sub-delegates functions to Council staff under section 378 of the Act.

- Instrument of delegation and authorisation to staff - Regulatory & Enforcement Functions
- Instrument of delegation and authorisation to staff – Service & Ancillary functions
- Instruments of appointment of functions conferred or imposed on council employees under other Act (s381 LG Act)

The General Manager has financial delegations that are sub delegated to staff with limits and conditions applied. Financial delegations to staff are detailed in councils Purchase of Goods and Services Procedure.

- Purchase of Goods and Services Procedure

## Policy Principles

1. Delegations are intended to improve the efficiency of the administrative processes of Council by the assignment of authority and accountability to appropriate staff and/or Council Committees to enable the proper discharge of their responsibilities.

2. A delegation may be general or limited. A delegated function may be exercised only in accordance with any conditions or limitations to which the delegation is subject.
3. Delegations are to be made and exercised in accordance with all applicable legislation as well as Council's Code of Conduct, policies and budget limitations.
4. If a delegation refers to a Council policy, it is taken to refer to the current version of that policy or the successor to that policy at the time the delegation is exercised.
5. If legislation referred to within a delegation is superseded by updated or new legislation, the delegation applies to the new legislation to the extent practicable.
6. A person or body exercising a delegated function does so in their own right, not as agent (or on behalf of) the person or body delegating the function.
7. Where a staff member is acting in a position that has powers delegated to it, the person acting in that position can exercise the powers of the delegate.
8. Where a function is delegated to more than one position, each position may exercise the delegated function independently unless otherwise indicated.
9. A delegation cannot be exercised by a person who has a conflict of interest. If any conflict of interest occurs, it must be declared immediately and dealt with in accordance with Council's Code of Conduct.

#### Policy Scope

This Policy applies in full to Council's Mayor, Deputy Mayor, General Manager and staff who in the performance of their roles require delegated authority to perform their duties. The policy also extends to council appointed committees who have delegated authority from the Council from time to time.

This Policy is to be read in conjunction with all applicable legislation, and Council's Procedure documents relating to delegations.