



## Delegations

Application	Mayor, Deputy Mayor, General Manager, Staff, Management committees
Responsible Officer	General Manager
File No	CM:POL:CWP
Authorised by	Council / General Manager
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### Purpose

The purpose of this policy is to provide clear principles and a framework for the delegation of functions within Carrathool Shire Council.

### Definitions

Council:	Carrathool Shire Council
Authorisations	Is the granting of permission which enables a person to act on behalf of the person providing the authorisation.
Delegations	Council's authorisation for individuals, such as the General Manager, or bodies, such as Section 355 Committees, to act on behalf of the Council
Functions	Includes powers, duties and authorities that are charged to individuals or bodies.
Sub delegations	The partial or full passing of a delegation, by a person or body who holds such delegations, to another individual or body. For example, the General Manager providing delegations to the staff.

### Reference

This policy complements other legislation and where it is silent on matters referred to in the following legislation such matters must be followed in accordance with the legislation.

- Local Government Act 1993  
Section 377 (General Power to Delegate)  
Section 378 (Delegations by the General Manager).
- Local Government (General) Regulation 2021
- Independent Commission Against Corruption Act 1988

### Policy statements

Council has certain duties and powers which it may exercise, pursuant to s377 of the *Local Government Act 1993* (LGA) as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body.

Given the provision of the LGA, it is not appropriate, practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of the Council's roles and functions.

Delegations are the way in which the Council enables other people/bodies (usually Council officers) to undertake the day to day operations. Therefore, it is necessary for the Council to take formal steps to delegate to such people/bodies, such as the General Manager, the authority to make decisions, perform functions or undertake activities on behalf of the Council.

As matter of best practice it is usual for delegations to be made by Council to the General Manager. Once the delegations to the General Manager have been made, it is appropriate for the General Manager to make sub-delegations to relevant Council Offices.

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### **Reporting requirements**

Delegations to the Mayor and the Deputy Mayor shall be reported biennially to coincide with their election.

Section 380 of the LGA provides that Council's delegations are required to be reviewed during the first 12 months of each term of office.

### **Approval arrangements**

The General Manager has final approval over all sub-delegations assigned to other positions.

### **General provisions**

- Section 377 of the LGA provides that the Council may delegate functions, other than those specified in that Section. Council delegates a number of authorities and powers to the Mayor and Deputy Mayor for certain functions to be exercised in a manner consistent with Council's policies and resolutions.
- As part of the overall running of the Council, Council also delegates a number of powers to the General Manager to ensure the efficient day to day management of Council. Additionally, in accordance with Section 378 of the LGA, the General Manager may delegate any of the functions of the General Manager, other than this power of delegation.
- Delegations are to be made and exercised within the legislative framework and requirements (including the LGA), the Local Government (General) Regulations 2021, as well as the policies and budget limitations of Council.
- Specifically, the delegation is through an instrument of delegation by function to a position signed by the General Manager.
- A person or body exercising a delegated function does so in their own right, not as agent (or behalf of) the person or body delegating the function.
- A delegation cannot be exercised by a person who has a conflict of interest. If any conflict of interest occurs, this must be declared and dealt with in accordance with the Code of Conduct and any written law or policy that applies.
- Delegations are intended to improve the efficiency of the administrative processes by the devolution of authority and accountability to appropriate staff and or Council Committees to enable the proper discharge of their responsibilities and to ensure that internal controls are effective.
- Delegations are to be recorded in the Register of Delegations and are available for inspection by the public upon request.

### **Revision Table**

Minute /Date	Amendment Reason or Reference
1056/20.08.2019	Adoption
0654/19.09.2023	Review and changes to the Local Government (General) Regulation

### **Associated Documents**

- Delegations of Authority and Instrument of Delegation
- Code of Conduct
- Business Ethics Statement

### **Review**

This policy may be amended from time to time and will be reviewed within four years of its adoption (or latest amendment) with reference to any relevant legislation and best practice guides.