

POLICY:-	
Policy Title:	Delegations of Authority Policy
File Reference:	F10/618-06
Date Policy was adopted by Council initially:	27 October 2005
Resolution Number:	296/05
Other Review Dates:	21 May 2009, 19 May 2011, 20 March 2014, 17 March 2016 and 17 October 2019
Resolution Number:	169/09, 178/11, 68/14, 63/16 and 293/19
Current Policy adopted by Council:	16 June 2022
Resolution Number:	127/22
Next Policy Review Date:	2025

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	19 May 2011
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	General Manager
Committee/s (if any) consulted in the development of this Policy:	Nil
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Director of Finance and Administration

OBJECTIVE

To establish policy to ensure that Council complies with the provisions of Section 378(2) and 381, of the *Local Government Act 1993*, and other appropriate Acts and that staff are delegated the necessary authority to act on behalf of Council to ensure compliance with all relevant legislation.

SCOPE

This policy relates to the responsibilities of the General Manager and all staff delegated to carry out certain duties.

RESPONSIBILITIES

All Council staff issued with a Delegation are responsible for ensuring this policy is understood and adhered to.

Council staff and the General Manager must not exercise a Delegation if there is an actual or perceived conflict of interest. A breach of this policy or of a Delegation may be regarded as misconduct and may result in disciplinary action.

Delegations are a key element in effective governance and management of the Council and provide formal authority to the delegated staff member to commit the Council and/or incur liabilities on behalf of Council.

DEFINITIONS

"Delegation of Authority" means a written authorisation issued by the General Manager giving authority to a suitably qualified staff member to carry out certain duties on behalf of Council.

DELEGATIONS OF AUTHORITY POLICY STATEMENT

1. Delegations are to be exercised within the framework of the *Local Government Act 1993*, Council policies, procedures and local laws and any other applicable legislative requirements.
2. Delegated authority must be exercised by the most appropriate senior staff member in terms of the level of decision making, financial, asset, information and human resource management.
3. Financial, Approval, consent, procurement and facilities management delegations must be exercised within specified delegated financial thresholds, budget allocations and in accordance with the *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979*, Council policies, procedures, local laws and any other Act and legislative requirements.

4. When a new staff member is appointed to a position for which a previous “Delegation of Authority” had been issued it will be the responsibility of the relevant Director to ensure that the former staff member’s delegation is checked and corrected if need be and sent to the Executive Assistant to prepare it for the General Manager’s signature.
5. Following checking by the Director and signing by the General Manager, the original Delegation of Authority will be placed in the current “Delegations of Authority Register” maintained by the Executive Assistant.
6. A signed original of the Delegation of Authority will be supplied to the employee for use whilst carrying out their official duties. A copy will also be placed on the employee’s personnel file. Should the Director so require, a copy will also be supplied to the relevant Director to maintain records within the Division.
7. If a new responsibility is required to be added to a delegation, the same procedure is to be followed.
8. There is also an Archival Register of Delegations being maintained by the Executive Assistant. The Executive Assistant will replace the old delegation with the new one in the current Register and then file the previous delegation in the Archival Register. It is essential that this process be undertaken as the Delegations of Authority can become evidence in Court cases, which often does not take place until several years later.

Relevant Legislation and Council Policies

The following legislation and Council policies that are relevant to this Policy include:-

- Local Government Act 1993;
- Local Government (General Regulation) 2021;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Environmental Planning and Assessment (EPA) Act 1979;
- Public Interest Disclosures Act 1994;
- Independent Commission Against Corruption Act 1998;
- Code of Conduct;
- Code of Meeting Practice;
- Statement of Ethical Principles;
- Government Information (Public Access) Policy;
- Corporate Credit Card Policy;
- Procurement Policy
- Interaction between Councillors and Staff Policy;
- Complaints Management Policy; and
- Public Interest Disclosures Policy.

VARIATION

Council reserves the right to vary or revoke this policy.