

COUNCIL POLICY – DELEGATIONS APPLICATION

Reference Number	754334
Responsible Business Unit	Office of the CEO
Responsible Officer	Chief Executive Officer
Legislation	Local Government Act 1999 (S44 and S101) Development Act 1993 (S20) Food Act 2001 (S91) Road Traffic Act 1961 (Authorisations and Subdelegations) Safe Drinking Water Act 2011 (enforcement agency) (S43) Supported Residential Facilities Act 1992 (S9) Aged Care Act 1997 (Commonwealth)
Relevant Delegations	Chief Executive Officer
Related Policies Management Guidelines Frameworks	Behavioural Management Framework – Elected Members Behavioural Management Framework – Staff / Code of Conduct – Staff -679144 Code of Practice – Access to Council Committee meetings and associated documents - 676270 Internal Review of Council decisions – 714555 Risk Management Framework
Link to Strategic Plan	Objective 4.1 - Provide effective and accountable leadership and teamwork throughout the organisation
Council resolution	Council 11 April, 2023, item 103.3
Review Date	During a Council term
Previous Revisions	10 December 2018, item 217.8 12 October 2018 item 235.4

POLICY STATEMENT

To ensure that Council's Chief Executive Officer has the appropriate level of delegated authority to make decisions to assist the Council in achieving required Legislative responsibilities and deliver outcomes associated with Council's endorsed Strategic Management Plans and Annual Business Plans and Budgets in a timely manner in accordance with Council policy.

OBJECTIVES

To establish an open and transparent framework which the Council considers appropriate for its Chief Executive Officer to exercise powers and functions in accordance with various legislation, Council Policy and Risk Management Framework.

To ensure that Council and not the delegate, determines matters that are contentious, controversial or which otherwise are considered (either by the Council or Chief Executive Officer) to warrant consideration by the Council.

SCOPE

This policy applies to delegations made under Legislation or through Policy by Council to its Chief Executive Officer and any sub-delegation the Chief Executive Officer may put in place.

A delegation does not prevent the Council from acting in its own right in any matter and where the Council does so act in respect of a matter, the delegate shall not act nor exercise any delegation power or function in respect of that matter.

PRINCIPLES

This policy will provide a framework in which Council's Chief Executive Officer and Administration can exercise their delegated powers and functions in accordance with the directives from Council, the instruments of delegation, prescribed legislative requirement and risk management framework.

Delegations will be determined and exercised with the aim of ensuring that a delegate is acting only as necessary to give effect to a policy or decision of Council, or as is essential for the smooth running of the organisation.

The Chief Executive Officer will have the ability to sub-delegate powers provided, where the Chief Executive Officer believes appropriate or unless Council has limited the power to the position of Chief Executive Officer only. All delegations to the Chief Executive Officer will apply to persons acting in the role.

Decisions made under delegation have the authority as those made by the Council and can be appealed in the same way.

IMPLEMENTATION

The Chief Executive Officer will maintain Council's Delegations Register and ensure a review of delegations is undertaken within 12 months after the conclusion of the periodic election.

The Chief Executive Officer will provide a report to Council detailing the delegations sought under the various Legislation and benefits to Council noting that some powers are unable to be delegated by the Council to Administration.

The Chief Executive Officer will liaise with the General Managers to determine the level of sub-delegation to be given.

Administration provided with sub-delegations will be provided with appropriate training identifying their responsibilities.

DEFINITIONS

As listed within the respective Acts.