

DELEGATIONS POLICY

Responsible Department:	Planning, Strategy and People
Responsible Section:	Governance and Risk
Responsible Officer:	Manager Governance and Risk

Objective

The overall objective of this policy is to provide a framework and set Council's policy position on delegations and sub-delegations of authority and functions.

Specifically, this policy aims to:

- 1.1. Govern the making of delegations & sub-delegations;
- 1.2. Govern the recording of delegation & sub-delegations; and
- 1.3. Govern the review of delegations & sub-delegations

In a way that is clear, transparent, and accountable.

Introduction

Delegations are an important element of any Council Governance Structure. They ensure that relevant people within Council have a level of authority that matches their responsibility. It is vital that the Council has a policy that clearly sets out how Delegations will be made, recorded, and reviewed. Council is committed to adhering to good governance practices through the implementation of this policy.

The *Local Government Act 1993* (NSW) (LGA) and other Acts authorize Council to undertake a number of functions by way of delegations and authorisations to staff.

Subject to several exceptions, sections 377 and 381 of the *Local Government Act 1993* (NSW) enable Council to resolve to delegate the functions of Council under the *Act* or delegable functions under any other *Act* to the General Manager or any other person or body (not including another Council employee).

Section 378 of the *Act* enables the General Manager to sub-delegate any functions inherent to their role as well as functions delegated by Council to the General Manager under sections 377 and 381 to any person (including employees of Council).

Policy

1. Definitions

Term	Meaning
Delegate	A person to whom functions have been delegated under this policy
Delegations Register	A register containing a record of all delegations and delegation instrument.
Financial Delegations	. Delegations of functions that authorise a person to expend or commit to expend funds on Council's behalf
. Non-Financial Delegations	. Delegations of functions that do not authorise a person to expend or commit to expend funds on Council's behalf.
. Primary Delegation	. A delegation of functions from Council to the General Manager under s377 of the <i>Local Government Act 1993</i> (NSW)
. Secondary Delegation	. A delegation of functions from the General Manager to a person under s378 of <i>Local Government Act 1993</i> (NSW).

2. Hierarchy of Delegations

2.1. Delegations in Council occur in the following hierarchy:



3. Types of Delegations

3.1. There are several different types of delegations within Council:

- (a) Correspondence;
- (b) Technical/Operational;
- (c) Financial;
- (d) Human Resources; and
- (e) Other regulatory delegations.

4. Issuing/Removing Delegations

- 4.1. Primary Delegations will be made by Council Resolution. These will occur:
 - (a) On the appointment of a General Manager;
 - (b) On the granting of additional delegable functions to Council;
 - (c) Within twelve months of the beginning of a Council's term;
 - (d) At any other time the Council so resolves; or
 - (e) On the commencement of changes in legislation requiring the removal/delegation of functions.
- 4.2. Primary delegations will be issued in the form of a Council Resolution, attaching a formal delegation that records the resolution's resolution number.
- 4.3. Where a primary delegation requires amendment, this will occur by Council Resolution pursuant to section 377 of the Act adopting a new formal delegation instrument.
- 4.4. Secondary Delegations will be made by the General Manager to employees of Council and other people in accordance with, and under the authority granted to them by, section 378 of the Act. Secondary delegations will be issued and administered in accordance with Council's *Delegations Operational Protocol*.
- 4.5. All secondary delegations will cease and be revoked upon the termination of an employee's employment.

5. Registration and recording of Delegations

- 5.1. Council will establish a register of delegations.
- 5.2. The Delegations register will record the delegations each position holds, financial, non-financial, and temporary.
- 5.3. The delegations register will be made available to all employees of Council.

6. Operation of Delegations

- 6.1. All delegates (primary and secondary) are to exercise their delegations pursuant to their obligations under the Code of Conduct.
- 6.2. All delegates (primary and secondary) are to exercise their delegations under the following broad principles:
 - (a) In the best interests of the Council;
 - (b) Objectively;
 - (c) Transparently;
 - (d) Honestly;
 - (e) Fairly
 - (f) Impartially
- 6.3. Delegations, both financial and non-financial, must be consistent across Council's management systems and software. Upon the adoption of this policy and the implementation of Council's new Delegations Register and Recording system, an alignment review must take place.

7. Review of Delegations

- 7.1. Delegations will be reviewed:
 - (a) By Council within 12 months of a Council Election AND other dates as determined by Council resolution for primary delegations;
 - (b) By the General Manager, in accordance with Council's *Delegations Operational Protocol*.

8. Review of this Policy

- 8.1. This policy will be reviewed every three years at a minimum or as circumstances warrant.

References

- *Local Government Act (NSW) 1993.*
- *Local Government (General) Regulation 2021.*

History

Minute Number	Meeting Date	Description of Change
237/2022	26 July 2022	Endorsed for Public Exhibition
304/2022	27 September 2022	Adopted.