



Central Coast Council

Delegations Policy

February 2023

Table of Contents

| | |
|---|---|
| <i>PURPOSE</i> | 2 |
| <i>SCOPE</i> | 2 |
| <i>STANDARDS (INCLUDING RELEVANT LEGISLATION)</i> | 2 |
| <i>RELEVANT LEGISLATION</i> | 2 |
| <i>RELATED POLICIES/DOCUMENTS</i> | 2 |
| <i>POLICY STATEMENT</i> | 2 |
| <i>PRINCIPLES</i> | 2 |
| <i>DELEGATIONS MANAGEMENT</i> | 3 |
| <i>RESPONSIBILITIES OF THE DELEGATE</i> | 4 |
| <i>REVIEW</i> | 4 |

PURPOSE

The purpose of the Delegations Policy is to establish a clear framework for delegating authority and the responsible exercise of delegated authority within the Council, in accordance with sections 22, 62 and 64 of the *Local Government Act 1993* (the Act).

SCOPE

This Policy applies to the General Manager, Council staff and Council and Special Committees.

STANDARDS (INCLUDING RELEVANT LEGISLATION)

This Policy was developed in accordance with:

RELEVANT LEGISLATION

- Local Government Act 1993

RELATED POLICIES/DOCUMENTS

- Delegations Register

POLICY STATEMENT

Delegations enable the Council to be able to carry out its functions and powers, by granting the General Manager and Council staff appropriate authorities on its behalf.

In accordance with section 22 of the Act, the Council may delegate functions and powers to the General Manager to ensure that operational requirements and strategic objectives are met. In addition, section 64 of the Act permits the General Manager to sub-delegate powers and functions to appropriately qualified and/or experienced staff, where specific duties and functions are assigned to their role.

The considered best practice within the Tasmanian local government sector is that all delegations should be delegated directly to the General Manager, who then holds the authority (unless specified within a particular Act) to sub-delegate under section 64 of the Act.

PRINCIPLES

The following principles apply to the delegation of authority and the exercise of delegated authority within the Council:

- Any delegation made does not diminish the power of the Council or General Manager to act in any matter.
- The delegate is acting in their name on behalf of Council.
- A delegation of authority and powers will only apply to the delegate's area of accountability.

- No delegate can sub-delegate their authority or power (other than the General Manager).
- In the event of the delegate's dismissal, resignation or reallocation of duties, the delegation is to be revised accordingly.
- A delegation cannot be exercised where the delegate would be put in a conflict of interest situation.
- All Council staff delegated authority under section 20(A) of the Act, must be issued with an identity card.

DELEGATIONS MANAGEMENT

The Council will make a delegation to the General Manager in accordance with section 22 of the Act:

'22. Delegation by council

(1) Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than–

(a) this power of delegation, unless authorized by the council; and

(b) the powers referred to in subsection (3).'

Once the General Manager has received their delegations in writing, they may sub-delegate to Council staff in accordance with section 64 the Act:

'64. Delegation by general manager

(1) The general manager, in writing, may delegate to an employee of the council –

(a) any functions or powers under this or any other Act, other than this power of delegation; and

(b) any functions or powers delegated by the council which the council authorised the general manager to delegate.'

Delegations must be made in writing in the form of an Instrument of Delegation. This Instrument of Delegation must contain any applicable restrictions/conditions and be signed by both the delegator and delegate.

Delegations are to be reviewed biennially to ensure accuracy and compliance.

The Council or the General Manager may vary or repeal any delegation, subject to the Act or other legislative requirements.

All delegations made are to be kept on a register in accordance with section 22(4) of the Act and are to be available for inspection at a public office.

RESPONSIBILITIES OF THE DELEGATE

The following responsibilities apply to the General Manager and all Council staff with delegated authority:

- A delegate must become familiar with the delegation and have an appropriate understanding of the requirements of any related legislation and Council policies.
- Delegations are to be exercised within the framework of the Act, Council Policies and other legislative requirements.
- Delegated authority must be exercised by the most appropriate staff member in terms of level of decision making and responsibility.
- A delegation must be exercised in accordance with any conditions attached to the delegation.
- A delegate is not obliged to exercise the delegation given to them, where the delegate believes special circumstances exist that require the matter to be dealt with by the General Manager or the Council.

REVIEW

This Policy will be reviewed every four years by the Council, unless organisational or legislative changes require more frequent review.

SANDRA AYTON
GENERAL MANAGER

Date of approval: 20/02/2023

Approved by:

