

Council Policy (WCC.018)

Delegations

Responsible Officer:

General Manager

Date of Issue:

June 2023

Review Date:

December 2025



Version	Document produced	Approved by GM	Policies Repealed	Approved by Council
1	April 2016	April 2016	Nil	19 April 2016
2	July 2018	July 2018	WCC.007 Delegations v1	24 July 2018
3	April 2020	April 2020	WCC.007 Delegations v2	28 April 2020
Note		New policy review process implemented. Result – new policy numbering & modified review dates.		26 October 2021
4	June 2023	June 2023	WCC.018 Delegations v3	27 June 2023

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1 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)*.

2 Scope

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

3 Definitions

<i>The Act</i>	Means the <i>Local Government Act 1993</i> or other relevant Acts.
Delegator	An authorised person who is able to sub-delegate to officers
Delegate	A receiving officer or person of a particular authority and power
Instrument of Delegation	Means a schedule of function of power delegated under a section of <i>the Act</i> outlining any applicable conditions or restrictions applicable to the delegate. A delegation will not be classed as ‘delegated’ until an Instrument of Delegation is received and signed by the receiving delegate.

4 Policy

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

Delegations provide the relevant authority and powers for the General Manager to undertake the day-to-day operations and affairs of the council.

62. Functions and powers of general manager

- 1) *The general manager has the following functions:*
 - (c) *to be responsible for the day-to-day operations and affairs of the council;*
- (2) *The general manager may do anything necessary or convenient to perform his or her functions under this or any other Act.*

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.

5 Principles

The following principles apply to all delegations made:

- Any delegation does not diminish the power of the Council or General Manager to act in any matter
- The delegate is acting in his/her name on behalf of Council
- A delegation of authority and powers will only apply to the delegates area of accountability
- No delegate can sub-delegate their authority or power (other than the General Manager)
- In the event of the delegated officer's dismissal, resignation or restructure, the delegation is to be revised and updated accordingly to that of the position or successor
- A delegation cannot be exercised where the delegated officer would be put in a conflict of interest situation
- All Council Officers delegated authority under *section 20(A) of the Act*, must be issued with an identity card.

6 Roles and Responsibilities

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.

Delegates have the authority and responsibility to carry out that function or power effectively and will be responsible for all outcomes of exercising that delegation.

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.

7 Statutory Process

Council will make a delegation to the General Manager under *Section 22 of Local Government Act 1993*.

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 in writing their delegations, they will then sub-delegate to Council Officers in accordance with *section 64 of Local Government Act 1993*.

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 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.

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

8 Review of Delegations

Delegations are to be reviewed annually to ensure accuracy and compliance. Any changes to *the Act* are required to be reviewed and updated within the delegation. The General Manager is to approve the revised delegation.

All delegations made are to be kept on a register in accordance *with section 22(4) of the Local Government Act 1993* and are to be available for inspection at a public office.

9 Legislation and Related Documents

Local Government Act 1993