

# DELEGATIONS

ES290



**NARRANDERA SHIRE COUNCIL POLICY**

<b>Policy No:</b>	<b>ES290</b>
<b>Policy Title:</b>	<b>Delegations</b>
<b>Section Responsible:</b>	<b>Executive Services</b>
<b>Minute No:</b>	<b>14/296</b>
<b>MagiQ No:</b>	<b>8390</b>
<b>Next Review Date:</b>	<b>Reviewed on an as required basis</b>

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### **Objective**

To provide clear principles and a framework for the delegation of functions within Narrandera Shire Council

### **Statement**

Council has certain duties and powers which it may exercise, pursuant to S377 of the Local Government Act 1993 (LGA) as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body.

Given the provision of the LGA, it is not appropriate, practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of the Council's roles and functions.

Delegations are the way in which the Council enables other people/bodies (usually Council offices) to undertake the day to day operations. Therefore, it is necessary for the Council to take formal steps to delegate to such people/bodies, such as the General Manager, the authority to make decisions, perform functions or undertake activities on behalf of the Council.

As matter of best practice it is usual for delegations to be made by Council to the General Manager. Once the delegations to the General Manager have been made, it is appropriate for the General Manager to make sub-delegations to relevant Council Offices.

### **Scope of Policy**

This policy applies to the General Manager and staff who in the performance of their duties require delegated authority to perform those duties, together with individuals or bodies who have delegated authority from the Council from time to time.

## Definitions

<b>Authorisations</b>	Is the granting of permission which enables a person to act on behalf of the person providing the authorisation.
<b>Delegations</b>	Council's authorisation for individuals, such as the General Manager, or bodies, such as Section 355 Committees, to act on behalf of the Council
<b>Functions</b>	Includes powers, duties and authorities that are charged to individuals or bodies
<b>Sub delegations</b>	The partial or full passing of a delegation, by a person or body who holds such delegations, to another individual or body. For example, the General Manager providing delegations to the staff

## Reporting Requirements

Delegations to the Mayor shall be reported annually to coincide with the election of the Mayor.

Section 380 of the LGA provides that Council's delegations are required to be reviewed during the first 12 months of each term of office.

## Approval Arrangements

The General Manager has final approval over all sub-delegations assigned to other positions.

## Legislation

- Local Government Act, 1993 refer to Sections 377 and 378
- Local Government (General) Regulations 2005
- Independent Commission Against Corruption Act 1988

## Related Documents

- Delegations of Authority and Instrument of Delegation
- Code of Conduct
- Business ethics

## General Provisions

- Section 377 of the LGA provides that the Council may delegate functions, other than those specified in that Section. Council delegates a number of authorities and powers to the Mayor for certain functions to be exercised in a manner consistent with Council's policies and resolutions.
- As part of the overall running of the Council, Council also delegates a number of powers to the General Manager to ensure the efficient day to day management of Council. Additionally, in accordance with Section 378 of the LGA, the General Manager may delegate any of the functions of the General Manager, other than this power of delegation.
- Delegations are to be made and exercised within the legislative framework and requirements (including the LGA) ,the Local Government (General) Regulations 2005, as well as the policies and budget limitations of Council

- Specifically the delegation is through an instrument of delegation by function to a position signed by the General Manager.
- A person or body exercising a delegated function does so in their own right, not as agent (or behalf of) the person or body delegating the function.
- A delegation cannot be exercised by a person who has a conflict of interest. If any conflict of interest occurs, this must be declared and dealt with in accordance with the Code of Conduct and any written law or policy that applies.
- Delegations are intended to improve the efficiency of the administrative processes by the devolution of authority and accountability to appropriate staff and or Council Committees to enable the proper discharge of their responsibilities and to ensure that internal controls are effective.
- Delegations are to be recorded in the Register of Delegations and are available for inspection by the public upon request.

### **Specific Provisions**

The Local Government Act 1993 makes specific provisions relating to delegations, which are identified at Section 377 (General Power to delegate) and Section 378 (Delegations by the General Manager).

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### **Policy History**

Adopted ELT	14 July 2014
Reviewed by Council	19 August 2014
Adopted by Council	14 October 2014
Reviewed	
Amended	



Signed: General Manager

Date: 15 October 2014