



Delegations Manual

Pursuant to Section 168 of the Local Government Act 2019 (Delegation by CEO), the CEO has delegated Financial and other delegations to Managers as listed from page 8 onwards of this Manual

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Chief Executive Officer

EXERCISE OF DELEGATED AUTHORITY

Parliament has given its authority for certain acts and undertakings to the Council. In order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business the Council has delegated some of its authority to the CEO.

The CEO in turn may further delegate some of these roles and responsibilities.

The following protocols govern the use of delegated authority.

1. Any exercise of delegated authority is subject to compliance with
 - any relevant provisions of the Local Government Act and Regulations
 - any other legislative requirements
 - any applicable Council policy
 - the relevant provisions of any Council By-law

It is the responsibility of the officer exercising delegated authority to be aware of any restrictions on the exercise of that authority and to comply with the restrictions.

2. Delegated authority should not be exercised where a conflict of interest exists or where it may be perceived to exist.
3. Delegation by the Council to the CEO does not prevent Council itself either from acting itself or revoking or varying the delegation at any time.
4. Delegation by the CEO likewise does not preclude the CEO from acting or revoking or varying the delegation at anytime.
5. Delegation requires judgment. It is not appropriate to exercise delegated authority in all circumstances and some decisions, which may be contentious or attract high public interest or where no clear policy guidelines exist should be referred to the CEO or Council as appropriate.
6. At all times officers exercising delegated authority are required to act reasonably.

DELEGATIONS

DELEGATIONS OF AUTHORITY

SECTION 40 and SECTION 168 OF THE LOCAL GOVERNMENT ACT 2019

CHIEF EXECUTIVE OFFICER

Pursuant to authority delegated to the CEO in accord with Section 40 of the *Local Government Act 2019*, Section 168 expressly includes the power to make a further delegation. The following powers and functions are delegated subject to compliance with:

- the provisions of the *Local Government Act* and Regulations as amended and any other legislation relevant to the delegation;
- all and every policy of Council adopted by resolution and current at the time of the exercise of the function herein delegated;
- the provision contained in the any Council By-laws.

The Wagait Shire Council, in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities, hereby delegates to the person appointed as Chief Executive Officer pursuant to Section 40 of the *Local Government Act 2019*, the exercise of Council's powers, functions, duties and authorities contained in legislation subject to the limitations specified in section 40 (3).

This delegation shall remain in force until specifically altered or revoked in writing.

PART 1

(a) The functions of the Council as specified in:

- i) The Local Government Act, as amended, and Regulations; and
- ii) any other Acts under which Council has powers, authorities, duties and functions; and
- iii) Council By-laws.

(b) The following specific delegations shall be read as additional to, and not in diminution of delegations pursuant to (a) above:

1. Responsibility & Authority

1.1. The Chief Executive Officer is appointed pursuant to Chapter 9, Part 9.1 of the *Local Government Act 2019* and has the functions, responsibilities and powers provided in that Act and other relevant legislation.

1.2. All Council Officers, either directly or indirectly, are responsible to the Chief Executive Officer for the whole of their duties.

1.3. The following delegations are additional to the functions and responsibilities of the Chief Executive Officer specified in the *Local Government Act 2019*.

2. Expenditure

To commit the Council to expenditure on goods and services including plant and equipment provided that that expenditure and those purchases have been provided for in the budget; and to pay accounts for goods and services including plant and equipment purchased on behalf of the Council.

3. Rates and Charges Pursuant to Chapter 11 of the Local Government Act 2019 (the Act).

3.1. Maintain the Assessment Record in accord with Section 230 of *the Act*.

3.2. Make an apportionment of Rates on behalf of Council pursuant to Section 224 of *the Act*.

3.3. Take action against a person for the recovery of unpaid rates and charges including tracing charges pursuant to Section 254 of *the Act*.

3.4. Sign Certificate of Liabilities pursuant to Section 339 of *the Act*.

4. Debtors

4.1. To write off any fees or charges other than rates and charges raised pursuant to Chapter 11 of *the Act* to a maximum value of \$500 (subject to compliance with the requirements of Regulation 32 of the Local Government (General) Regulations (this requires a specific resolution of Council to write off unpaid rates or some other debt owed to the Council); and

4.2. To approve an extension of time to pay any debtor account due to Council including rates and charges raised pursuant to Chapter 11 of *the Act*.

5. Investigation

To investigate the officers of the Council or of any Department or division of the Council when directed or when they deem this to be expedient, and report to Council.

6. Ombudsman

To make the initial response to enquiries received from the Ombudsman in relation to complaints made to them concerning decisions or conduct of the Council and/or Officers or employees of the Council.

7. Industrial Relations

To represent the Council in industrial matters.

8. Training Courses, Seminars & Conferences

8.1. To approve attendance by Members of Council at Conferences, Workshops, Seminars and relevant training courses where there are no travel costs or overnight accommodation expenses; and to approve attendance including travel and accommodation by Council delegates to LGANT Meetings held in the Northern Territory and the ALGA National Assembly.

8.2. To approve training expenditure for Council staff including attendance at conferences, seminars and workshops.

9. Discretion

In consultation with the President, to exercise discretion in any matters affecting Policies and Practices of the Council in the interest of practical working arrangements or in special extenuating circumstances. Details of the exercise of this delegation, other than in minor matters, must be included in a report to Council.

10. Issue of Permits or Notices

To issue dispensations, permits, licences or notices in accordance with any Act, Regulation or By-law subject to compliance with any particular Council policy, and to fix any fees including expiation fees.

11. Cash Advances

To vary the number and amount of cash advances within any limits prescribed by Council.

12. Additions and Deductions to Contract

To approve total variations to contracts during the progress of works to a limit of 10% of the total contract sum in aggregate (excluding period contracts).

13. Reserve Funds

To transfer funds from the general fund to Reserve or Investment accounts or vice versa (pursuant to section 194) generally in accordance with the Council's budget or any other decision of the Council relating to the use of funds and to exercise discretion in the appropriation of surplus funds to reserves.

14. Property Owned by the Council

To manage property owned by the Wagait Shire Council including any commercial properties.

15. Execution of Documents

In conjunction with the President to:

- execute any contracts or other documents requiring the Common Seal;
- execute Instruments of Encumbrance and Applications for a variation of the order of priority to existing documents;
- execute documents relating to easements, leases, licences and permits and affix the Common Seal if required;
- affix the Common Seal to instruments granting consent to Unit Plan Applications where Council has an interest in the subject land.

16. Annual Report

To prepare the Annual Report.

17. Information Act

To exercise the Council's powers and undertake its responsibilities pursuant to the Information Act 2002 (per Part 14.2 of *the Local Government Act 2019*).

18. Bank Accounts

To nominate signatories to bank accounts.

19. Disbursement from Authorised Accounts

Council resolved that any two of the following positions be required to sign cheques and process electronic disbursements to the dollar value for expenses as approved by the CEO.

- i) the council principal member; or
- ii) the deputy principal member; and
- iii) any one of the following, Chief Executive Officer, Office Manager or Finance Officer (being members of the council's staff).

20. Acting Chief Executive Officer

To appoint an Acting Chief Executive Officer for periods of leave or absence.

21. Contracts

To execute and sign contracts including employment contracts on behalf of Council.

22. Professional Advice

To seek professional and legal advice.

23. Office Hours

The Chief Executive Officer is delegated authority to make minor changes to office business hours.

24. Authorised Persons

The Chief Executive Officer is delegated authority to appoint authorised persons for the purpose of enforcing the *Local Government Act 2019*, the regulations or bylaws, any other Act, regulation or by-law of which powers are vested in the Council.

The following persons are authorised pursuant to Division 2 and section 168 of the Local Government Act 2019:

- 24.1. Chief Executive Officer
- 24.2. Acting Chief Executive Officer
- 24.3. Administration Manager
- 24.4. Works Manager
- 24.5. Policy Officer
- 24.6. Finance Officer

25. Sub-delegation

- 1.1. Pursuant to Section 168, Council expressly permits further delegation by the Chief Executive Officer to another officer or employee whether by name or by reference to an office, designation, or position.
- 1.2. Council may by resolution direct the Chief Executive Officer in the exercise of any function herein delegated.
- 1.3. The Chief Executive Officer shall exercise the function herein delegated in accordance with and subject to:
 - i) the provisions of the *Local Government Act 2019*, as amended, and Regulations as amended and any other legislation relevant to the delegations;
 - ii) all and every policy of the Council adopted by Resolution and current at the time of the exercise of the functions herein delegated;
 - iii) the provisions contained in the Wagait Shire Council By-laws (if and when they occur).

PART 2

2. CHIEF EXECUTIVE OFFICER

Subject to the following specific activities being delegated, the CEO does **not** have the power to:

- a) levy, make or fix rates, valuations, charges, fees, fares, or dues;
- b) borrow money;
- c) approve an expenditure or money on the works, services or operations of the council not set out in a budget approved by the council;
- d) determine member allowances;
- e) make an application, under this Act, to the Administrator or Minister; or
- f) do other prescribed things;
- g) appoint a Chief Executive Officer;
- h) appoint an Auditor and determine the Auditor's fee;
- i) appoint a Deputy President;
- j) determine when the Council office is normally open to the public other than minor changes;
- k) determine a periodic review of electoral representation by Council;
- l) determine where Council/Committee meetings are held;
- m) establish any Council Committee or approve an appointment to the position of Chair of any Council Committee;
- n) give directions or impose restrictions in respect to the calling and conduct of a Special meeting of a Committee of Council;
- o) acquire, purchase, sale, exchange or surrender of any land or other property;
- p) adopt a financial statement included in an annual financial report;
- q) review requests from a dissatisfied applicant under Part 11.8 (waiver or default of rates - financial hardship);
- r) rating concessions under Section 167 (concessions relating to public benefit);
- s) accept tenders which are required under the Act or Regulations to be invited by the Council;
- t) call a meeting of electors to consider a matter in relation to the management of the Council (Part 6.4);
- u) make By-laws;
- v) for any function under this or any other Act, Regulation or By-law, that is expressly required to be exercised by a resolution of the Council.

3. ACTING CHIEF EXECUTIVE OFFICER

The Acting Chief Executive Officer shall have the authority to act on behalf of the Chief Executive Officer in their absence, to make the necessary decisions and issue the necessary instructions that would otherwise be the responsibility of the Chief Executive Officer while acting for that officer; in discharging the responsibility the Acting Chief Executive Officer will at all times act reasonably.

4. OFFICE MANAGER

In addition to the general delegation to the Office Manager and any member of staff appointed by the CEO from time to time to act in that position, is delegated the following authority:

4.1. Expenditure

To commit the Council to expenditure on goods and services including plant and equipment provided that expenditure and those purchases have been provided for in the budget. This delegation is limited to a maximum of the dollar value set forth in the instrument of financial delegation from the CEO and in force at the time funds are committed.

4.2. Rates and Charges Pursuant to Chapter 11 of the Local Government Act 2019

- i) Maintain the Assessment Record in accord with Section 230 of *the Act*.
- ii) Make an apportionment of Rates on behalf of Council pursuant to Section 224 of *the Act*.
- iii) Remit all or part of any penalty for late payment pursuant to Section 246 of *the Act* (where satisfied that there is a satisfactory reason for the late payment or that the payment of the penalty could cause hardship) along with any associated expenses and legal fees.
- iv) Take action against a person for the recovery of unpaid rates and charges including tracing charges pursuant to Section 254 of *the Act*.

4.3. Commercial Property and Assets

- i) To manage Council's commercial property and assets including entering into leases and hire agreements.
- ii) The decision of disposal of Assets shall be made by the CEO or their delegates in consideration of Council's best interest.

4.4. Records

To determine disposal and archiving schedules for Council records in accord with any legislative requirements and dispose of records in accordance with those schedules.

4.5. Information Act

To make decisions under Part 3 (Access and Correction Rights) of the Information Act 2002, in relation to inquiries about access to information and correcting personal information.

5. WORKS MANAGER

The Works Manager and any member of staff appointed by the CEO to act in that position from time to time is delegated the following authority:

5.1. Expenditure

To commit the Council to expenditure on goods and services including plant and equipment, provided that expenditure and those purchases have been provided for in the budget. This delegation is limited to a maximum of the dollar value set forth in the instrument of financial delegation from the CEO and in force at the time funds are committed.

6. FINANCE OFFICER

The Finance Officer and any member of staff appointed by the CEO to act in that position from time to time is delegated the following authority:

6.1. Expenditure

To commit the Council to expenditure on goods and services provided that expenditure and those purchases have been provided for in the budget. This delegation is limited to a maximum of the dollar value set forth in the instrument of financial delegation from the CEO and in force at the time funds are committed.

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