

# Wagga Wagga City Council

## DELEGATIONS POLICY

<b>POLICY REFERENCE NUMBER</b>	POL 060		
<b>ORIGINAL APPORVAL DATE</b>	July 2013		
<b>RESPONSIBLE MANAGER</b>	Manager Audit, Risk and Governance		
<b>RESPONSIBLE DIRECTORATE</b>	Governance		
<p>This document is to be reviewed every four years or in the first twelve months of the new term of Council, whichever is the earlier.</p> <p>Next Review Date: September 2020</p>			
<b>Revision number</b>	<b>Issue Date</b>	<b>Council resolution</b>	<b>Council meeting date</b>
1	June 2013	Res No: 13/187	29 July 2013
2	August 2013	Res No: 13/224.1	26 August 2013
3	August 2017	Res No: 17/279	28 August 2017



## PART 1: INTRODUCTION

Council has certain duties and powers which it may exercise, pursuant to s377 of the Local Government Act 1993 (the Act) as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on Council as a body. Given the provisions of the Act, it is not appropriate, practical or efficient for 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 Council's roles and functions.

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

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

If the delegations are not managed properly, the enforceability of decisions and actions taken may be compromised and there may be legal and administrative issues for Council.

### 1.1 Policy Objectives

To provide clear principles and a framework for the delegation of functions within Wagga Wagga City Council.

### 1.2 Scope of Policy

This Policy applies to the Mayor, 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.

## 1.3 Definitions

<b>Authorisation</b>	The granting of permission, enabling a person to act on behalf of the person providing the authorisation.
<b>Delegation</b>	Council's authorisation for individuals (such as the General Manager) or bodies (such as s355 Committees) to act on behalf of Council
<b>Function</b>	Includes powers, duties and authorities that are charged to individuals or bodies.
<b>Sub-delegation</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 Council officers.

## 1.4 Legislative Context

- Local Government Act 1993 (generally and specifically sections 377 and 378)
- Local Government (General) Regulations 2005
- Independent Commission Against Corruption Act 1988

## 1.5 Related Documents

- Conflicts of Interest Policy – POL-112
- Code of Conduct
- CS.CG.21 – Delegations Procedure

## 1.6 Reporting Requirements

Delegations of Authority to the Mayor shall be reported annually to Council to coincide with the Mayoral Election.

Section 380 of the Local Government Act 1993 provides that Council's delegations are required to be reviewed during the first 12 months of each term of office.

## 1.7 Approval Arrangements

The General Manager has final approval over all delegations assigned to him/her by Council.

## PART 2: POLICY CONTENT

### 2.1 General Provisions

- The Local Government Act 1993 (the Act) provides that Council may delegate functions, other than those specified in Section 377. 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 Act, 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 Act), the Local Government (General) Regulations 2005, rules and by-laws, as well as the policies and budget limitations of Council.
- Specifically, the form of delegation:
  - is to be worded so that they are exercisable by either a body or the holder of a position, not by a specified individual.
  - cannot go beyond what could be done by the person or body providing the delegation
  - must be in writing and may be expressed to be subject to conditions or limitations which must be complied with by the person exercising the delegated function
  - must be signed by the Manager/Director and authorised by the General Manager
- A person or body delegating a function to another person or body may, at any time:
  - exercise the delegated function; or
  - in writing, revoke or vary the delegation
- A person or body exercising a delegated function does so in their own right, not as agent (or on 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 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

## 2.2 Specific Provisions

The Local Government Act 1993 makes specific provisions relating to delegations as outlined in the following sections:

**a) Section 377 of the Local Government Act 1993**

*Outlined in the link below:*

[http://www.austlii.edu.au/au/legis/nsw/consol\\_act/lga1993182/s377.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s377.html)

**b) Section 378 of the Local Government Act 1993**

*Outlined in the link below:*

[http://www.austlii.edu.au/au/legis/nsw/consol\\_act/lga1993182/s378.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s378.html)