

Delegations Policy

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Policy owner:	Manager Corporate Governance and Performance
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Wagga Wagga City Council ('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 the 'body politic' for the organisation. 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 and/or undertake activities on behalf of the Council.

Internal delegations of authority are made from the Council to the General Manager who in turn can/may sub-delegate these authorities to nominated members of staff as he/she considers appropriate for the effective and efficient operation of the organisation and the delivery of functions and services to allow the Council to fulfil its lawful obligations.

Council considers it is essential, in the interests of effective governance, to encourage that delegation of decision making in a way that achieves best use of the abilities of elected representatives and officers, ensures cost effective use of resources, and promotes the development of efficient and effective management.

Proper management of delegations is integral in ensuring the enforceability of decisions and actions and ensuring there are no adverse legal and administrative consequences for Council.

Purpose

The objectives of this Policy are to:

- ensure transparency in decision making by ensuring that delegations to staff are clearly defined and recorded in Council's Delegation Register.
- establish a framework in which Council considers it appropriate for Council employees to exercise delegated powers and functions in accordance with various legislation.
- ensure that Council complies with the requirements of the Act, particularly Sections 377 and 378 which define what powers vested with the Council can be delegated.

- ensure Council employees have been provided with the required delegated authorities necessary to discharge their responsibilities and achieve the desired strategic outcomes and outputs, including but not limited to Council's Delivery Program and Operational Plan.
- ensure that delegated authority is exercised to a level by the most appropriate and skilled individuals within the organisation.
- ensure transparency in decision making by ensuring that individual delegations to staff are clearly defined and recorded in Council's Delegation Register.
- ensure internal controls are effective.
- ensure that staff exercise these delegations appropriately and within the terms of their Instrument of Delegation.
- facilitate the effective and efficient operation of the Council by providing the General Manager with sufficient power and authority to generally manage, control and administer the affairs of the Council on a day-to-day basis.

Scope

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.

Policy Provisions

Reporting Requirements

Delegations of Authority to the Mayor are to be reported biennially to Council to coincide with the Mayoral Election.

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

Form of Delegation and Approval

- 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.
- The delegation cannot go beyond what could be done by the person or body providing the delegation.
- 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.
- The Delegation must be signed by the Manager/Director and authorised by the General Manager.
- The General Manager has final approval over all delegations assigned to him/her by Council.

Delegation Principles

- 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.
- 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 of Council.

- 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 the power of delegation.
- Only the General Manager can sub-delegate a function to a staff member; Councillors cannot directly delegate functions to council officers.
- Council maintains a Delegations Register which sets out the sub-delegations the General Manager has approved for the relevant staff within the organisation.
- Delegations are to be made and exercised within the legislative framework and requirements (including the Act), the Regulations, rules and by-laws, as well as the policies and budget limitations of Council.

Delegations by Position

- A person or body (the General Manager or Council) 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.
- No delegate is authorised to sub-delegate any of their delegated functions to another person or body, other than the General Manager.
- A person formally appointed to act in a position can exercise any delegation attached to that position unless that appointment to act specifies otherwise.

Financial Transactions

- Any delegation to incur expenditure must be exercised in accordance with relevant policies, including the Budget Policy.
- Order splitting is not a valid procurement practice under any circumstance and delegation limits apply to transactions that may not be split into parts allowing the cost of a purchase to remain within an officer's financial delegation limit.

How Delegations must be Exercised

- A delegation must be exercised within its conditions and in accordance with all Council policies and procedures and any relevant legislation.
- A delegation that contains the words 'in consultation with' must not be exercised until the required consultation is undertaken.
- 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.

Legislative Context

- *Local Government Act 1993* (generally and specifically sections 377, 378 and 380) (the Act)
- *Local Government (General) Regulations 2021* (the Regulations)
- *Independent Commission Against Corruption Act 1988*

Related Documents

- Code of Conduct
- Delegations Procedure

- Budget Policy (POL 052)
- Procurement and Disposal Policy (POL 110)
- Procurement Manual
- Debt Management Policy (POL 017)
- Corporate Purchase Card Policy (POL 053)
- Financial Assistance Policy (POL 078)
- Media Policy (POL 090)
- Investment Policy (POL 075)

Definitions

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

Revision History

Revision number	Council resolution	Council meeting date
1	Res No: 13/187	29 July 2013
2	Res No: 13/224.1	26 August 2013
3	Res No: 17/279	28 August 2017
4	Res No: 19/346	23 September 2019
5	Revision approval under General Manager delegated authority	12 July 2021
6	Res No: 22/354	17 October 2022