

Delegations Register

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PREAMBLE

Basis of Authority

Section 44 of the Local Government Act 1999, provides for a council to delegate (with certain stated exceptions) its powers or functions to various committees, subsidiaries, employees of council or authorised persons under the Act or other Acts that do not have a specific power of delegation.

Some Acts specifically empower councils to delegate certain powers or functions to their committees and/or officers, being Section 20 of the Development Act 1993 and Section 9 of the Supported Residential Facilities Act 1992.

Section 44 (6) of the Local Government Act 1999 requires the delegations made under this Act to be placed in a separate (publicly available) record and for them to be reviewed at least once every financial year. This is the public Delegations Register for the City of Charles Sturt which is reviewed at least annually prior to the commencement of each new financial year.

Section 44 (4)(b) of the Local Government Act 1999 provides for the Chief Executive of a Council to sub-delegate to any other officer or employee any power or function delegated to the Chief Executive Officer by the Council. This Register includes a note of the powers sub-delegated by the Chief Executive to other officers of the City of Charles Sturt.

(NOTE: Section 101 of the Act also provides for the Chief Executive to delegate any power or function conferred in or on the Chief Executive under the Act.)

It should be noted that where there is any amendment to a piece of legislation and that change is not reflected in the delegated power (as it occurs between the annual reviews) then the ability to exercise the applicable power, function or duty under the delegation is ineffective. Where an officer of the Council is aware of any legislative amendments that should be reflected in the delegations contained in this Register then they need to notify their Divisional General Manager who is responsible for completing a "Request for Changes to the Delegations Register" form. Where there is significant amendment to an Act such that it affects the operations of staff under a delegation(s) it may be necessary to get any amendments approved by the Council before the next scheduled annual review.

Decisions made under delegated authority are subject to Council's Procedure for the Internal Review of Council Decisions as if the decision had been made by the Council itself.

Philosophy and Principles

It is generally recognised that for efficient operation of an organisation the powers for effective decision making should be delegated to personnel actively involved in day-to-day operations. This allows for the Elected Members to place greater emphasis on determining the overall directions and policies of the organisation and on monitoring performance. This philosophy underlies the delegations of the Council of the City of Charles Sturt.

Delegations to the administration are made to the Chief Executive and he is empowered to sub-delegate these, unless specifically prohibited from doing so by legislation. In accordance with Section 44(5) of the Act all staff who exercise delegated powers are responsible to the Chief Executive for the exercise of these powers.

It is also recognised that certain principles must be enacted to ensure the effective operation of a Council's delegations.

These are:

- The use of delegations involves a two way process with Council members and staff providing feedback on the operations of the delegations.
- There is to be sufficient and thorough consultation between Council's staff, those likely to be affected by the decision, and where warranted, with relevant Council members.
- If a decision is likely to create a considerable level of local or community interest, consideration shall be given to referring the matter to the appropriate Committee and/or Council.
- The Council's staff must keep an adequate record of the circumstances leading to the use of the delegated powers and of the decision made, the extent of recording to have regard to the relative importance of the decision.
- In areas of complexity, or in a highly technical area, consideration should be given to the need to obtain other specialist input or views.

NOTE

While this Delegations Register is formally reviewed annually by Council and is updated to reflect any additional Council resolutions during the year (refer RESOLUTIONS), the Chief Executive has delegated authority to sub-delegate powers, duties and responsibilities and to appoint authorised officers.