

DELEGATION AND AUTHORISATION POLICY

MANAGEMENT DIRECTIVE



1 Scope

This policy applies to the delegation and authorisation of Rockhampton Regional Council's legislative and administrative powers.

2 Purpose

The purpose of this policy is to ensure Council meets its legislative requirements under the *Local Government Act 2009* and to provide sound corporate governance practices in relation to delegations and authorisations.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Local Government Act 2009

Local Government Regulation 2012

Delegation and Authorisation Procedure

Delegations Corporate Register

External Delegation Registers

Financial Delegations Policy

Internal Authorisation Registers

4 Definitions

To assist in interpretation, the following definitions apply:

Act	<i>Local Government Act 2009</i>
Administrative Powers	Powers not required under legislation, includes powers which form part of Council's compliance to its legislative obligations. For example, financial and corporate bands and signing of correspondence delegation.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the Act. This includes a person acting in this position.
Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Council	Rockhampton Regional Council

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Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Act</i> .
Delegated Officer	An employee appointed to a position with a legislative delegation or administrative powers.
Employee	Local Government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the Act.
Local Government Acts	As defined in the Act, a law under which a Local Government performs the Local Government's responsibilities, including for example: (a) This Act; and (b) A local law; and (c) The Building Act; and (d) The Planning Act; and (e) A planning scheme; and (f) The Plumbing and Drainage Act; and (g) The <i>Water Act 2000</i> ; and (h) The <i>Water Supply (Safety and Reliability) Act 2008</i> .
Worker	Local Government Worker As defined in the Act, an employee, or agent, of the Local Government who is authorised by the Local Government to act under division 2, powers of other persons.

5 Policy Statement

For efficient operation of an organisation, the powers for effective decision making should be delegated to positions or employees directly responsible for the day to day operation of the particular services or projects. The Act allows a Local Government to delegate the exercise of its powers for matters under a Local Government Act. Without powers being delegated to the CEO and sub-delegated to relevant positions or employees, Council operations would be delayed as separate resolutions would be required to allow decisions to be made for a vast number of operational activities undertaken on a daily basis.

5.1 Delegation of Legislative Powers

Council may, by resolution, delegate a power under a Local Government Act to:

- (a) The Mayor;
- (b) The CEO;
- (c) A standing committee, or joint standing committee, of the Local Government;
- (d) The chairperson of a standing committee, or joint standing committee, of the Local Government;
or
- (e) Another Local Government, for the purposes of a joint government activity.

However, Council must not delegate a power that a Local Government Act states must be exercised by resolution, for example to make a local law.

The Mayor may delegate the Mayor's powers to another Councillor. However, the Mayor must not delegate the power to give directions to the CEO.

To further streamline the decision making process, the Act allows the CEO to sub-delegate the CEO's powers to another Council position, employee or contractor of the Local Government, where appropriate. However, the CEO must not delegate a power:

- (a) Delegated by Council, if Council has directed the CEO not to sub-delegate; and
- (b) To keep a register of interests.

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Under the Act, a delegation from Council to the CEO must be reviewed annually.

The delegation of Council's powers does not involve Council parting with or surrendering powers. A delegation/sub-delegation involves a "sharing" of power, so both Council and the delegated officer can exercise the same power. Accordingly, decisions that appear to the delegated officer to be of particular public interest, sensitivity or special importance should be referred to senior management, the CEO or Council for determination.

New, amended or the removal of delegations must be resolved by Council and sub-delegations must be approved by the CEO.

5.2 Administrative Powers

Legislative delegable powers of a Local Government must be distinguished from administrative and financial functions which Council exercises in the application of its powers. For instance, signing correspondence, approving timesheets or incurring expenditure do not, in themselves, involve an exercise of a power. Generally, the exercise of a power is a decision or action taken directly under a Local Government Act, for instance, to decide an application for development approval or to issue a notice. Administrative powers form part of Council's system of compliance with its obligations under the *Local Government Regulation 2012*. The CEO authorises delegated officers with a corporate band 3 to allocate the following powers to subordinate positions in accordance with this policy and the delegation and authorisation procedure.

5.2.1 Financial Bands

Financial bands are delegated in accordance with the financial delegations policy.

5.2.2 Signing of Correspondence Delegation

A signing of correspondence delegation is required to sign the following types of correspondence:

- (a) External emails and letters on corporate letterhead documenting an action or decision; and
- (b) Letters acknowledging received correspondence.

Delegated officers are directed by their supervisor and/or manager on the types of correspondence they are authorised to sign.

5.2.3 Corporate Bands

Corporate bands provide a framework for the delegation of approvals relating to employees and positions. This policy allows for the allocation of corporate bands based on the levels of management in Council's organisational structure, as detailed in the following table.

Corporate Band	Position Title
Band 1	Limited to Chief Executive Officer
Band 2	Limited to general managers, executive managers and Deputy Chief Executive Officer
Band 3	As detailed in delegations corporate register however generally applicable to managers and other senior specialist positions
Band 4	As detailed in delegations corporate register however, generally applicable to coordinators and other specialist positions
Band 5	As detailed in delegations corporate register however, generally applicable to supervisory positions and other key positions
Band 6	As detailed in delegations corporate register

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Policy documents contain the specific sub-delegation powers and the required corporate band of the approving delegated officer.

5.3 Administrative Authorisations/Delegations

Administrative authorisations and delegations are additional to legislative delegations and authorisations and give the authority to a position or employee to perform a responsibility that a Local Government Act states must be performed by a position or employee authorised by the Local Government. An Instrument of authorisation/delegation is issued by the CEO.

5.4 Signing of Documents (excluding signing of correspondence delegation)

Other than the signing of correspondence delegation, there are two types of signing document powers conferred via a delegation or authorisation:

- (a) Signing a document on behalf of Council; and
- (b) The exercise of a power, for example, the issue of a notice or the granting of an approval under an Act.

5.4.1 Delegation

Council has delegated the CEO the power to sign a document on behalf of the Council under section 236 of the Act. This section is sub-delegated to general managers, managers, specific coordinators and other relevant positions for the signing of contracts in accordance with the financial delegations policy and for other administrative necessities. The power to sign under this section is to give effect to a commercial or government decision already made by the Council or a position holding an appropriate delegation/sub-delegation.

5.4.2 Authorisations

The CEO may appoint a position or an employee via an instrument of authorisation to sign documents, for example under the Act, Part 3 Roads and Other Infrastructure, Section 74(4)(b) – power to sign a certificate.

5.5 Legislative Authorised Persons and Local Government Workers (Workers)

Legislation may require an authorised person or Local Government worker to be appointed. The CEO is usually given the power to appoint directly under a Local Government Act. In instances where the Local Government has the power to appoint, Council delegates the power to the CEO.

Appointments are made to a person, rather than a position, meaning an employee acting in a position does not assume the authorisations of the employee who normally holds the position. An instrument of appointment and identification card is issued by the CEO to a qualified employee or contractor.

Instruments of appointment and identification cards are issued with the same expiry date of five years, unless the employee/contractor is employed/contracted on a temporary basis.

If an appointed employee/contractor ceases employment with Council, their instrument of appointment becomes void and the person must return their identification card.

5.5.1 Authorised Persons

Authorised persons ensure members of the public comply with the Local Government Acts and have certain powers to achieve public compliance, including powers to enter property and issue remedial and infringement notices.

An employee or contractor appointed as an authorised person does not exercise discretion in their own right, but rather exercises the statutory defined rights of enforcement outlined in the relevant legislation. For example, an environmental health officer may be an appointed authorised person under the *Public Health Act 2005*.

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5.5.2 Local Government Workers

Local Government workers have entry powers to enable Council to perform its responsibilities and to ensure that a person complies with Local Government Acts, including by complying with a remedial notice. For example, a responsibility to take action in relation to Council's facilities installed on a property.

5.6 Registers

5.6.1 Legislative External Delegation Registers

Under the Act, the CEO must establish a register of delegations containing the particulars prescribed in the *Local Government Regulation 2012*. Registers are maintained for each Local Government Act and contain:

- (a) The CEO's delegations delegated by Council resolution;
- (b) The CEO delegations given directly to the CEO under the Act;
- (c) The sub-delegations from the CEO to a position/employee; and
- (d) Any limitations to the exercise of delegations/sub-delegations.

Under the Act, the public may inspect the registers of legislative external delegations.

5.6.2 Legislative Internal Authorisation Registers

A register is maintained for each Local Government Act recording persons appointed as authorised persons and the powers they are authorised to exercise.

There is no legislative requirement to allow the public to inspect the registers of authorised persons, with the exception of the legislative authorisation register for the *Environmental Protection Act 1994* which is available upon request. Any request to view legislative authorisation registers are directed to Legal and Governance.

5.6.3 Delegations Corporate Register

This internal register lists the positions delegated the following:

- (a) Financial bands;
- (b) Corporate bands; and
- (c) Signing of correspondence delegations.

6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the CEO.

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7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Executive Manager Workforce and Governance
Policy Owner	Executive Manager Workforce and Governance
Policy Quality Control	Legal and Governance



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