

DELEGATION AND AUTHORISATION PROCEDURE



1 Scope

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

2 Purpose

The purpose of this procedure is to ensure employees, contractors and positions have current and correct delegations and authorisations.

3 Related Documents

3.1 Primary

Delegation and Authorisation Policy

3.2 Secondary

Local Government Act 2009

Local Government Regulation 2012

Acting Position Policy

Authorised Persons Training

Delegations Corporate Register

External Delegation Registers

Financial Delegations Policy

Internal Authorisation Registers

Legislative Authorisation Application Form

Legislative Authorisation Application Form (Contractor)

Local Government Worker Training

New Position Form

Position Redesign Form

Purchasing Policy – Acquisition of Goods and Services

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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.
Authorised Person	A person appointed under a Local Government Act to ensure members of the public comply with the relevant Local Government Acts in relation to the Local Government and the Region.
Beakon	Council's training system.
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
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.
GM	An employee appointed to a position with a corporate band 2 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register, positions include Deputy Chief Executive Officer, general managers and executive managers.
L&G	Legal and Governance
LG 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.
Local Government Act	As defined in the Act, a law under which a Local Government performs the Local Government's responsibilities, including for example: This Act; and (a) A local law; and (b) The Building Act; and (c) The Planning Act; and (d) A planning scheme; and (e) The Plumbing and Drainage Act; and (f) The <i>Water Act 2000</i> ; and (g) The <i>Water Supply (Safety and Reliability) Act 2008</i> .
Manager	An employee appointed to a position with a corporate band 3 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.

5 Procedure

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5.1 General Principles

Delegations and authorisations must only be applied to the delegated officer's:

- (a) Area of responsibility, for example a delegated officer must only approve expenditure of money within their units approved budget; and
- (b) Subordinate employees/positions, for example redesign of a position reporting to the delegated officer,

unless specified otherwise in a policy document or with CEO approval.

Delegations and authorisations are hierarchical through relevant lines of responsibility up to and including the CEO. For example, if a supervisor requires a sub-delegation/authorisation, it must be given to the relevant coordinator, manager and GM, provided consideration is given to any professional qualifications required.

5.1.1 Sub-Delegations

Sub-delegations are generally assigned to a position, not an employee, however there are some exceptions, for example if an employee requires training to hold a sub-delegation, the sub-delegation is to the employee. Sub-delegations to a position remain in place if a position becomes vacant.

A sub-delegated power is exercisable when the sub-delegated position is occupied by an employee appointed to the position for the period of time the employee is appointed (that is, an employee acting in a sub-delegated position automatically assumes those sub-delegations). Details of appointments can be accessed through Council's human resource system, Aurion.

The Deputy Chief Executive Officer position is the only exception to this rule. When the employee appointed as the Deputy Chief Executive Officer is absent and an acting position is required, the acting employee is appointed to the position of General Manager Corporate Services and assumes this position's sub-delegations. Delegable powers are maintained for both the Deputy Chief Executive Officer and General Manager Corporate Services in Council's legislative external delegation registers.

As adopted by Council, the Deputy Chief Executive Officer is automatically appointed as acting CEO when the CEO role is vacant or the CEO is absent from duty or cannot for another reason perform the CEO's responsibilities.

When exercising a sub-delegation which includes a financial component, the sub-delegation must be exercised within the position's financial band as detailed in the Delegations Corporate Register and within Council's approved budget.

Delegated/sub-delegated officers must not exercise their delegated powers for:

- (a) Their own position or person; or
- (b) Any conflict of interest matters.

5.2 Assigning of Delegations and Authorisations

5.2.1 Delegations from Council to the CEO

L&G consults with the relevant GM before reports go to Council seeking approval of delegations under the Local Government Acts to the CEO.

Once Council adopts delegations to the CEO, L&G records these in the relevant legislative external delegations register. If a power is required to be sub-delegated, L&G consults with the relevant GM, arranges CEO approval and records these in the relevant legislative external delegations register. An Instrument of Sub-delegation can be requested if required.

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Delegations remain in force until revoked by Council. Sub-delegations remain in force unless cancelled by the CEO.

Report writers must ensure the CEO has a delegable power to action a Council resolution. Where no delegable power exists, the report writer must consult with L&G to ensure the recommendation to Council provides the relevant power to be delegated to the CEO.

5.2.2 Administrative Powers

Financial bands, corporate bands and signing of correspondence delegations are approved by the relevant manager at the position's creation through a New Position Form or for existing positions by emailing a request to L&G or through a Position Redesign Form.

5.2.3 Legislative Authorised Persons and Local Government Workers

For the appointment of an authorised person and/or LG worker, a Legislative Authorisation Application Form must be completed and submitted to L&G to arrange for GM and CEO approvals.

Identification cards are issued to CEO approved authorised persons and/or LG workers once the authorised person has completed Authorised Persons training in Beakon or the LG worker has completed LG Worker training in Beakon.

5.3 Responsibilities

5.3.1 GM/Managers

GM/managers must ensure:

- (a) Employees under their supervision hold delegations and authorisations to legally discharge their responsibilities;
- (b) Employees have the required expertise, experience and/or the necessary training to hold the delegation and/or authorisation; and
- (c) Actions, reports, decisions, policy documents, tender and contract documents and other documents properly consider delegations and authorisations.

5.3.2 Employees

Employees must ensure they:

- (a) Have, or their position has powers, before exercising/making decisions;
- (b) Exercise powers within:
 - (i) The register's or instrument's limitations;
 - (ii) Relevant policy documents and laws; and
 - (iii) Any other directions or decisions from Council or management, and
- (c) Possess any necessary qualifications, experience and training in understanding and exercising their powers.

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5.3.3 L&G

L&G:

- (a) Presents CEO delegation reports to Council, including the annual delegation review report;
- (b) Ensures updates to legislation and policy documents are applied to delegations and authorisations;
- (c) Coordinates reviews of delegations, sub-delegations and authorisations;
- (d) Arranges approvals and issues registers, instruments (if requested) and identification cards;
- (e) Maintains delegation and authorisation records; and
- (f) Maintains delegation and authorisation registers.

5.4 Registers

The following information is communicated to L&G to ensure registers are maintained:

- (a) Changes to the organisational structure;
- (b) The creation and abolishment of positions;
- (c) Changes to position titles and reporting lines;
- (d) Changes to employee names (for example, due to marriage); and
- (e) Employee movements (acting positions, cessations, extensions of fixed term placements, staff movements and new appointments).

6 Review Timelines

This procedure 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 Deputy Chief Executive Officer.

7 Document Management

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



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