

# Delegations Policy

## Local Government Act 2009

### 1. POLICY STATEMENT

This policy establishes a framework for delegating authority and the responsible exercise of delegated authority within Council.

### 2. PRINCIPLES

Delegations are the mechanisms by which Council authorises its officers to act on behalf of the Council. Delegations are a key element in effective governance and management of the Council and provide formal authority to the delegated staff member to commit the Council and/or incur liabilities on behalf of Council.

### 3. SCOPE

This policy relates to Council committees, Chief Executive Officer, Managers and all Workers. Nothing in this policy invalidates past acts validly performed by delegates.

### 4. RESPONSIBILITY

All Workers are responsible for ensuring this policy is understood and adhered to.

### 5. DEFINITIONS

**Council** – Council means the Townsville City Council.

**Decision** – A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the Council.

**Delegation** – an authority to make decisions on behalf of council. This includes delegations from Council to the Chief Executive Officer and from the Chief Executive Officer to a Worker.

**Manager** – includes persons appointed to positions with the title, Team Manager, General Manager, Principal, Director and Chief.

**Workers** – includes employees, contractors, volunteers and all others who perform work on behalf of council.

## 6. POLICY

### 6.1 RESPONSIBILITY OF DELEGATE

A Delegate must become familiar with the delegation and have an appropriate understanding and knowledge of the requirements of relevant legislation, Council policies, procedures and local laws.

#### HOW DELEGATIONS MUST BE EXERCISED

Delegations are to be exercised within the framework of the *Local Government Act 2009*, Council policies, procedures and local laws and any other applicable external legislative requirements.

Delegated authority must be exercised by the most appropriate staff member in terms of the level of decision making, financial, asset, information and human resource management.

Financial, procurement and facilities management delegations must be exercised within specified delegated financial thresholds, budget allocations and in accordance with the *Local Government Act 2009*, Council policies, procedures, local laws and any other external legislative requirements.

A Delegation must be exercised in accordance with any conditions attached to the Delegation.

### 6.2 DELEGATION HIERARCHY

Levels of authority are hierarchical following the relevant lines of the Organisational Chart up to and including Council.

Provided there is no legal reason why a named Delegate must exercise a particular Delegation, the Delegate's Manager and each officer in line of organisational authority superior in turn to that officer, hold the same delegated function.

### 6.3 CONFLICTS OF INTEREST

A Delegate must not exercise a Delegation if there is an actual or perceived conflict of interest (e.g. making a financial commitment in which the approver has a personal interest).

### 6.4 DELEGATIONS BY POSITION

Delegations are conferred on a position and individuals occupying that position are responsible and accountable for Decisions made under the approved Delegation.

### 6.5 ACTING POSITIONS

A Worker who has been formally appointed to act in a position can exercise any Delegation attached to that position unless the appointment to act specifies otherwise.

### 6.6 RESTRUCTURED POSITIONS

If a position or a committee is abolished or re-named so that there is a reassignment of responsibility for a particular function, the Delegation is reassigned accordingly.

### 6.7 OPTION NOT TO EXERCISE A DELEGATION

A delegate is not obliged to exercise the Delegation given to it. Where the Delegate believes special or unusual circumstances exist which would make it more transparent or ethical for the matter to be dealt with other than by the Delegate, the matter should be transferred to a Manager, Director, CEO or Council for a decision.

### 6.8 BREACH OF DELEGATIONS

A breach of this policy or of a Delegation may be regarded as misconduct. Breach of a Delegation may result in disciplinary action.

### 6.9 VARIATION OR REPEAL OF DELEGATIONS

Council or the Chief Executive Officer, as the case may be, may at any time vary or repeal any delegation, subject to any legislation, council policy, procedure or local law governing the delegation.

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## 7. LEGAL PARAMETERS

*Local Government Act 2009*

*Local Government Regulations 2012*

## 8. ASSOCIATED DOCUMENTS

Delegations Procedure

Register of Delegations

Townsville City Council Policies, Procedures and Local Laws

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