

## Policy 6.28 Delegations

Directorate	Business and Governance
Responsible Officer	Manager, People and Governance

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### Record of Administrative Amendments

Amendment Version No.:	Description of Administrative Amendment	Date Reviewed
0.1	Initial draft recommended for public exhibition	12 February 2025

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## 1 Introduction

### 1.1 Scope

This policy applies to the Mayor, Chief Executive Officer (CEO) and staff who require delegated authority to complete their duties. It also applies to people or bodies who have delegated authority from the Council from time-to-time.

The scope of this policy demonstrates direct commitment to the following strategic guiding principles:

- Accountable | robust performance management with clear roles and responsibilities.
- Financially sustainable | provision of services is fit for purpose and equivalent to 'best on offer'.
- Transparent | decision making processes are clearly outlined, including how a decision is made and who is involved.
- Responsive | improved organisational agility to respond to change.
- Equitable and inclusive | commitment to building a connection with stakeholders upon trust and respect.
- Effective and Efficient | clear connection between policy and implementation.

### 1.2 Purpose

The purpose of this policy is to ensure:

- compliance with Part 3 of the *Local Government Act 1993* – Delegations of functions.
- the CEO is given sufficient power and authority to generally manage, control, and administer the affairs of the Council on a day-to-day basis.
- there is a framework that considers appropriate delegations for council officers to do their jobs.
- Council officers are provided with required authority to fulfil their responsibilities and achieve the strategic and operational outcomes of the council.
- transparency in decision making by clearly delegating authority to council officers.
- delegated authority is exercised at the most appropriate level within the organisation.
- delegated authority is recorded in a central register and communicated to staff.

## 1.3 Definitions

Word or Terminology	Description
Administrative delegations	Delegations that do not derive their authority from legislation. Delegations such as correspondence, media, staff and financial delegations are some examples.
Council officer	In the context of this policy, a council officer may include the elected officials, the CEO, staff, contractors, and volunteers.
Delegate	The staff member occupying the position title which has been authorised to carry out the delegation.
Delegation	The conferral of an authority of an identified person to exercise a power or duty of behalf of Council. The authority is exercised in the name of the delegate.
Delegations register	A central register maintained by the People and Governance Section to ensure legislative and administrative delegations and legislative authorisations are accurately stored and available to all staff and members of the public.
Function	Includes powers, duties and authorities that are given to individuals or bodies.
Instrument of delegation	A written document expressly delegating a specific statutory power and/or administrative authorisation to an identified position. For the instrument to be effective it must be signed by the CEO and is effective from the date of approval.
Statutory authorisation	The means by which the CEO can appoint 'authorised officers' or the authorisation of persons to exercise specified statutory powers. Statutory authorisations are made to a person not a position, otherwise they operate in a similar way to delegations and an authorised officer exercises the power in their own right. Statutory authorisations are required to be in writing and signed by the CEO.
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 the CEO providing delegations to council staff.

## 2 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Independent Commission Against Corruption Act 1988*

## 3 Implementation

### 3.1 Policy statement

Delegations are the mechanism by which the Council enables its officers to act on its behalf by devolving responsibility for decision making to the appropriate level within the organisation.

Delegations are a fundamental part of good governance and play an important role in ensuring Council is acting in accordance with the legal and policy framework that applies to it. They enable Council to carry out its functions and to be accountable for the decisions and actions taken on its behalf under specific legislative provisions. Those tasked with the responsibility to carry out a function should have the corresponding authority to carry it out.

To ensure compliance with Part 3 of the *Local Government Act 1993* – Delegation of functions, Bega Valley Shire Council will:

- review its delegation to the Mayor and CEO within the first 12-months of a council election
- adopt the delegations to the Mayor and CEO
- update delegations to the Mayor and CEO if changes to legislation, regulations, or policy require it
- publish the delegations to the Mayor and CEO
- give delegation to the CEO in accordance with Section 377 of the Act
- record all delegations in a central register
- provide written instruments of delegation to the CEO and other staff
- update its delegations based on advice from an approved legal provider
- provide training and development to staff about managing and implementing delegations.

### 3.2 Responsibilities

#### 3.2.1 Elected Council

The elected council will receive, review, and adopt the delegations to the Mayor and CEO within the first 12-months of a council election or when changes to the delegations are required. Councillors will only delegate functions to the CEO. They must not delegate to any other officer.

#### 3.2.2 Chief Executive Officer (CEO)

The Chief Executive Officer will:

- ensure delegations to the Mayor and CEO are reviewed and reported to Council within the first 12-months of a local government election
- ensure delegations to the Mayor and CEO are reviewed and adopted by Council if there are changes required to those delegations
- sub-delegate authority to relevant council officers
- sight and sign sub-delegations given to council officers
- approve relevant instruments of delegation
- revoke a delegation if necessary
- make decisions in accordance with the delegations assigned to the role of CEO.

### 3.2.3 Director Business and Governance

The Director of Business and Governance will ensure Council’s delegations are managed in accordance with this policy and any adopted procedures.

### 3.2.4 Manager People and Governance

The People and Governance Manager will implement operational actions from this policy and any relevant procedures by:

- managing the delegation register
- managing the review and updating of delegations
- preparing and recording instruments of delegation
- ensuring council officers receive relevant training about their delegations
- reporting changes to delegations

### 3.2.5 All employees

Employees will carry out their duties in accordance with the delegations assigned to their positions. They will also cite and acknowledge their delegations through the delegations register.

## 4 Supporting documents

### 4.1.1 BVSC procedures that relate to this policy

Procedure No.:	Procedure Name	External or Internal Procedure
6.01.05	Delegations to the Mayor, Chief Executive Officer (CEO) and staff	External

### 4.1.2 1.5.2 BVSC policies that relate to this policy

Policy No.:	Policy Name
6.01	Governance
6.11	Records management
6.12	Access to information

**Note:** Policy details may change from time to time. To ensure you are viewing the most recent version please view Council’s adopted Policies and Procedures on Council website: