

## HEAD OF POWER

- *Local Government Act 2009*, section 257 to 259

## INTENT

The purpose of this policy is to establish the framework for reviewing, making, recording and exercising delegations made pursuant to the *Local Government Act 2009*.

## SCOPE

This policy applies to all employees, Councillors and Councillor Advisor.

## DEFINITIONS

**Employee** means a local government employee as defined in the *Local Government Act 2009*.

## POLICY STATEMENT

1. Council seeks to achieve the best possible results for the region ensuring effective, transparent, and efficient management of operational and administrative matters. To achieve this, Council regularly reviews and provides a delegation of certain legislative powers where it is practical, lawful, and administratively responsible to do so.
2. The *Local Government Act 2009* provides that Council may, by resolution, delegate a power under an Act to the Mayor and Chief Executive Officer.
3. Delegation by Council is not permitted:
  - If the relevant legislative provision provides that the power be exercised “by resolution” or that Council “adopt”;
  - To an individual Councillor; and
  - To employees other than the Chief Executive Officer.
4. Council keeps three registers which contain particulars of delegations made by:
  - Council to the Mayor;
  - Council to the Chief Executive Officer; and
  - Chief Executive Officer to Employees and Contractors of Council.
5. Legislative provisions to be enacted by the Chief Executive Officer can be delegated to other employees, including powers delegated by Council to the Chief Executive Officer.
6. A delegation is revocable and does not prevent Council from acting in a matter, should it be necessary.
7. Where a matter is contentious, controversial, or otherwise warrants consideration by Council, the delegate should not act or exercise any delegated power or function in relation to that matter.

8. Review of all registers will be managed in accordance with the Delegations Register Procedure.

## **ASSOCIATED DOCUMENTS**

- Delegations Register Procedure
- Register of Delegations – Council to the Mayor
- Register of Delegations – Council to Chief Executive Officer
- Register of Delegations – Chief Executive Officer to Employee or Contractor of Council

## **DOCUMENT CONTROLS**

Council will review this policy biennially or in response to changes in law or best practice.

## **POLICY OWNER**

Chief Legal Officer.