



Blackall-Tambo Regional Council

Delegation of Powers and Appointment of Authorised Persons Policy

1. POLICY OBJECTIVES

The purpose of this policy is to ensure Council meets its legislative delegations and authorisation requirements under the *Local Government Act 2009* and *Local Government Regulation 2012* in the most effective and efficient way possible to support inclusive and ethical governance and administration.

Council is committed to:

1. Providing an effective and efficient framework to issue, record, administer and exercise delegations, statutory authorisations and administrative authorisations;
2. Promoting effective internal control and sound corporate governance practices in relation to delegations, statutory authorisations and administrative authorisations;
3. Providing Council employees, committees and chairs of committees with the level of delegated power and authority necessary to discharge their responsibilities from a legal and sound corporate governance perspective;
4. Supporting good decision making, efficiency and effectiveness in Council's administrative processes and complete corporate records; and
5. Eliminating legal non-compliance issues impacting upon the legal validity/enforceability of Council decisions, or Council's ability to legally enforce or litigate breaches of Local Government Acts.

2. POLICY STATEMENT

Delegations are 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.

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The *Local Government Act 2009* provides that Council may, by resolution, delegate a power under the *Local Government Act 2009* or another Act to the Mayor and Chief Executive Officer.

Delegation by Council is not permitted:

- If the relevant legislative provision provides that the power be exercised “by resolution” or that the local government “adopt”;
- To an individual Councillor; and
- To employees other than the Chief Executive Officer.

A Mayor may delegate the Mayor’s powers to another councillor however the Mayor must not delegate the power to give directions to the Chief Executive Officer.

Council may only delegate a power to make a decision about an investigation or a councillor’s conduct under section 150AEA (Local government may decide not to start, or to discontinue, investigation) or 150AG (Decision about conduct breach) of the *Local Government Act 2009* to the Mayor.

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. The Chief Executive Officer must not delegate a power delegated by Council if Council has directed the Chief Executive Officer not to further delegate the power, or the power to keep a register of interests.

A delegation is revocable and does not prevent Council from acting in a matter, should it be necessary.

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.

3. 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.

4. CONFLICTS OF INTEREST

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

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5. 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. REVIEW OF DELEGATIONS

Delegations from Council to the Chief Executive Officer will be reviewed annually by Council as defined in section 257(5) of the *Local Government Act 2009*.

7. RELATED DOCUMENTS

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- Delegation Registers

8. REVIEW TRIGGER

This policy is reviewed for applicability, continuing effect and consistency with related legislative provisions.

Notwithstanding the above, this Policy is to be reviewed at least once in every two years.