

Budget Meeting of Council

Date: Friday 3rd July 2020



Late Reports:

- ★ CEO Late Report - Delegations to CEO and CEO to Staff Review

BOULIA SHIRE COUNCIL

Report for Budget Meeting held on 3rd July 2020

TITLE:	Delegations to CEO and CEO to Staff Review	DOC REF: Late Report
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REPORT BY:	Ms Lynn Moore Chief Executive Officer	DATE: 02/07/2020
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CORPORATE PLAN REFERENCE:

Key Priority 5: Robust Governance

5.1: Confidence

5.1.1 Manage Council's operations in an effective manner by clearly defining the functions, services, roles and responsibilities of Council

PURPOSE:

Council as a Local Authority is required to undertake a wide range of powers and functions that are prescribed in legislation and necessary for the good governance of the Shire. Council is required to determine the functions of a Local Authority that are to be delegated to the CEO and to review those delegations on an annual basis.

CONTENT:

The main areas of law relating to Council's administration are principally contained within the Local Government Act 2009, Council's Local Laws and over 40 other Acts of Parliament.

Council as a Local Authority is required to undertake a wide range of powers and functions that are prescribed in legislation and necessary for the good governance of the Shire. However, in the absence of delegations the manner in which those functions can be completed is by resolution of the Council at a properly constituted Council meeting.

The Chief Executive Officer is appointed by Council to manage the operations of the Council on a day to day basis and for this reason is required to have delegated power, pursuant to Section 257 of the Local Government Act, to make decisions and to give directions to staff in relation to issues as they arise in order to implement the decisions of the Council.

However, it is important that the CEO in exercising those directions and decisions of the Council does so in a way that is consistent with the decisions and policies of the Council.

It is important to note that a delegation is not abdication, an officer exercising a delegation from Council (or the CEO in the case of other staff) is acting *in the place of* the Council. In other words, the delegation is a method of empowerment with responsibility and links back to the Council and the legislation.

It is also clear that just because a delegation exists, does not mean that the officer will choose to exercise that delegation, he/she may choose to refer the matter to Council (or CEO) for decision, particularly if the issue may be contentious or be of interest to the Council.

Furthermore, the Mayor or Council may issue a direction to the CEO that a matter be referred to Council for decision and in such circumstances the CEO must comply with all the lawful directions of the Mayor or Council including those relating to matters subject to a delegation.

The delegations register is a document of Council that records the powers and functions of Council that are delegated to the CEO and that the CEO in turn has delegated to another person.

There are a number of ways in which delegations can be structured, some registers are prescriptive, that is each section of the Act is listed along with a respective delegation. A register of this type can comprise several hundreds of pages and be difficult to manage, update and distribute, particularly when legislation is amended on a regular basis.

The preference in this case, has been to embrace the concept of an empowering delegation, where the CEO is given a broad delegation in relation to each relevant piece of legislation or Local Law with the imposition of limits to that delegation as determined by Council.

The CEO is the only member of staff who can sub-delegate (Section 259) her powers to another member of staff or contractor and for this reason the Council decides on a broad delegation to the CEO who then determines the appropriate delegations to other staff. Attached to the report are the instruments of delegation from Council to the CEO and the register of delegation from the CEO to other staff.

The proposed delegation from the Council to the CEO has not changed since its last review in 2019. The introduction of the role of the Director of Corporate Services, has resulted in the register of delegations being updated to reflect a new delegation to this role.

The register of delegations is a public document and is available on Council's website.

CONSULTATION: Legislative database and other Local Authorities

GOVERNANCE IMPLICATIONS:

It is a legislative requirement to review Delegations to the CEO annually (Section 257 (5) Local Government Act 2009)

RECOMMENDATION:

1. That all the powers referred to in the document entitled "Register of Delegations – Council to CEO" attached to this report are hereby delegated by Council to the Chief Executive Officer of Council pursuant to section 257 of the Local Government Act 2009.
2. That Council note in the Register of Delegations current delegations from the CEO to other staff and contractors.
3. That all previous delegations be updated to reflect the changes, accepted by delegates and then published on the website.

ATTACHMENTS:

- Delegations - Council to Chief Executive Officer
- Register of Delegations – CEO to staff

Chief Executive Officer

Ms Lynn Moore



**DELEGATION BY THE COUNCIL TO
THE CHIEF EXECUTIVE OFFICER
Local Government Act 2009
Section 257
Instrument of Delegation**

**This delegation is made by the Boulia Shire Council pursuant to a resolution passed on
3rd July 2020**

Boulia Shire Council in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities hereby delegates pursuant to the provisions of Section 257 of the Local Government Act 2009 to the person specified by resolution of the Council to have the functions of the **Chief Executive Officer** and to the person holding the aforementioned position in an acting capacity the authority to exercise, or to delegate pursuant to Section 259 of the Local Government Act to other employees or contractors of the Council, those delegations referred to in schedule 1 and all the lawfully delegable powers under each of the Local Laws listed in schedule 2 and Acts listed in Schedule 3 including any amendments, subordinate local laws, regulations and any statutory instruments made under those Acts or Local Laws.

SUBJECT TO:

1. The lawful directions of the Mayor and or
2. The policies and resolutions of the Council current at the time of the exercise of the functions herein delegated.

This delegation shall commence on 3rd July 2020 and remain in force until specifically altered or revoked in writing in accordance with a resolution of the Council.

SCHEDULE 1.

General Delegations:

1. To manage the human, physical and financial resources of the Council to ensure that all resolutions of the Council are promptly carried into effect and that all operations and activities of the Council are conducted in accordance with established policies, local laws, State and Commonwealth Legislation.
2. To sign documents, contracts and agreements on behalf of Council including those requiring the affixing of the common seal, that are in accordance with terms and conditions that have been accepted by Council or by Committees or officers under delegated authority.
3. To seek legal advice from Council solicitors, and to complete affidavits and represent the Council in any matter where the Council is a party to legal proceedings.
4. To issue or cause to be published media and other public statements in relation to Council business
5. To exercise and perform any function or statutory duty delegated to other Officers of the Council when required.
6. To enter upon any land including any building, enclosed place or structure for the purposes of performing the Council's functions.
7. To prepare grant submissions, attend deputations and make representations to Members of Parliament, Ministers of the Crown and Government Departments in accordance with the policy and best interests of the Council.
8. To impose fees, taxes rates and charges where not otherwise specified by Council and to remit fees, rates and charges or debts due to the Council where determined appropriate up to a value of \$1,000.00.
9. To remit or excuse the payment of, in accordance with the provisions of the Local Government Act, the whole or any part of any rate or charge, where the amount cannot be collected or where the amount outstanding would be uneconomical to recover up to a value of \$1,000.00
10. To authorize the use of Council's plant and equipment in case of emergency.
11. To authorize the expenditure of Council funds not elsewhere provided for any lawful purpose up to a maximum of \$5,000.
12. To authorise the sale, write-off or disposal of surplus or unserviceable plant, stores, furniture or equipment subject to report to Council.
13. To manage tenancies and serve notices as required as lessor under the Residential Tenancies and Rooming Accommodation Act 2008.

SCHEDULE 2

Local Laws Current at time of delegation:

1. **Local Law No. 1 (Administration) 2014 A (*amended 5/6/2015*)**
2. **Local Law No 2 (Animal Management) 2014**
3. **Local Law No 3 (Communities and Environmental Management) 2014**
4. **Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014**
5. **Subordinate Local Law No. 1 (Administration) 2014**
6. **Subordinate Local Law No. 2 (Animal Management) 2014**
7. **Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014**

Local Law No. 1 (Administration) 2014 A Amended by Resolution 2015/5.12, with effect from 5/6/2015

AMENDED SCHEDULE 3

Acts of Parliament current at time of Delegation

1. **Acquisition of Land Act 1967**
2. **Animal Management (Cats and Dogs) Act 2008**
3. **Body Corporate and Community Management Act 1997**
4. **Biosecurity Act 2014**
5. **Building Act 1975**
6. **Dangerous Goods Safety Management Bill 2001**
7. **Disaster Management Act 2003**
8. **Environmental Protection Act 1994**
9. **Fire and Emergency Services Act 1990**
10. **Food Act 2006**
11. **Food production (Safety) Act 2000**
12. **Heavy Vehicle National Law act 2012**
13. **Information Privacy Act 2009**
14. **Integrity Act 2009**
15. **Land Act 1994**
16. **Land Valuation Act 2010**
17. **Liquor Act 1992**
18. **Local Government Act 2009**
19. **Local Government Electoral act 2011**
20. **Nature Conservation Act 1992**
21. **Planning Act 2016**
22. **Plumbing and Drainage Act 2018**
23. **Public Health (Infection Control for Personal Appearance Services) Act 2003**
24. **Public Health Act 2005**
25. **Public Interest Disclosure Act 2010**
26. **Public Sector Ethics Act 1994**
27. **Queensland Reconstruction Authority Act 2011**
28. **Residential Services (Accreditation) Act 2002**
29. **Right To Information Act 2009**
30. **State Penalties Enforcement Act 1999**
31. **Statutory Bodies Financial Arrangements Act 1982**
32. ~~Stock Act 1915~~ *—repealed 1/7/2016 by the Biosecurity Act 2014*
33. **Stock Route Management Act 2002**

34. **Summary Offences Act 2005**
35. **Survey and Mapping Infrastructure Act 2003**
36. ~~**Sustainable Planning Act 2009**~~—repealed 3/7/2017 by the *Planning Act 2016*
37. **Tobacco and other Smoking Products (Smoke Free Places) Act 2016**
38. **Transport Infrastructure Act 1994**
39. **Transport Operations (Road use Management) Act 1995**
40. **Trusts Accounts Act 1973**
41. **Waste Reduction and Recycling Act 2011**
42. **Water Act 2000**
43. **Water Fluoridation Act 2008**
44. **Water Supply (Safety and Reliability) Act 2008**
45. **Work Health and Safety Act 2011**
46. **Workers Compensation and Rehabilitation Act 2003**

END OF DELEGATION.

Delegation adopted by Council at its meeting on 3rd July 2020

**Cr Rick Britton
Mayor**

Boulia Shire Council - Summary of Purchasing Delegations and Limits

(Effective until revoked)

<i>Position</i>	<i>Current Occupant of Position</i>	<i>Delegation to Sign Orders & Authorise Payments</i>	<i>Purpose</i>	<i>Other</i>	<i>EFFECTIVE from</i>
Chief Executive Officer	Lynn Moore	No Limit subject to Regulations	Any Lawful purpose	Subject to Council Policy	24/01/2018
Director of Corporate Services	Kaylene Sloman	Limit up to \$150,000	Restriction by CEO/Council/Policy	Subject to Council Policy	1/07/2020
Director of Works and Operations	Harin Karra	Limit up to \$150,000	Restriction by CEO/Council/Policy	Subject to Council Policy	15/05/2017
Finance Manager	Rahaul Bhargava	Limit up to \$50,000	For Corporate Service responsibilities and Payroll	Subject to Council Policy	27/07/2020
Senior Administration Officer	Evan Blackman	Limit up to \$30,000	For Corporate Service responsibilities and Payroll	Subject to Council Policy	22/02/2017
Foreman, Road Maintenance and Utility Services	Ronnie Callope	Limit up to \$70,000	For Works and Service responsibilities	Subject to Council Policy	22/02/2017
Foreman, Roads Maintenance and Construction	Jim Newman	Limit up to \$70,000	For Works and Service responsibilities	Subject to Council Policy	22/02/2017
Community Services Manager	Julie Woodhouse	Limit up to \$10,000	For Community Services Operations	Subject to Council Policy	22/02/2017
Executive Assistant	Nicole Tonkies	Limit up to \$5,000	For Accommodation, Travel, Meeting expenses, Office Supplies	Subject to Council Policy	22/02/2017
Stores Officer	Mari Gundersen	Limit up to \$5,000	For Stores and Materials	Subject to Council Policy	22/02/2017
Contract Works Overseer	(Consultant)	Limit up to \$70,000	For Flood Damage Restoration Works	Subject to Council Policy	22/02/2017
Remote Mechanical Services	Grant Jensen	Limit up to \$5,000	For parts and mechanical services	Subject to Council Policy	22/02/2017

Annual July 2020 review - Add Director Corp Services, Add Finance Mgr.