

BARCOO SHIRE COUNCIL POLICY

Delegation of Powers and Appointment of Authorised Persons Policy

Policy Number BSC-063	Version: 1
Classification: Statutory	Executive - Governance
Date Adopted by Council: 17/05/2023	Resolution Number: 2023.05.008
Responsible Officer: Chief Executive officer	<p>REVIEW NOTE: This policy if reviewed when any of the following occur: 1.</p> <ol style="list-style-type: none"> 1. The related information is amended or replaced. 2. Other circumstances as determined from time to time by the Chief Executive Officer. 3. Notwithstanding the above, this policy is to be reviewed at intervals of no more than twelve (12) months.
Legislation: <i>Local Government Act 2009</i>	Section 202 (Appointing Authorised Persons) Section 259 (Delegations of the Chief Executive Officer Powers)

1. Objective:

In accordance with Sections 202 and 259 of *the Local Government Act 2009*, to ensure that appropriately qualified officers are appropriately delegated the powers of the CEO to ensure they are able to undertake their assigned duties, and to authorise qualified persons to perform assigned responsibilities of the Baroo Shire Council.

The *Local Government Act 2009* states:

202 Appointing authorised persons.

(1)The chief executive officer may appoint a qualified person to be an authorised person.

(2)A person is qualified to be an authorised person if the person—

(a)has the competencies—

(b)that the chief executive officer considers are necessary to perform the responsibilities that are required to be performed by the authorised person; or

(ii)prescribed under a regulation; and

(b)is either—

(i)an employee of the local government; or

(ii)another type of person prescribed under a regulation.

*(3) Also, a person is qualified to be an authorised person of a local government (the **adopting local government**) if—*

(a) the person is an authorised person for another local government; and

(b) the adopting local government has, by resolution, decided that authorised persons of the other local government may be appointed as authorised persons of the adopting local government.

(4) The appointment of an authorised person must state the provisions of this Act for which the authorised person is appointed.

(5) An authorised person's appointment is subject to the conditions stated in—

(a) the document that appoints the authorised person; or

(b) a notice given to the authorised person by the chief executive officer; or

(c) a regulation.

And,

259 Delegation of chief executive officer powers

(1) A chief executive officer may delegate the chief executive officer's powers to an appropriately qualified employee or contractor of the local government.

(2) However, the chief executive officer must not delegate the following powers—

(a) a power delegated by the local government if the local government has directed the chief executive officer not to further delegate the power.

(b) a power to keep a register of interests.

2. Policy Statement:

That Barcoo Shire Council will provide good governance to the community by ensuring that delegations of the Chief Executive Officer are allocated to appropriately qualified employees or contractors and that appropriately qualified employees or contractors are authorised to undertake those duties which council is obliged to fulfill.

3. Procedure:

Barcoo Shire Council, through its Corporate Plan, is committed to providing services that deliver our community's shared aspirations and collective vision of a **professional organisation, creating a better future for our community** and our Mission **to serve the community through sustainable infrastructure and service delivery.**

We are a value led organisation and our values encapsulate what we care about, influence how we operate and support our mission of **Simplicity, Transparency, Accountability and Respect.**

Council is committed to:

- Providing an effective and efficient framework to issue, record, administer and exercise delegations, statutory authorisations and administrative authorisations.
- Promoting effective internal control and sound corporate governance practices in relation to delegations, statutory authorisations and administrative authorisations.

- Providing Council employees, the level of delegated power and authority necessary to discharge their responsibilities from a legal and sound corporate governance perspective.
- Supporting good decision making, efficiency and effectiveness in Council's administrative processes and complete corporate records.
- 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 Act 2009* or other relevant legislation, including, but not restricted to:

- Environmental Protection Act 1994
- Animal Management Act 2008
- Biosecurity Act 2014
- Stock Route Management Act 2002
- Water Supply (Safety and Reliability) Act 2008
- Public Health (Infection Control for Personal Appearance Services) Act 2003
- Public Health Act 2005
- Food Act 2006
- Local Laws of Barcoo Shire Council

4. Associated Documents:

Delegations Register:	Council to CEO. CEO to Council Officer.
Authorised Persons :	Register of Authorisation from CEO to council officer.