



MAKE A  
**DIFFERENCE**  
MAKE IT  
**COUNT**

# Delegations Redland City Council

Luke Wallace Corporate Governance

Andrew Ross General Counsel



# Introduction

- Welcome
- Delegations & Definitions
- Legislation & Limitations
- Register and Process
- Case Authority
- Q&As



MAKE A  
**DIFFERENCE**  
MAKE IT  
**COUNT**

# Definitions



- **Delegation** - appoint a representative to act and make decision in certain circumstances (powers)
- **Business Efficiency** – Delegation is essential for large organizations to make decisions timely by persons with relevant experience / expertise
- **Empowerment** – Delegation is fundamental to building personal capacity, cultural change and succession planning

# Legislation & Limitations




MAKE A  
**DIFFERENCE**  
MAKE IT  
**COUNT**

- Local Government Act 2009 (LGA)
- **Section 12:** Councilors set the strategic direction and has legal power to make operational decisions, which is retained as a reserve power even when delegated
- **Various Sections:** Council can not delegate a power where the decision must be made by a “Council Resolution” or “adoption” e.g. Budget, Corporate Plan etc

# Legislation & Limitations



MAKE A  
**DIFFERENCE**  
MAKE IT  
**COUNT**

- **Section 257:** Council delegate only to Mayor, CEO, Standing Committee or its Chairperson or another Council for joint activity
  - **Section 258:** Mayor power to sub-delegate to another Councilor, excluding power to give directions to CEO or senior executive officers.
  - **Section 259:** CEO power to sub-delegate to an appropriately qualified employee or contractor of the local government, excluding expressed condition against sub-delegation and keeping register of interests
- 

# Legislation & Limitations



MAKE A  
**DIFFERENCE**  
MAKE IT  
**COUNT**

- **Section 260:** CEO must make a register of delegations that contains the particulars prescribed under a regulation.
- **Section 305 LG Reg:** includes the particulars as delegate name or title; description and legal provisions, summary of resolution and conditions and any other appropriate detail

# Legislation & Limitations




MAKE A  
**DIFFERENCE**  
MAKE IT  
**COUNT**

- Acts Interpretation Act 1954
- **Section 27A:** Delegation must:
  - Identify Power or Function Delegated
  - Be in or evidenced by writing
  - Be signed by Delegator
  - May be general or conditional, and wholly or partly revoked from time to time

# Delegation Register & Process



MAKE A  
**DIFFERENCE**  
MAKE IT  
**COUNT**

- The public may inspect the register of delegations
  - Electronic Transactions Act 2001 allows for Delegations to be made electronically
  - Review of CEO Delegations: every 12 months under s257 LGA
- 



# Case Authority



- Contract Case:
- Development Assessment:
- Separation of Duties:
- Conflicts of Interests:

# Q&As



MAKE A  
**DIFFERENCE**  
MAKE IT  
**COUNT**

- Delegate can be to the Position or Person
  - Delegation using Electronic Processes
  - Delegation to effect Cultural Change
  - Delegation – Devolution – Appointments
- 