

ORDINARY MEETING	5.5
16 DECEMBER 2014	

## REVIEW OF COUNCIL TO CHIEF EXECUTIVE OFFICER DELEGATIONS

Darryl Crees: General Manager Corporate Services #435192

### **RECOMMENDATION:**

**That Council notes and endorses the work being undertaken with the review of Council to Chief Executive Officer Delegation Register.**

### **EXECUTIVE SUMMARY:**

As part of the De-amalgamation process all existing Council to Chief Executive Officer Delegations were transferred from Cairns Regional Council and remain in force until varied or revoked by the new Council. To ensure legislative compliance an annual review of these delegations has to be undertaken and this report establishes the principles and processes employed in this review.

### **BACKGROUND:**

In accordance with Section 257 of the *Local Government Act 2009*, all delegations from Council to the Chief Executive Officer must be reviewed annually.

### **COMMENT:**

The De-amalgamation Transfer Methodology produced by the Department of Local Government, Community Recovery and Resilience detailed the treatment of delegations and authorisations through the de-amalgamation process. Effectively all existing delegations and authorisations of the continuing Council (Cairns Regional Council) apply to the new Council (Douglas Shire Council) until varied or revoked by the new Council.

To assist with the review of current "Council to Chief Executive Officer" delegations, as required by legislation, both Local Government Association of Queensland (LGAQ) and King & Company Solicitors have been engaged.

King & Company examined the current delegation register, updated all recent legislative amendments and deleted certain legislative powers that would not apply to this Council. The revised delegation register was circulated to all Councillors approximately one month prior to the delegations workshop which took place on 25 November 2014. This workshop was facilitated by Tim Fynes-Clinton (King & Company) and Mark Leyland (LGAQ).

The purpose of the workshop was to provide Councillors and staff with background to delegations, the delegations service provided by LGAQ, guidance on the review process and advice to staff on the ongoing maintenance of the delegation register.

**PROPOSAL:**

In reviewing the current delegations the following principles have been utilised:

- Where the decision may involve a public liability risk, the relevant legislative power has not been delegated to ensure that Council is informed of any exposure and is actively engaged in the decision process.
- Any legislative power involving tenure of Council freehold land or trustee land will not be delegated.
- Consistency of policy application has been taken into consideration in determining powers to be delegated.
- The ability for the administration to remain productive in undertaking operational duties without the need to constantly obtain a Council resolution.
- Legislative acts known to be subject to State Government changes will not be reviewed until changes have been enacted.
- Conditions attached to delegations that were transferred from Cairns Regional Council have been reviewed and amended however ensuring the same intent has been achieved.

The review of the delegation register will be progressed in stages and as individual pieces of legislation have been reviewed, these delegations will be presented to Council for consideration and ultimately adoption.

Due to the number of acts contained within the register, 59 in total, it will require some time to fully complete the review however to date staff have reviewed 6 pieces of legislation. These legislative delegations will be presented to Council early in 2015.

In future years the delegation register will be presented to Council as each update is received and actioned through the LGAQ Delegation Service. These updates are generally received twice a year.

A separate delegation register has been established to record all delegations provided by Council in conjunction with meeting reports and recommendations adopted. This register will also be presented to Council on a regular basis for review.

**CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:**

This report has been prepared in accordance with Corporate Plan 2014 – 2019:

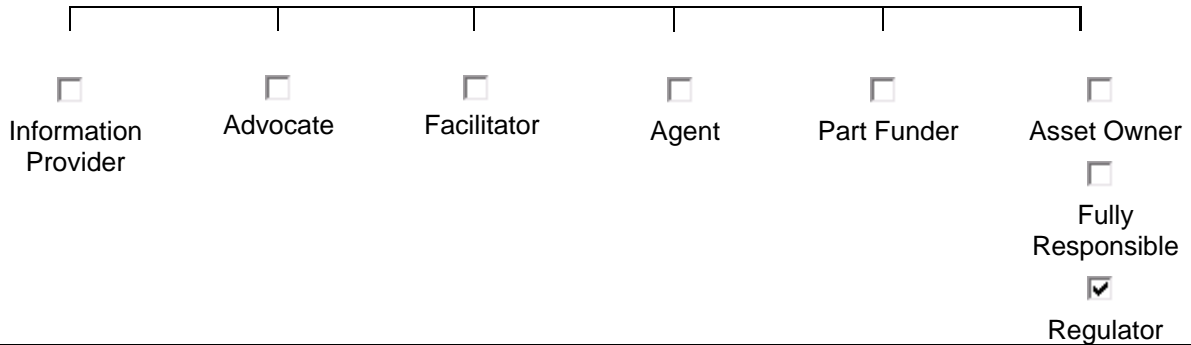
*5.2.2 Implement adopted policies and guidelines to ensure consistency in administrative management which also encourages innovation in Council operations.*

*5.3.5 Develop a workforce that is highly effective, efficient and productive, proud to deliver value for money for ratepayers and residents.*

**COUNCIL'S ROLE:**

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:



<b>Regulator:</b>	Meeting the responsibilities associated with regulating activities through legislation or local law.
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**FINANCIAL/RESOURCE IMPLICATIONS:**

There have been costs incurred initially in seeking assistance to update delegations register with legislative changes however the ongoing maintenance will form part of staff regular duties.

**RISK MANAGEMENT IMPLICATIONS:**

Ensuring relevant and appropriate delegations are provided to the Chief Executive Officer creates efficiencies and increased productivity within Council's operations. Sub-delegations to staff in conjunction with training enable staff to fulfil their duties and risk of challenge, legal or otherwise, is mitigated.

**SUSTAINABILITY IMPLICATIONS:**

ECONOMIC: N/A

ENVIRONMENTAL: N/A

SOCIAL: N/A

**INTERNAL/EXTERNAL CONSULTATION:**

Assistance has been provided by Local Government Association of Queensland and King & Company Solicitors in the preparation of the delegation register and process to be undertaken in reviewing and the ongoing maintenance of the delegation register. Councillors were consulted through the workshop process on 25 November 2014.

**ATTACHMENTS:**

Nil