District Council of
Loxton Waikerie

DELEGATIONS POLICY

Responsible Officer/s	Manager Environmental Services
Relevant Legislation / Documents	Local Government Act 1999
Adopted	17 July 2020
Reviewed	June 2025
Next Review	June 2029

A. Purpose

This Policy establishes a framework for delegating authority by, and within, the Council. It supports effective governance by outlining how and why the Council delegates powers and functions, ensuring decisions are made lawfully and efficiently.

The Policy applies to the Chief Executive Officer (CEO), employees requiring delegated authority in the performance of their duties, and any other bodies delegated authority by the Council from time to time. Delegations are critical to ensuring that Council operations are managed effectively, in compliance with legal and policy frameworks, and that decision-making responsibilities are allocated to appropriate officers or bodies.

B. Objective

The objectives of this Policy are to:

- Ensure the efficiency and effectiveness of the Council's administrative and regulatory processes
- Provide appropriate employees with the level of authority necessary to fulfil their roles and responsibilities
- Enable decision-making at the most appropriate and competent levels within the organisation
- Maintain effective internal control mechanisms; and
- Promote transparency in decision-making by clearly defining and recording all delegations

This Policy also enables the Council, as a governing body, to focus on high-level strategy and policy, while delegating operational and administrative responsibilities to the CEO and staff, ensuring governance obligations are met without being burdened by day-to-day decisions.

C. Definitions

For the purposes of this policy the following definitions apply:

Act	Means the *Local Government Act 1999*

Chief Executive Officer (CEO)	Means the Chief Executive Officer of the Council (including any person acting in that Office)
Council	Means the District Council of Loxton Waikerie
Delegations	Means a delegation made by the Council under section 44(2) of the Act, and includes any sub delegation made by the CEO (or other 'head' delegate)
Delegations Register	Means the written record of all delegations made by the Council.

D. Policy

1. Procedure

1.1 Section 44 of the Act provides an express power for the Council, by resolution, to delegate its powers and functions to:

- a Council committee; or
- a subsidiary of the Council; or
- an employee of the Council for the time being occupying a particular office or position; or
- an authorised person.

1.2 Section 44(3) of the Act sets out the functions which the Council cannot delegate, being powers generally related to public interest and policy decisions.

1.3 Pursuant to section 44(4) of the Act, a delegation by the Council, as a governing body:

1.3.1 Is subject to conditions and limitations as determined by the Council, or as specified by the regulations; and

1.3.2 If made to the CEO, authorises the sub delegation of the delegated power or functions, unless the Council directs otherwise, and if made to anyone else, authorises the sub delegation of the delegated power or function only with the approval of the Council; and

1.3.3 Is revocable at will and does not prevent the Council from acting in relation to a delegated function or power.

1.4 All delegations to the CEO extend to any person appointed to act in that Office.

1.5 Where a delegation is made by the Council to an officer or employee, other than the CEO, the resolution will, unless otherwise required by statute, identify the delegate by reference to the office or position held, rather than by the name.

1.6 If a power or function is delegated to an employee of the Council, the employee is responsible to the CEO for the efficient and effective exercise or performance of that power or function.

1.7 Any conditions or limitations applying to a delegation (or sub delegation) are to be specified in the Instrument of Delegation (or Sub Delegation).

1.8 For the avoidance of doubt, despite delegating any function or power, the Council retains the discretion to exercise its original power or function. However, caution will be exercised in this regard, particularly in relation to matters where a delegate has exercised the delegated power or function.

2. Responsibilities

2.1 The CEO (or their delegate) must:

2.1.1 Prepare all Instruments of Delegation (and Sub Delegation), in consultation with key stakeholders;

2.1.2 Ensure that any conditions or limitations applying to a sub delegation are specified in the Instrument of Sub Delegation;

2.1.3 Ensure that employees in roles with delegated authority possess the relevant knowledge and skills to adequately exercise the delegated powers or functions assigned to that position;

2.1.4 Ensure delegated power or function, including any conditions and limitations, are appropriate for the responsibilities and level of the position to which the powers or functions have been delegated;

2.1.5 Ensure relevant employees are, in an ongoing manner, kept aware of legislative amendments that will necessitate amendments to the Council's delegations;

2.1.6 Have regard to the powers and functions that may not be delegated pursuant to sub-sections 44(3) and (3a) of the Act;

2.1.7 Facilitate all required amendments to delegations when the duties or functions of positions within the organisation change;

2.1.8 Maintain the Delegations Register pursuant to section 44(7) of the Act;

2.1.9 Manage and coordinate the review of the Delegations Register, as required by section 44(6a) of the Act; and

2.1.10 Provide ongoing advice and guidance to employees in relation to delegated authority.

2.2 Employees who have been delegated powers or functions must:

2.2.1 Only exercise the delegations that have been applied against the position they currently occupy;

2.2.2 Take steps to ensure they understand the powers and functions that have been delegated to them;

2.2.3 Comply with all relevant statutory requirements of the delegation, and act within the scope of the delegation they have been conferred;

2.2.4 Comply with Council policies in the exercise of any delegated power or function;

2.2.5 Maintain appropriate records of any decision or action taken in furtherance of a delegation;

2.2.6 Comply with any limitations or conditions placed on the delegation; and

2.2.7 Be accountable for any delegated power or function they exercise. In doing so, employees will be supported to ensure that they have the necessary skills, competency and qualifications (if required) to undertake their duties.

3. Conflicts of interest

3.1 An employee must not exercise a delegated power or function that would give rise to a conflict of interest for them under section 120 of the Act, without first having disclosed that interest to the CEO and obtaining authorisation from the CEO to so Act.

3.2 A person is not required to exercise a delegated power or function where, in their considered opinion, circumstances exist that would make it more appropriate for the matter to be dealt with by another delegate. In these circumstances, the delegate must refer to their immediate senior in the line of accountability.

3.3 Any inappropriate exercise of a delegated power or function by an employee may constitute misconduct, resulting in disciplinary action.

4. Varying / revoking delegations

4.1 The Council may at any time resolve to vary or revoke a delegation

4.2 The CEO may at any time determine to vary or revoke a sub delegation.

4.3 Any amendments to an employee's delegated authority (including the CEO's) are to be reflected in the Delegations Register as soon as reasonably practicable.

5. Review

5.1 The Delegations Register will be reviewed in accordance with section 44(6a) of the Act.

5.2 This Policy will be reviewed every four (4) years, or as required as a consequence of legislative change or in accordance with a resolution of the Council.

E. Availability

This Policy will be available for inspection at the Council Offices at Loxton or Waikerie during ordinary business hours at no charge.

Copies of this Policy will also be available from Councils website: www.loxtonwaikerie.sa.gov.au or postal copies may be obtained from the Council Office free of charge.

This policy will be available in Council's Electronic Document Management System (Content Manager).

F. Document history and version control

Date	Version	Authorisation	Amendment Details
17/07/2020	1	Council	New policy
16/07/2025	1.1	Council meeting	Transfer to new template Condensed purpose and objectives sections