

1.4: ANNUAL REVIEW OF DELEGATIONS

Attachment : City of Albany - Delegations Register
Appendices : Nil
Responsible Officer(s) : Acting Chief Executive Officer (L Hill)
 Manager Compliance & Community Safety (S Jamieson)

IN BRIEF

- Annual Review of Council Delegations

RECOMMENDATION

ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HORTIN

SECONDED: COUNCILLOR GREGSON

That the delegations detailed in the Register of Delegations (Report Item 1.4 attachment) be ADOPTED.

ITEM 1.4: MOTION

MOVED: COUNCILLOR BOSTOCK
SECONDED: COUNCILLOR HAMMOND

THAT this item lay on the table to allow more time for consideration by Council.

CARRIED 6-3

Record of Vote

Against the Motion: Mayor Wellington, Councillors Hortin and Holden

BACKGROUND

1. Under the provisions of the Local Government Act 1995, a local authority may delegate some of its powers and duties to the Chief Executive Officer or Committee's of Council to help facilitate the many services it provides to the community.
2. At least once every financial year, the powers and duties delegated under the Local Government Act are required to be reviewed by the delegator.
3. On 28 May 2012 the Audit & Finance committee reviewed the proposed delegations and recommended that the delegations be presented to Council for adoption.

DISCUSSION

4. A register of Delegations of Authority is essential in order to inform the public of the activities, functions, powers and duties of the Local Government as well meeting the requirements of Section 5.46 of the *Local Government Act 1995* (the Act).
5. This Act requires the Chief Executive Officer (CEO) of the Local Government to keep a Register of Delegations made by the Council to a Committee or the Chief Executive Officer, and by the CEO to other employees.

6. The compilation of the content of this Register was prepared through references to the Act, the Complete Guide to The Local Government Act 1995 (which is a joint production of the Western Australian Municipal Association, the Institute of Municipal Management (WA Division) and the Western Australia Department of Local Government.
7. The Delegations of Authority Register is maintained by the Office of the Chief Executive Officer.
8. Section 5.42 of the *Local Government Act 1995* allows Council to delegate to the Chief Executive Officer and/or Committee.
9. Delegations have been grouped by functional areas.

STATUTORY IMPLICATIONS

10. It is a statutory requirement to review the delegations every financial year.

Delegation to CEO

11. Section 5.42 of the Act enables the delegation of some powers and duties to the Chief Executive Officer:

“1) A local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

Delegation to Committees

12. Section 5.16 and 5.17 of the Act enables the delegation of some powers and duties to a committee:

“1) Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than the power to delegate;

2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

Delegations to be reviewed every financial year

13. Under the provisions of section 5.46 (2) of the Act, delegations must be reviewed by the delegator at least once every financial year.

Appointment of authorised persons

14. Section 9.10 of the Act. The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

Transfer of Authority Due to Absence

15. Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation.
16. Where a named Officer holding a delegation is temporarily absent and no Officer has been appointed to act in the position, the authority will transfer to the relevant Executive Director or Senior Manager for the period of absence.

17/07/2012

REFER DISCLAIMER

Proposed Delegations

17. Proposed delegations are detailed in the attachment.

Consulted References	<i>Local Government Act 1995 (Act)</i> <i>Local Government (Miscellaneous Provisions) Act 1960</i> <i>Interpretation Act 1984</i> <i>Local Government Local Law Register</i>
File Number (Name of Ward)	PE.AUT.1 (All Wards)
Previous Reference	OCM 14/12/10 Item 4.3 Audit & Finance Committee 28 May 2012