

## 1. Heads of Power

*Local Government Act 2009 (Qld)*, section 257 to 259

*Local Government Regulation 2012 (Qld)*

Any other Act or Regulation under which Council exercises statutory authority

## 2. Intent

This policy provides a framework for the delegation of legislative powers, duties, and functions within Aurukun Shire Council (**Council**). It ensures that all delegations are made lawfully, are exercised appropriately, and are supported by clear governance structures that promote transparency, accountability, and effective decision-making.

Delegation is a fundamental mechanism by which Council and the Chief Executive Officer (**CEO**) manage operational functions and ensure timely, efficient service delivery to the community. This policy establishes the standards for how delegations are to be made, recorded, reviewed, and revoked.

## 3. Scope

This policy applies to all delegations made by:

- Council to the Chief Executive Officer, in accordance with section 257 of the *Local Government Act 2009 (Qld)*; and
- The Chief Executive Officer to employees or contractors of Council, in accordance with section 259 of the *Local Government Act 2009*.

It applies to powers and responsibilities arising under the *Local Government Act 2009*, *Local Government Regulation 2012*, and other relevant State legislation under which Council is authorised to act.

This policy does not apply to authorisations made under specific statutes, such as local laws or environmental legislation, which are subject to separate administrative or legal frameworks.

## 4. Policy Statement

Council recognises that the appropriate delegation of statutory powers is critical to delivering its legislative functions and strategic objectives. Delegations enable effective administration and service delivery while allowing Council to retain strategic oversight.

All delegations must:

- Be lawfully conferred under the relevant legislation;
- Be clearly documented in a Register of Delegations;
- Be exercised in accordance with any applicable conditions or limitations;
- Be reviewed regularly to ensure accuracy and ongoing relevance;
- Be capable of being audited and inspected where necessary.

Council maintains a Register of Delegations from Council to the Chief Executive Officer. The CEO, in turn, maintains a separate register of all delegations to employees and other officers under their supervision. Both registers are managed in accordance with this policy.

## 5. Responsibilities

**Council** is responsible for delegating powers to the Chief Executive Officer, ensuring each delegation is consistent with the legislative intent and operational requirements.

**Chief Executive Officer** is responsible for:

- Maintaining an accurate Register of Delegations from Council to CEO;
- Sub-delegating powers to employees where appropriate and permitted;
- Ensuring all delegates understand the scope and limits of their authority;
- Reviewing and updating both the Council-to-CEO and CEO-to-officer registers on a regular basis.

**Legal and Governance Officer** is responsible for providing guidance and support in the drafting, review, and maintenance of delegation instruments and ensuring legislative compliance is maintained across the registers.

## 6. Conditions and Limitations

All delegations are made subject to any limitations outlined in the relevant Act, Regulation or Council resolution. Where powers are not capable of sub-delegation by law, or where Council has resolved to withhold sub-delegation, the CEO must not assign these powers further.

Delegations do not absolve Council or the CEO of accountability. All actions taken under delegation must comply with applicable legislation, Council policies, and procedures.

## 7. Register of Delegations

Council will adopt and maintain a formal **Register of Delegations – Council to CEO**, which clearly outlines:

- The legislation under which the power arises;
- The specific power or function being delegated;
- Any conditions or limitations attached;
- The delegate (i.e. the CEO).

The CEO will maintain a corresponding **Register of Delegations – CEO to Officers**, using the same structure and governance controls.

Both registers will be reviewed annually, or more frequently where there are material legislative changes, organisational restructures, or where Council specifically resolves to amend or revoke a delegation.

## 8. Associated Documents

Delegations Register Procedure

Register of Delegations – Council to Mayor

Register of Delegations – Council to Chief Executive Officer

Register of Delegations - Chief Executive Officer to Employee or Contractor of Council.

## 9. Document Controls

Council will review this policy every two years or as required by changes in law, best practice, organisational change, or a decision of Council.

## **10. Policy Owner**

Legal and Governance Officer.