

# Doomadgee Aboriginal Shire Council

## Delegations from the Chief Executive Officer to employees

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These conditions form part of the Register of Delegations by the Chief Executive Officer. The powers specified in that Register are delegated subject to these conditions.

### **1. Delegate's Responsibilities**

- 1.1 Delegates have the responsibility of making decisions on behalf of the Council. That means that decisions may be subject to appeal, or enquiry as to the appropriate uses of administrative procedures. Delegates are therefore expected to exercise their discretion in accordance with the provisions of the law as it would have applied to the Council were it making the decision.
- 1.2 In making decisions, delegates should make themselves aware of any specific Council policies, decisions, local laws etc. which may be relevant to the proposal. This is a key responsibility which forms an integral part of the delegation.
- 1.3 The delegation does not derogate from the power of the Council or the Chief Executive Officer to act in any matter. Accordingly, decisions which appear to the delegate to be of public interest, controversial, or to have some special importance should be referred to the delegate's supervisor or the Council for determination. The exercise of this judgment should be such that decisions should be referred if the delegate has any doubts about the interest in or significance of the proposal.
- 1.4 A delegation does not cease to have effect merely because the person who was the specified officer or the holder of the specified office when the power was delegated ceases to be the officer or the holder of the office. The power may be exercised by the person for the time being occupying or acting in the office concerned.
- 1.5 A delegated power may be exercised only in accordance with any conditions to which the delegation is subject.
- 1.6 Where a power to decide or approve an application is delegated in this register, the delegation includes the power to:
  - approve the application;
  - approve the application, subject to reasonable and relevant conditions; or
  - refuse the application.

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- 1.7 Where a power to do a thing is delegated in this register, the delegation includes the power not to do it.
- 1.8 A power to grant, issue, renew or approve a thing, includes where appropriate, the power to suspend or repeal it.

### **2. Compliance with Council Policies, Decisions and CEO Directions**

In the exercise of any delegation, the delegate must comply with the requirements of all statutes, local laws, Council policies, Council decisions and directions from the Chief Executive Officer or the delegate's supervisor. These requirements/directions may be specific to particular action being undertaken or apply generally to actions of a particular type.

### **3. Sub Delegation**

Delegates or officers, other than the Chief Executive Officer, **cannot** sub delegate or on-delegate any power delegated.

### **4. Acting Positions**

Officers acting in positions may exercise the powers delegated to that position. Additionally, for short term absences not exceeding two days (example sick leave, recreation leave), the officer undertaking the delegate's duties may exercise the powers delegated to that position.

### **5. Limit of Delegations**

Delegations of authority are limited to the extent of duties and responsibilities contained in each officer's position description.

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Legislation Section	Power Delegated (Conditions)	Delegate
<b>Local Government Act 2009</b>		
Section 13 Local Government Act 2009	Power to carry out the responsibilities specified in section 13(3) Local Government Act 2009— <ul style="list-style-type: none"> <li>• managing the local government;</li> </ul>	
	<b>Procurement limit delegations to staff (all procurement must be carried out in accordance with the Procurement Policy)</b>	
	\$50,000 (only from their responsible business unit)	Director, Engineering
	\$20,000 (only from their responsible business unit)	Director, Corporate Services
	\$20,000 (only from their responsible business unit)	Director Economic & Community Development
	\$5,000 (only from their responsible business unit)	Procurement Officer
	\$2,000 (only from their responsible business unit)	Guest House Manager
	\$5,000 (only from their responsible business unit)	Workshop Manager
	<b>Authorisation of payments through Electronic Funds Transfer and cheques (all payment authorisations must be carried out in accordance with the Procurement Policy).</b>  <b>Note: Wherever possible, authorisation of all payments should include the Chief Executive Officer.</b>	Any two of the following: <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director, Corporate Services</li> <li>• Director, Engineering</li> <li>• Director Economic &amp; Community Dev.</li> </ul>
<b>Local Government Regulation 2012</b>		
Section 212(3) Local Government Regulation 2012	Power to agree a date with the Auditor General by which the financial statements must be given to the Auditor General.	Director, Corporate Services
<b>Public Sector Ethics Act 1994</b>		
Section 15 & 16 Public Sector Ethics Act 1994	Power to ensure that a code of conduct is prepared for Council's employees and officers, including conducting consultation in accordance with the Public Sector Ethics Act 1994.	Directors
Section 19 Public Sector Ethics Act 1994	Power to ensure that each employee and officer of Council has reasonable access to a copy of the approved code of conduct that is relevant to them	Directors
Section 20 Public Sector Ethics Act 1994	Power to publish and keep the approved codes of conduct available for inspection and enable people to take a copy if and when required.	Directors

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Section 21 Public Sector Ethics Act 1994	Power to ensure that each employee and officer of Council is provided with appropriate training and education about public sector ethics.	Directors
Section 22 Public Sector Ethics Act 1994	Power to ensure that the administrative procedures and management practices of Council have proper regard to the Public Sector Ethics Act 1994 and Council's approved codes of conduct.	Directors
<b>Transport Operations (Road Use Management) Act 1995</b>		
Section 71 Transport Operations (Road Use Management) Act 1995	Power to install official traffic signs pursuant to section 71(1) where the officer is reasonably satisfied that there is a danger, hindrance, obstruction to traffic or other emergency.	Director, Engineering
Section 75(1) Transport Operations (Road Use Management) Act 1995	Power to remove unauthorised traffic signs.	Director, Engineering
Section 100 Transport Operations (Road Use Management) Act 1995	Power to take all the actions of the chief executive officer of a local government prescribed by section 100 of the Transport Operations (Road Use Management) Act 1995 – for the removal of things from roads, including the giving of notice and determining the manner and terms of their disposal and the disposal of contents.	Director, Engineering