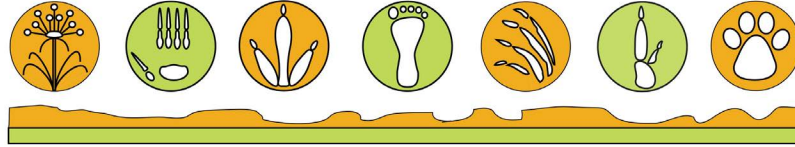


BARKLY REGIONAL COUNCIL



Delegation Manual

2023-2028



Delegations Manual 2023-2028

Approved: OC
Review Date: By Term

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DELEGATIONS OF AUTHORITY
NORTHERN TERRITORY LOCAL GOVERNMENT ACT 2019
CHAPTER 4 – DIVISION 2 - SECTION 40 - DELEGATION

- (1) A Council may delegate its powers and functions.
- (2) A delegation may be made to:
 - (a) The CEO; or
 - (b) A Council committee; or
 - (c) A local authority; or
 - (d) A local government subsidiary.
- (3) Despite subsection (1):
 - (a) the power to impose rates cannot be delegated; and
 - (b) if power to incur financial liabilities is delegated - the council must, by resolution, fix reasonable limits on the delegate's authority; and
 - (c) a delegation cannot duplicate or derogate from the CEO's functions (including delegated functions); and
 - (d) subject to subsections (4) and (5), power to enter into a transaction on conditions that are not arm's length conditions cannot be delegated; and
 - (e) subject to subsections (4) and (5), power to make a decision that requires a council resolution cannot be delegated; and
 - (f) if power to enter into a contract is delegated – the contract must be below the threshold value.
- (4) A Council may delegate the CEO the following:
 - (a) The power to enter into a transaction on conditions that are not arm's length conditions if the transaction will provide a community benefit;
 - (b) The power to waive a fee for service (wholly and partly) under section 289(4) if the waiver will provide a community benefit.
- (5) A delegation under subsection (4) must be in accordance with the regulations and any guidelines that the Minister may make.
- (6) A council must, within the first 6 months of its term, determine, by resolution, the threshold value for a contract for subsection (3)(f).
- (7) In this section:
Arm's length conditions means the conditions that might be expected to operate between commercial entities dealing wholly independently with one another in comparable circumstances.

Policy

Barkly Regional Council – Delegation Policy – CP83

1. Background and General Principles

Policy

The Council is committed to service delivery across the organisation within the parameters of a formalised delegation of authority framework.

Purpose of this document

The Delegation's Manual is intended to provide clear and easy to understand processes and accountability, for administrative functions and levels of decision making across the organisation.

Principles

This document will be reviewed each term or unless otherwise required with a view to improving its utility and relevance to the organisational structure of the Council.

- This document operates as delegated authority by the Council for the CEO.
- This document operates as delegated authority by the Council for Committees and Local Authorities.
- This document operates as delegated authority by the CEO for all other staff.

Personal Delegations

- Delegations can be exercised by a person more senior than the person specified in the document, where the more senior person has a line management role which includes responsibility for the person holding the delegation.
- It is not permissible for a person to delegate any aspect of their authorisation to a person in a less senior position. However, provision can be made for people to "Act Up" into a position of greater authority than they are usually employed, for all key or specified areas of delegation.
- It is possible for a person in a less senior position to be appointed to "Act" in the capacity of a more senior position eg. during periods of absence by a staff member from the workplace, thereby assuming some or all of the delegated level of responsibility as prescribed by this document of that position.
- It is the responsibility of the person exercising the delegation to ensure funding is available in the delegation, within their annual budget. Alternatively written proof of above-budget income e.g. extra funding, to cover the above-budget expenditure should be obtained and a copy sent to their senior line manager.
- The delegations are hierarchical in the sense that a delegate's formal line supervisor may exercise the same level of authority as the delegate and such a supervisor may also withdraw or restrict a delegation held by a subordinate member of staff. Except for any delegations made by Council.
- The CEO has authority to exercise any staff delegation outlined in this document.
- In exercising delegations' staff are required to comply with legislation, industrial awards, contracts or agreements and Council approved policies, procedures and Code of Conduct.
- The delegations listed in this document should be understood in the context of the relevant staff position descriptions and Council Policy.
- It is the responsibility of the person exercising the delegation to advise their senior line manager of significant developments even if made within delegation and ensure appropriate records are kept.
- The position has delegation not the person.
- Outsourced positions do not have delegation rights within the organisation.

- A delegate should not exercise their delegation to approve a recommendation that personally benefits them.
- Unless specifically delegated, it should be assumed that no delegation exists.

Committee and Local Authority Delegations

- The Committee or Local Authority is delegated as an entity and no specific delegation is allocated to an individual unless specifically identified within the delegation.
- Unless specifically delegated, it should be assumed that no delegation exists.
- The CEO has authority to exercise any staff delegation outlined in this document.
- This document anticipates open and regular communication and information flow between the various levels of delegation, and consultation where necessary with Council staff.

2. DEFINITIONS

Positions

- **Council:** The collective group of members elected to serve the community in accordance with the Local Government Act and Regulations (as amended) and acting within that role.
- **Committee:** A formally constituted committee under the Section 26 of the *Local Government Act 2019*.
- **Local Authority:** A formally constituted Local Authority under section 77 of the *Local Government Act 2019*.
- **Mayor:** The principal member of the Council as defined by Section 58 *Local Government Act 2019*.
- **Chief Executive Officer:** (referred to as 'CEO') The person appointed by and responsible to the Council for the day-to-day management of the affairs of Barkly Regional Council. (The CEO's authority extends to the Acting CEO in the CEO's absence).
- **Director:** A person appointed as Director and who has overall responsibility for specified functions as per the organisational structure.
- **Regional Managers:** A person appointed as a Regional Manager is responsible for a program that is delivered across the Council. They are responsible to the CEO for the delivery of programs they provide.
- **Managers (Operational and Program):** A person appointed as a manager is either responsible for Council operations within a community or a function within Council Area. They are responsible to a director for the services and functions they provide.
- **Coordinators:** A person appointed as a coordinator of one of the Council Program Delivery Areas. They are responsible to a manager for the services delivered within their area.
- **Staff:** Employees of the Council not otherwise identified.
- Note: Any decision on where staff roles fit in the above definitions will be made by the CEO, based on a recommendation from the appropriate Director.
- **Tender Committee:** Comprises of the Directors and relevant Managers.

3. Budget

All amounts referred to in this document are exclusive of GST.

- **Council Budget:** (referred to as 'the budget') The annual budget resolved by the Council.
- **Service Budget:** (referred to as 'service budget') A service/program component of the annual budget, for which a manager or coordinator has been delegated responsibility and control.
- **Staffing Plan:** The staffing plan approved by the Council in the annual regional plan and budget

4. CEO Delegations

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Appointment of Acting Chief Executive Officer for a period of absence of the Chief Executive Officer in accordance with the <i>Local Government Act 2019</i> – Section 165 (3a) (3b)	The CEO must be satisfied that the person appointed as Acting CEO is suitably qualified for the position The CEO must advise the Mayor and the Council when an appointment is made	CEO

5. Human Resource Delegations

Staff: Salary, Conditions, Packages and Contracts

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Set and approve salaries within total budget Set and approve salary	For all staff For CEO	CEO Council
Set and approve salary	For all staff For CEO	CEO Council
Set and approve annual salary increments and any higher duties payments	For all staff For CEO	CEO Council
Approve/sign staff contracts	For all staff For CEO	CEO Council
Approve conditions of employment	For all staff	CEO
Approve a staff member accepting outside employment or consultancies, additional to and separate from their normal duties within Council.	For all staff For CEO	CEO Council

Staff: Position Descriptions

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve all new position descriptions and changes to existing position descriptions	For all staff For CEO	CEO Council
Approve all new position titles and changes to existing position titles	For all staff	CEO
Approve the deletion of	For all staff	CEO

positions		
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Staff: New Positions, Advertisements, Selection, Appointment and Probation

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve requests for filling positions within approved structure (within budget)	For all staff For CEO	CEO Council
Approve new staff positions or modifications to existing organisational structure (within budget)	For all staff	CEO
Identify and approve new staff positions outside of the existing organisational chart (within budget)	For all new staff positions	CEO
Recommend appointment to staff positions	For all staff For Managers / Coordinators For Directors	Manager Directors CEO
Appoint staff to positions	For all staff For CEO	CEO Council
Confirm successful completion or otherwise of new staff probationary periods	For all staff For Directors / Managers / Coordinators For CEO	Directors CEO Council

Staff: Dismissal and Redundancy

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Decisions to make a staff member redundant	For all staff	CEO
Approve the offer and acceptance of redundancy for all staff	For all staff	CEO
Decisions to dismiss a staff member	For all staff	CEO

Staff: Leave

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve staff annual leave	For staff	Manager
	For Manager	Director
	For Director	CEO
	For CEO	Mayor
Approve staff long service leave	For staff and Managers	Director
	For Director	CEO
	For CEO	Mayor
Approve staff special leave (as defined in EBA)	For staff	Manager
	For Manager	Director
	For Director	CEO
	For CEO	Mayor
Approve staff leave without pay under two weeks	For staff	Manager
	For Manager	Director
	For Director	CEO
	For CEO	Mayor
Approval staff leave without pay over two weeks	For all Staff	CEO
	For CEO	Mayor

Staff: Training and Conference Attendance

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve fee assistance for staff study within budget	For all Staff	CEO
Approval of attendance at external training courses/conferences including travel costs- the training activity must form part of the annual staff training and development plan	For all Staff	CEO

Staff: Staff Travel

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve travel outside of the NT	For all Staff	CEO
	For CEO	Mayor
Approve travel outside of Australia	For all Staff	CEO
	For CEO	Mayor
Approve travel costs for attendance at training courses / conference within budget	For all Staff	CEO

Staff: Performance Management

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Appraise performance of staff	For staff	Director
	Managers	Directors
	Directors	CEO
	CEO	Mayor
Management of unsatisfactory staff performance	For staff	Immediate Manager
	Managers	Directors
	Directors	CEO
	CEO	Mayor
Intervene in management of any unsatisfactory staff performance where divisional concerns are identified	For staff	Immediate Manager
	Managers	Directors
	Directors	CEO
	CEO	Mayor
Intervene in management of any unsatisfactory staff performance where organisational concerns are identified	For all senior staff	CEO
Intervene in management of any unsatisfactory staff performance where Council concerns are identified	For CEO	Council
Issuing formal warnings	For all staff	CEO

Staff: Industrial Relations

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Authority to consult with Councils external advisors, on industrial relations / human resource matters.	For all staff	Director of Corporate Services, CEO
Authority to purchase industrial relations / human resource advice and or expertise.	For staff	Director of Corporate Services, CEO

6. Contracts

Contracts: Contracts, Agreements and Submissions

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve the lease of new premises, sub leases of existing premises and lease renewals	Within Budget	CEO through resolution of Council
Cancel existing land / building leases	All types	CEO
Approve appointment of insurers details of contract and payment of premiums	Within Budget	CEO
Authorise appointment of external consultants that have been provided for in the approved Council Budget	Total value of contract is less than \$10,000 Total value of contract is more than \$10,000, but less than \$50,000 Total value of contract is more than \$50,000	Directors CEO Council
Subject to recommendation from CEO Performance Review	For matters relating to recruitment of CEO or CEO performance management.	Mayor
Approve the sale, purchase and development of land	All types/values	Council
Approve tenders and contracts with suppliers of goods and services.* <i>*In accordance with Local Government (General) Regulations 2021</i>	Less than \$100,000 Over \$100,000	CEO Council
Authority to invite formal tenders for supply of goods or	more than \$10,000 and less than \$100,000	Directors

services		
Formation of tender committee for opening and evaluation of tenders	All values/types	CEO
Authority to approve successful tender for supply of goods or services	All values/types	Council
Approve the commencement of funding submissions or tendering activity to be undertaken.		CEO
Authority to negotiate agreements and contracts	up to 1 year and \$10,000	Directors
	Over 1 year and \$10,000	CEO
Authority to sign agreements, contracts or tenders obtained (unless common seal required).	Total value less than \$10,000	Directors
	Total value more than \$10,000 but less than \$100,000	CEO
	Total value more than \$100,000	Council
Authority to sign funding Grant agreements (income)	Existing annual program funding	CEO
	New program funding grants up to \$500,000	CEO
	New program funding grants less than \$1m	Council
	Capital grants more than \$1m	Council – document to be endorsed by Council including legal review

7. Legal

Legal: Legal Matters

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Authority to consult with Council's external advisors, on legal matters.	For all types/values	CEO / Mayor
Authority to purchase, legal advice and/or expertise	For all types/values	CEO / Mayor
Authority to settle court, legal or any other formal proceedings and bind the Council.	For all types/values	Council

Authority to approve expenditure on legal matters, which are outside approved budget.	For all types/values	Council
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8. Governance

Governance: Common Seal

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve the use of the Common Seal of Council Resolution Each page of document is to be initialed by either Mayor or CEO.	For Organisation	CEO/Mayor by Council Resolution All pages to be initialed.

9. Policies and Procedures

Policies and Procedures: Policies and Procedures

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approval of Operational Policies and Procedures	For organisation	CEO
Approval of policies and procedures required adoption by resolution in accordance with NT <i>Local Government Act 2019, including regulations.</i>	For organisation	Council
Research and develop all Council policies	For organisation	Governance and Compliance Manager

10. Documents, Correspondence and Minutes

Documents: Public Statements, Media and Comments on Strategic Issues

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve the use of Council's name or logo by parties external to Council.	For all of organisation	CEO
Authority to release public or media statements	For all of organisation	Mayor (CEO in absence of Mayor/Deputy Mayor)
Authority to delegate specific media responses	For all Staff	Mayor (CEO in absence of Mayor/Deputy Mayor)

Authority to respond to ministerial and contentious issues.	For all Staff	Mayor (CEO in absence of Mayor/Deputy Mayor)
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Public Relations: Correspondence

Correspondence primarily refers to letters but also includes reports, memos, facsimiles, documents and in some cases emails where they are to be used as the official means of communication to parties external to the Council.

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
<p>All correspondence:</p> <ul style="list-style-type: none"> ○ To the Department of Chief Minister and Cabinet (except routine matters) ○ To Government Ministers, Senior Bureaucrats, Heads of Government Departments or Members of Parliament ○ To any Ombudsman ○ To Unions ○ Which constitutes an official “apology” ○ Where the CEO has been in direct contact with the party making the representation and had not referred the reply to a Director or Manager/Coordinator ○ Which is of a contentious nature, or ○ Where formal support of a service, program or agency is provided. 	<p>For all staff</p> <p>The accepted protocol is that staff write letters to staff in other levels of Government with the Mayor writing letters to Ministers and politicians.</p>	<p>CEO (or Mayor as directed by the Council)</p>
<p>Standard and non-standard correspondence that has significant implications within their own Division and/or has the potential to have implication across a number of Divisions</p>	<p>For all staff</p>	<p>Directors</p>
<p>Standard and non-standard correspondence which is part of the normal business activities of the Council and is not contentious.</p> <p>Managers and Coordinators need to consider, in signing off correspondence, whether the CEO, Directors and other Managers and Coordinators may need to be consulted or advised of the correspondence.</p>	<p>For all staff</p>	<p>Managers/Coordinators*</p>

Note: Specific delegation may be given to other staff with the CEO or Director's approval.		
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Public Relations: Agendas and Minutes

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Authority to submit Council reports for inclusion in Council agenda papers	For all staff	Directors
Approval of final Council or Committee Agenda for submission to the Council or Committee	For Council and Committee meetings	CEO
Approval for inclusion of "Late Agenda Item"	For Council meetings	CEO
Approval of draft Council or Committee Minutes	For Council and Committee Meetings	Mayor and CEO
Conformation of Council or Committee Minutes Approval of Agenda for submission to Local Authority	For Council and Committee meetings For all Local Authority meetings	Council by resolution of Council CEO
Approval of draft Local Authority Minutes	For all Local Authority Meetings	Local Authority Chairperson
Conformation of Local Authority Minutes	For all Local Authority Meetings	Local Authority Committee by resolution

11. Complaints

Complaints: Complaints

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Resolution of external complaints not included below	All types	CEO
External complaints about the Chief Executive Officer	All types	Mayor
Internal complaints	All types	CEO
Resolution of complaints against Councillor's and/or Mayor	All types	As per <i>Local Government Act 2019, including regulations.</i>

12. Financial Delegations

Financial: Budgets

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve draft budgets to be forwarded to the Council	For divisions	CEO
Approve the budget	For organisation	Council
Authority to override all delegations and make expenditure decisions to ensure approved budgets can be achieved	For organisation	CEO
Authority to recommend to Council unbudgeted expenditure	For organisation	CEO
Authorise variations to the annual operational and capital budgets	For organisation	Council
Approve the issue and withdrawal of corporate credit card	For staff	CEO
	For CEO	Council
	For Mayor	Council
Approve the credit limit on corporate credit cards	For staff	CEO
	For CEO	Council
	For Mayor	Council

Financial: Bad Debts

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve debt recovery agreement	No Limit	CEO
	\$5,000	Chief Finance Officer

Financial: Cheques

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve change and /or add cheques signatory	For organisation	CEO
Authority to sign cheques and approve EFT bank files	For organisation	Two Cheque signatories in all instances CEO or Senior Accountant and one other: Director of Corporate Services, Director of Council

		Operations, Director of Community Development.
Approval to stop payment on cheques	For organisation	Chief Finance Officer

Financial: Operational Investment

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve banking and investment account arrangements including the authorising the opening of new accounts	For organisation	CEO and Director or Chief Finance Officer.
Approve investment of funds	For Organisation	CEO and Director or Chief Finance Officers
Approve drawdown of investment funds for deposit into operational accounts	For organisation	CEO and Director or Chief Finance Officer

Financial: Petty Cash

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Authority to operate, control and reimburse petty cash	\$500	CEO, Directors and all Managers

Financial: Rates debts

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Authority to write off rate debts, the CEO must certify in writing the reasons for writing off the debt as per Regulation 32.	Where principle debt paid and less than \$5.00 remains	CEO has delegated to the Rates Officer
	Not exceeding \$100.00	Chief Finance Officer
	Over \$100.00 to \$1,000.00	CEO
	Over \$1,000.00	Council

Financial: Members Expenses (Council and Local Authority Members)

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve Council's Members expenses	For all Council members	CEO
Approve CEO's expenses	CEO	Mayor
Approve Local Authority expenses (Attendance only)	For all Local Authority Members	CEO

Financial: Salaries and Deductions

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approve staff reimbursement for expenditure on behalf of Council	For staff For Managers/ Coordinators For Directors For CEO	Managers Directors CEO Mayor
Approval for Payroll documents to be uploaded into financial system for payment.	For all staff	Payroll Officer , Director of Operations to review
Approve for payment all payroll related transactions	For all staff comprising group tax remittal, payroll tax settlement, superannuation contribution payments, and transfers of employee payroll deductions to authorised entities and payment of GST and PAYG payments.	CEO and one directors: Director of Corporate Services or Director of Operations or Director of Community Development.

Financial: Disposal of Property

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Authority to dispose of Assets as per Guideline 4, Assets, Section 10.	For disposal of assets up to \$20,000.00 For disposal of assets above \$20,000.00	CEO Council through resolution of Council

Elections

Elections: By Elections and General Elections

FUNCTION	Amount and / or Qualification	DELEGATED AUTHORITY
Approval to appoint the Returning Officer for by-elections	All cases	Council
Approval to appoint the Returning Officer general elections	All cases	Council

13. Delegation Schedule

Delegation Schedule

Delegated Authority	Expenditure within approve budget
CEO	\$500,000
Directors	\$50,000
Mayor	\$10,000
Managers	\$10,000
Executive Assistant	\$5,000
Customer Service Officer	\$2,000