



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

COUNCIL DELEGATIONS

Meeting: Finance and Governance Committee Meeting date: 17 September 2019

Raised by: Alderman Sexton

Question:

It is acknowledged that the use of delegations allows Council to respond more effectively to the community and provide for timely, consistent decisions. However, a Council can still choose to exercise a power themselves even after a power has been delegated.

Once a power is delegated, the delegate has the authority to use the power and does not need to seek further approval or endorsement before exercising the power.

Good governance requires that delegations be reviewed annually, or at least on the occasion of a new Council being elected, to ensure that the delegations are still appropriate.

Delegations register:

The Local Government Act requires under section 22 that:

- (4) The general manager is to –
 - (a) keep a register of any **delegation**; and
 - (b) make the register available for inspection at a public office.

Is there a delegations policy?

Can a quarterly report be made available to Council detailing the delegations exercised during each quarter?

Response:

Council maintains a Delegations Register which contains all Delegated Authorities. The Register is reviewed annually. There are three types of Delegations which grant authority to Council employees:

1. Council delegations which delegate authority to the General Manager and other employees.
2. Delegations under certain Acts and Authorities.
3. Financial Delegations which delegate authority to employees to authorise expenditure from \$1,000 up to an unlimited delegation for the General Manager.

The day to day business of the Council is dependent on the exercise of delegations. In terms of financial delegations alone, it is estimated that some 34,000 transactions are authorised annually. The enactment of financial delegations are reviewed in the annual audit process.

Delegations under certain Acts and Authorities are wide ranging and include:

- *Local Government Act 1993*
- *Land Use Planning and Approvals Act 1993*
- *Building Regulations 2014*
- *Plumbing Regulations 2014*
- *Building Act 2016*
- *Local Government (Building and Miscellaneous Provisions) Act 1993*
- *Environmental Management and Pollution Control Act 1994*
- *Urban Drainage Act 2013.*
- *Local Government (Highways) Act 1982*
- *Heavy Vehicle National Law (Tasmania) 2013*
- *Weed Management Act 1999*
- *Dog Control Act 2000*
- *Public Health Act 1997*
- *Food Act 2003*
- *Public Interest Disclosures Act 2002.*
- *Right to Information Act 2009*
- *By-Laws*

On the basis of discussion with Alderman Sexton it is understood that his primary interest relates to planning and financial delegations. Planning Permits issued under Delegation are already reported in a quarterly report to the City Planning Committee. Expenditure over \$100,000 is already collated and reported in the Annual Report. This information could be provided on a quarterly basis to the Finance and Governance Committee.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Margaret Johns
**ACTING DIRECTOR CITY
GOVERNANCE**

Date: 13 February 2020
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