

Delegations and Authorisations Policy

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City of
Newcastle

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Part A Preliminary

1 Introduction

- 1.1 The Local Government Act 1993 (Act), and other relevant legislation, authorise CN to undertake a range of functions.
- 1.2 Section 377 of the Act allows the Council to delegate, by Council resolution, authority to the Chief Executive Officer (CEO) to make most of the decisions and perform most of the functions required for CN to operate on a day to day basis.
- 1.3 In turn, the CEO sub-delegates functions to CN staff. These Delegations and authorisations are captured in our Register of Delegations and Authorisations.

2 Purpose

- 2.1 The purpose of this Policy and the Register of Delegations and Authorisations is to establish a framework for delegating authority within City of Newcastle (CN) in a manner that facilitates efficiency and effectiveness and provides for a system of accountability.

3 Scope

- 3.1 This Policy applies to all CN staff who have Delegations or Authorisations to carry out functions, act and sign documents on behalf of CN.
- 3.2 A breach of this Policy is a breach of CN's Code of Conduct for Staff.

4 Principles

- 4.1 CN commits itself to the following:
 - a) **Efficiency and effectiveness** - to ensure the efficiency and effectiveness of the organisation's administrative processes;
 - b) **Authority for evidenced based decision making** - to ensure that the appropriate officers have been provided with the level of authority necessary to discharge their responsibilities and so that delegated authority is exercised by the most appropriate and best-informed individuals within the organisation;
 - c) **Evidenced-based decisions** - Delegations and Authorisations are a key element in effective governance, management and support of evidence-based decision making of CN.

Part B Roles and Responsibilities

5 Executive Director and Executive Manager

- 5.1 Assigning Delegations and Authorisations to positions (for new positions, Delegations and Authorisations must be assigned during position creation and new positions will not be approved without Delegations or Authorisations or confirmation that the position does not require Delegations or Authorisations - this also applies to review of position descriptions);
- 5.2 Reviewing Delegations and Authorisations against position description on an annual basis and clearly identifying any changes to Legal & Governance;
- 5.3 Ensuring Delegations and Authorisations and position descriptions are consistent including within Directorates;
- 5.4 Ensuring that staff members who are assigned Delegations or Authorisations understand and acknowledge acceptance of their Delegations and Authorisations on an annual basis and on each occasion they are appointed to an acting and interim arrangement; and
- 5.5 Appointing Authorised Officers under certain legislation, in accordance with the Executive Directors' Delegations.

6 People & Culture

- 6.1 Maintaining a process to ensure new or amended positions are appropriately assigned delegations to align with position description roles and responsibilities.

7 CN Staff

- 7.1 Acting in accordance with Delegations and Authorisations, position description, relevant legislation, policy and procedure as well as area of responsibility. Delegations and Authorisations must be exercised in accordance with any conditions attached to the Delegation and Authorisation and in accordance with all legislation and all CN policies and procedures and management directions.
- 7.2 Where Delegations or Authorisations involve the commitment of funds, ensuring approved budget or other source of funds are available and exercising the delegation or authorisation is consistent with CN's Register of Financial Authorisations; and
- 7.3 Ensuring they understand and acknowledge Delegations and Authorisations on receipt of any Delegation or Authorisation changes.

8 Legal & Governance

- 8.1 Ensuring legislation is updated when changes occur;
- 8.2 Providing advice on interpretation of Delegations;
- 8.3 Providing content for induction and training on Delegations and Authorisations; and
- 8.4 Updating the Register of Delegations and Authorisations on request from Executive Management and following the CEO's approval.

Part C Delegations and authorisations

9 Delegations and Authorisations to a CN position

- 9.1 Delegations and Authorisations are allocated by the Executive Director, Executive Manager and People Culture to a position based on key responsibilities within the

position description. CN Staff occupying that position are responsible and accountable for decisions made under the approved Delegation or Authorisation.

10 Acting or Interim positions

- 10.1 A CN staff member who has been formally appointed to act in a position can exercise any Delegation or Authorisation attached to that position unless the appointment to act specifies otherwise. Prior to an appointment to act or fulfil a position on an interim basis, the CN Staff member must acknowledge that they understand the position's Delegations and Authorisations.

11 Conflicts of interest

- 11.1 CN Staff must not exercise a Delegation or Authorisation if there is a conflict of interest and must always act in accordance with CN's Code of Conduct for Staff.

12 Breach of Delegations or Authorisations

- 12.1 A breach of this Policy or misuse of a Delegation or Authorisation may be regarded as misconduct and will be dealt with under the Code of Conduct for Staff. Breach of a Delegation or Authorisation may result in disciplinary action.

13 Reporting misuse of Delegations and Authorisations

- 13.1 CN Staff who believe that another CN staff member has or is improperly exercising Delegations and Authorisations have an obligation to refer the matter to Legal & Governance (include considering making the referral as a Public Interest Disclosure if the misuse is believed to be deliberate).

14 Delegations to the CEO

- 14.1 On 22 February 2022, Council resolved to adopt the Instrument of Delegation to the Chief Executive Officer.
- 14.2 In turn, the Chief Executive Officer pursuant to section 378 of the Act sub-delegates the powers and functions to the persons who are, from time to time, the holders of the position listed in this Instrument of Delegations.

Annexure A - Definitions

Authorisations means non-legislative functions captured within CN policies authorising CN positions to carry out these functions in accordance with that Policy. All Authorisations are approved by the CEO.

CEO means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

City of Newcastle (CN) means Newcastle City Council.

CN Staff means employees of CN (including full time, part time, fixed term and casual) or Specific Talent Contractor who is engaged under a CN position description.

Council means the elected Council.

Delegations means functions CN positions are provided with to carry out and be accountable for the decisions and actions taken on CN's behalf under certain legislation.

Register of Delegations and Authorisations means an online database capturing Delegations and Authorisations.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

ANNEXURE B - POLICY AUTHORISATIONS

In accordance with section 378 of the Local Government Act 1993, the Chief Executive Officer delegates the following functions to the positions listed:

Title of authorisation	Description of authorisation	Position Number and Title
Nil		

DOCUMENT CONTROL

Policy title	Delegations and Authorisations Policy
Policy owner	Executive Manager Legal & Governance
Policy expert/writer	Governance Business Partner
Associated Guideline or Procedure Title	Nil
Guideline or Procedure owner	Nil
Prepared by	Legal & Governance
Approved by	CEO
Date approved	8/08/2023
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Termination date	30/09/2027
Version #	5
Category	Governance
Details of previous versions	Version #4 – ECM: Delegations and Authorisations Policy and Register 5823389
Keywords	Delegation, authorisation, legislation, authority, decision, authority card
Relevant Newcastle 2040 Theme/s	Achieving Together
Relevant legislation/codes (reference specific sections)	This Policy supports CN's compliance with the following legislation: - Section 378 of the <i>Local Government Act 1993</i> (NSW)
Other related documents	Register of Financial Authorisations Code of Conduct for Staff Legal Services Policy
Related forms	Request for Delegations Form Policy Approval Form
Required on website	Yes
Authorisations	Nil