

# Diamantina Shire Council

## Delegations from the Chief Executive Officer to employees and contractors

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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's policies, Council decisions and directions from the Chief Executive Officer or the delegates' 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>Stock Route Management Act 2002</b>		
Section 152 Stock Route Management Act 2002	Power to enter land at any reasonable time to build or complete the building of the fence, or do anything necessary to make the fence stock-proof.	Infrastructure Manager
<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</b>	
	<b>NOTE: All amounts are exclusive of GST</b>	
	\$25,000 (only from their responsible business unit)	Infrastructure Manager Deputy CEO
	\$15,000 (only for machinery parts or workshop services)	Workshop Coordinator
	\$10,000 (only from their responsible business unit)	Tourism and Event Manager Strategic Services Coordinator
	\$5,000 (only for goods and services related to the maintenances of buildings and facilities)	Facilities Maintenance Coordinator
	\$10,000 (only for approved Store Inventory)	Finance Officer
\$5,000 (only for office supplies, advertising, travel, accommodation, hire cars, conference attendance and associated expenditure).		
\$5,000 (only for office supplies, advertising, travel, accommodation, hire cars, conference attendance and associated expenditure).	Executive Assistant	
\$15,000 (approved store items only)	Storeperson	
\$1,000 (only from their responsible unit)	Operational Works Coordinator	

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Legislation Section	Power Delegated (Conditions)	Delegate
	\$500 (only authorising issue of inventory from store)	Roadworks Ganger
	\$500 (only authorising issue of inventory from store and purchase of goods from local businesses relevant to maintenance of town facilities)	Town Supervisor
Section 196(3) Local Government Act 2009	Power to authorise accounts for payment including payroll	Deputy CEO Infrastructure Manager Executive Assistant
Section 196(3) Local Government Act 2009	Power to authorise accounts for payment excluding payroll	Finance Officer
Section 196(3) Local Government Act 2009	<b>Credit Card Limits</b>	
	Category 3 - general purposes, work related travel expenses and hospitality/ entertainment expenses \$5,000	Mayor Tourism and Event Manager
	Category 3 - general purposes, work related travel expenses and hospitality/ entertainment expenses \$10,000	Infrastructure Manager Deputy CEO Executive Assistant
	Category 1– general work purposes only \$5,000	Facilities Maintenance Coordinator
Section 196(3) Local Government Act 2009	Power to appoint casual local government employees. (Queensland Local Government Industry Award (Stream A, Stream B, and Stream C) – State 2017 up to and including wage level 10) within area of responsibility.	Tourism and Event Manager Infrastructure Manager Deputy CEO

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Legislation Section	Power Delegated (Conditions)	Delegate
Section 197(1) Local Government Act 2009	Power to take disciplinary action against a local government employee (excluding dismissal) within area of responsibility.	Tourism and Event Manager Infrastructure Manager Deputy CEO
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.	Deputy CEO
<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 conduct consultation in accordance with the Public Sector Ethics Act 1994.	Infrastructure Manager Deputy CEO
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	Tourism and Event Manager Infrastructure Manager Deputy CEO
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.	Tourism and Event Manager Infrastructure Manager Deputy CEO
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.	Infrastructure Manager Deputy CEO
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.	Tourism and Event Manager Infrastructure Manager Deputy CEO

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<b>Legislation Section</b>	<b>Power Delegated (Conditions)</b>	<b>Delegate</b>
<b>Transport Operations (Road Use Management) Act 1995</b>		
Section 71 Transport Operations (Road Use Management) Act 1995	Power to maintain and continue official traffic signs installed pursuant to section 71(1) where the chief executive officer is reasonably satisfied that there is a danger, hindrance, obstruction to traffic or other emergency.	Infrastructure Manager Operational Works Coordinator
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.	Infrastructure Manager Operational Works Coordinator