



Mildura Rural City Council

Delegations Policy

Policy – CP015

Prepared	Reviewed	Approved	Date	Council Minute No.
General Manager Corporate	Executive Leadership Team	Council	October 2021	2021/0251
Trim File: 18/02/01		To be reviewed: October 2025		
Document Owner: General Manager Corporate		Review Frequency: Four Yearly		

1. The purpose of this policy is

To provide guidelines in the responsible exercise of delegated authority.

2. Policy Statement

Council re-affirms its responsibility, in consultation with the community, for setting and owning:

- The vision for the City;
- Its strategic direction;
- The policies necessary to pursue that vision and direction; and
- The funding required to implement these policies.

Council also acknowledges the responsibility of the administration:

- To implement the vision, strategies, direction and policies determined by Council;
- To provide to the Council all information relevant to issues affecting it;
- To advise honestly, loyally and professionally upon those issues;
- To provide effective administration and staffing for these purposes, within the framework of Council's budget; and
- To be accountable to Council for the outcome achieved.

3. Principles

3.1 Referral to Council

A delegate shall refer any proposal whether for a project or program, for work, for a contract, or for a planning decision to Council or its appropriate Committee, without prior decision by the delegate wherever and whenever:

1. The proposal raises an issue of significant public interest, concern or controversy, or is likely to do so;

2. The proposal raises an issue of policy or process not covered by existing policy or practice;
3. The proposal has given rise to substantial public objection or appears likely to do so;
4. The delegate recommends approval of the proposal, but such approval would be, or could reasonably appear to be, inconsistent with a previous decision or decisions by or on behalf of the Council;
5. Implementation of the proposal would require expenditure of Council funds, and such funds have not been specifically provided for in the budget;
6. The delegate is not satisfied that the proposal has been the subject of appropriate consultation with those likely to be interested in or affected by it;
7. The delegate is not satisfied that the proposal is one that is appropriate for the decision of the administration rather than the Council;
8. The delegate believes that it is more appropriate that the proposal or any issue arising in connection with it should be determined by the Council rather than the administration; or

3.2 Matters 'called in'

- 3.2.1 At least two Councillors may, by written request, 'call in' any matter which would otherwise be determined by delegation;
- 3.2.2 Councillors should consider what matters to 'call in' as to not give rise to any perceived or actual conflict of interest
- 3.2.3 Calling in of matters should be limited and only where there is a broader community interest in the decision to be made;
- 3.2.4 Where a written request has been made to call in a Planning Application, the request must include one of the following reasons:
 - 3.2.4.1 the application is of significant community impact; or
 - 3.2.4.2 the application raises a major issue of policy; or
 - 3.2.4.3 the application is of regional significance;
- 3.2.5 The Chief Executive Officer shall retain the authority to accept or reject matters requested to be 'called in' by Councillors.

3.3 Limitation on Financial Delegation

Where the approval of a proposal would involve the expenditure of Council funds for which provision has been made in Council's budget, the authority of the delegate is nevertheless limited to the financial delegations made by Council under its Procurement of Goods, Services and Works Policy.

3.4 Compliance with Policy

1. When exercising delegated authority the delegate shall use their best judgment to ensure compliance with each and all of the requirements of this policy;

2. Whenever a major issue arises or any difficulty repeatedly arises in relation to the exercise of delegated authority, that issue or difficulty shall be referred to the Chief Executive Officer for consideration;
3. The Chief Executive Officer may, at their discretion, require a peer review process to be undertaken in respect to a complex or particular Planning Permit Application. This review may be undertaken by independent, experienced town planners or other experts as deemed appropriate by the Chief Executive Officer.

4. Who is responsible for implementing the policy

General Manager Corporate

5. Definitions

Called In	The process of initiating a Council intervention in the consideration of a matter which would otherwise be decided under delegation by a member of Council staff
Delegate	A person who has been given authority by Council to make decisions on behalf of Council and includes the Mayor and Councillors, the Chief Executive Officer and employees of Council, agents of Council, and members of Special Committees.
Significant Public Interest	Where a decision may have significant implications on the interests of the community as a whole, on a particular group, sector or geographical area and in limited circumstances on some private interests

6. Legislation and other references

6.1 Legislation

Local Government Act 1989

- In particular Sections 86 – Special Committees of the Council and 98 – Delegations

6.2 Documents

This policy is implemented in conjunction with the following documents:

- Instrument of Delegation Documents
 - S5 Delegation – Council to Chief Executive Officer
 - S6 Delegation – Member of Staff
 - S7 Delegation – Chief Executive Officer to Staff
 - S12 Delegation – Municipal Building Surveyor
 - S13 List of Chief Executive Officer Powers
 - S14 VicSmart Applications
 - Waterway Manager Delegations
- Procurement of Goods, Services and Works Policy.

6.3 Risk Assessment Reference

Risk Category	✓	Risk Category	✓
Asset Management		Financial Sustainability	✓
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	✓
Contract Management	✓	Occupational Health & Safety	
Contract Tendering & Procurement	✓	Organisational Risk Management	✓
Corporate Governance	✓	Project Management	
Environmental Sustainability		Public Image and Reputation	✓