Renmark Paringa Council

# INSTRUMENT OF DELEGATION

# INSTRUMENT OF DELEGATION UNDER THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 2012

25 FEBRUARY 2025

Renmark Paringa Council

## Delegation Sources

- Independent Commission Against Corruption Act 2012

## Positions

| Abbreviation | Position | Name |
|---|---|---|
| CEO | Chief Executive Officer | Tony Siviour |
| DCCS | Director Corporate & Community Services | Alyson Modlinski |
| DIES | Director Infrastructure & Environmental Services | Tarik Wolf |

Renmark Paringa Council

# Instrument of Delegation under the Independent Commission Against Corruption Act 2012

| Independent Commission Against Corruption Act 2012 | | | | |
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| **Provision** | **Power and Functions Delegated** | **Delegate** | **Conditions and Limitations** | **Capacity of Council** |
| section 18B(4)(a) | Report to the Office for Public Integrity in accordance with the directions issued under section 18B of the Independent Commissioner Against Corruption Act | CEO, DCCS, DIES | | public authority |
| section 18B(4)(b) | Report to the Office for Public Integrity any matter the council reasonably suspects involves corruption in public administration | CEO, DCCS, DIES | | public authority |
| section 18E(3)(a) | Produce a specified document or document relating to specified matter | CEO, DCCS, DIES | | public authority |
| section 18E(3)(b) | Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration | CEO, DCCS, DIES | | public authority |

| Independent Commission Against Corruption Act 2012 | | | | |
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| **Provision** | **Power and Functions Delegated** | **Delegate** | **Conditions and Limitations** | **Capacity of Council** |
| section 18F(1)(b) | Act on a referral from the Office for Public Integrity | CEO, DCCS, DIES | | public authority |
| section 28 | Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the person heading the investigation requires, verify the statement by statutory declaration | CEO, DCCS, DIES | | public authority |
| section 34(1) | Undertake a joint investigation with the Independent Commission Against Corruption | CEO, DCCS, DIES | | public authority |
| section 34(3) | Provide comments to the Independent Commission Against Corruption with respect to the terms of a notice issued under section 34(1) of the Independent Commission Against Corruption Act | CEO, DCCS, DIES | | public authority |
| section 36(1)(b) | Act on a referral from the Independent Commission Against Corruption | CEO, DCCS, DIES | | public authority |

| Independent Commission Against Corruption Act 2012 | | | | |
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| **Provision** | **Power and Functions Delegated** | **Delegate** | **Conditions and Limitations** | **Capacity of Council** |
| section 36(4) | Comply with direction or guidance given by the Independent Commission Against Corruption | CEO, DCCS, DIES | | public authority |
| section 36(7) | Comply with varied or further direction or guidance issued by the Independent Commission Against Corruption | CEO, DCCS, DIES | | public authority |
| section 36(8) | Provide comments to the Independent Commission Against Corruption | CEO, DCCS, DIES | | public authority |
| section 39A(1) | Ensure each person who was the subject of an investigation in relation to a matter referred to the Council by the Independent Commission Against Corruption is informed of a determination of the council not to further investigate or deal with the matter | CEO, DCCS, DIES | | public authority |
| section 39A(3) | Apply to the Supreme Court for an order authorising the council to withhold information relating to the determination from a person the subject of the investigation | CEO | | public authority |

Renmark Paringa Council

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| **Provision** | **Power and Functions Delegated** | **Delegate** | **Conditions and Limitations** | **Capacity of Council** |
| section 40(2) | Assist the Independent Commission Against Corruption in an evaluation of the practices, policies and procedures of the council | CEO, DCCS, DIES | | public authority |
| section 41(1) | Comply with recommendations of the Independent Commission Against Corruption | CEO, DCCS, DIES | | public authority |
| section 41(4) | Provide comments to the Independent Commission Against Corruption | CEO, DCCS, DIES | | public authority |
| section 44(1) | Assist public officers of the council to comply with requirements and directions issued under the Independent Commission Against Corruption Act | CEO, DCCS, DIES | | public authority |
| section 56A(1)(b) | Receive and use evidence or information for the purposes of any criminal investigation or proceedings, proceedings for the imposition of a penalty and any disciplinary investigation or action | CEO, DCCS, DIES | | public authority/ prosecution authority |

| Independent Commission Against Corruption Act 2012 | | | | |
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| **Provision** | **Power and Functions Delegated** | **Delegate** | **Conditions and Limitations** | **Capacity of Council** |
| Clause 9(6), Schedule 4 | Act on a referral of the inspector | CEO, DCCS, DIES | | public authority |

**Document history and version control**

| Date | Council/Chief Executive Officer | Comment |
|---|---|---|
| 14/11/2023 | Reviewed and adopted at 14 November 2023 Special Council meeting | |
| 25/2/25 | Reviewed and adopted at 25 February 2025 Ordinary Council meeting | |