

## INSTRUMENT OF DELEGATION

# INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT (ELECTIONS) ACT 1999

14 NOVEMBER 2023

### Delegation Sources

- Local Government (Elections) Act 1999

### Positions

Abbreviation	Position
CEO	Chief Executive Officer
DCCS	Director Corporate & Community Services
MFS	Manager Financial Services
RO	Rates Officer

## Instrument of Delegation under the Local Government (Elections) Act 1999

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 4(2)(d)	Fix a day for a poll	CEO		council
section 8(1)	Appoint a person or persons to the office or officer not filled by a supplementary election which has wholly or partially failed or been declared void	CEO		council
section 8(1a)	Appoint a person or persons to the office or officer that remain unfilled where not all vacancies are filled	CEO		council
section 9(1)	Hold a poll	CEO		council
section 9(3)	Fix a day as polling day for a poll by notice published on the council website	CEO		council

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 9(4)	Fix a day as the day on which the voters roll for the purposes of the poll closes	CEO		council
section 10(3)	Nominate a person as a deputy returning officer of the council area	CEO		council
section 10(9)	Participate in consultation with the Electoral Commissioner regarding the proposed removal of a deputy returning officer nominated by the council	CEO		council
section 12(b)	Provide information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area, and to advise its local community about the outcome of elections and polls conducted in its area	CEO		council
section 13A(2)(a)	Inform potential electors in the council area of the requirements to be enrolled on the voters roll	CEO		council

Local Government (Elections) Act 1999				
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section 13A(2)(b)	Arrange advertising Informing potential electors in the council area of the requirements to be enrolled on the voters roll	CEO, DCCS		council
section 15(14)	Provide copies of the voters roll for the council area for inspection at the principal office of the council	CEO, DCCS		council
section 15(15)	Provide a copy of the voters roll to a nominated candidate for the election	CEO, DCCS, RO, MFS		council
section 55(1)	Participate in consultation with the returning officer regarding the use of a computer program to carry out steps involved in the recording, scrutiny or counting of votes in an election or poll	CEO		council
section 70(3)	Contest a petition to the Court by lodging a reply	CEO		council
section 75(1)(a)	Participate in proceedings as a party pursuant to an order of the Court	CEO		council

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 75(1)(b)	Apply to intervene in proceedings	CEO		council
section 75(3)	Intervene in proceedings in the manner and to the extent directed by the Court and on such other conditions as the court directs	CEO		council
section 76	Engage counsel to represent the council in proceedings	CEO		council
section 77	Apply to the court to refer a question of law to the Court of Appeal	CEO		council
section 91A(1)	Prepare and adopt a caretaker policy	CEO		council
section 91A(3)	Apply in writing for an exemption from the prohibition against making a designated decision during an election period	CEO		council

**Document history and version control**

Date	Council/Chief Executive Officer	Comment
14/11/2023	Reviewed and adopted at 14 November 2023 Special Council meeting	