



ADELAIDE HILLS COUNCIL

INSTRUMENT OF DELEGATION

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

15 SEPTEMBER 2023

Positions

Abbreviation	Position
Chief Executive Officer (95)	Chief Executive Officer (95)
Elected Body	Elected Body
Executive Manager Governance and Performance (349)	Executive Manager Governance and Performance (349)
Governance and Risk Coordinator (414)	Governance and Risk Coordinator (414)

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	Chief Executive Officer (95)	Only by resolution of Council to hold a Poll.	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	Elected Body		council
section 8(1a)	Appoint a person or persons to the office or officer that remain unfilled where not all vacancies are filled	Elected Body		council
section 9(1)	Hold a poll	Elected Body		council
section 9(3)	Fix a day as polling day for a poll by notice published on the council website	Chief Executive Officer (95)		council

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
			Only by resolution of Council to hold a Poll.	
section 9(4)	Fix a day as the day on which the voters roll for the purposes of the poll closes	Chief Executive Officer (95)	Only by resolution of Council to hold a Poll.	council
section 10(3)	Nominate a person as a deputy returning officer of the council area	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	Except where the nominee is a delegate.	council
section 10(9)	Participate in consultation with the Electoral Commissioner regarding the proposed removal of a deputy returning officer nominated by the council	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	Except where the deputy returning officer is a delegate.	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	Chief Executive Officer (95), Executive Manager Governance and Performance (349),	NIL	council

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	community about the outcome of elections and polls conducted in its area	Governance and Risk Coordinator (414)		
section 13A(2)(a)	Inform potential electors in the council area of the requirements to be enrolled on the voters roll	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL	council
section 13A(2)(b)	Arrange advertising Informing potential electors in the council area of the requirements to be enrolled on the voters roll	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL	council
section 15(14)	Provide copies of the voters roll for the council area for inspection at the principal office of the council	Chief Executive Officer (95), Executive Manager Governance and Performance (349),	NIL	council

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Governance and Risk Coordinator (414)		
section 15(15)	Provide a copy of the voters roll to a nominated candidate for the election	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL	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	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL	council
section 70(3)	Contest a petition to the Court by lodging a reply	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	NIL	council

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 75(1)(a)	Participate in proceedings as a party pursuant to an order of the Court	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	NIL	council
section 75(1)(b)	Apply to intervene in proceedings	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	NIL	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	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414)	NIL	council
section 76	Engage counsel to represent the council in proceedings	Chief Executive Officer (95), Executive Manager Governance and Performance (349),	NIL	council

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Governance and Risk Coordinator (414)		
section 77	Apply to the court to refer a question of law to the Court of Appeal	Chief Executive Officer (95), Executive Manager Governance and Performance (349)	NIL	council
section 91A(1)	Prepare and adopt a caretaker policy	Elected Body		council
section 91A(3)	Apply in writing for an exemption from the prohibition against making a designated decision during an election period	Elected Body	NIL	council