

Item 2: Chief Executive (CE) Delegations Review

SESSION TYPE: Workshop

PURPOSE/DESIRED OUTCOME:

To update and seek further direction from elected members on the independent legal review of the QLDC Chief Executive delegations.

DATE/START TIME:

Tuesday, 15 September 2026 at 10.30am

TIME BREAKDOWN:

Presentation and Questions: 1 hour 30 minutes

PRESENTERS:

Brendan Peet – General Legal Counsel, QLDC
Meaghan Miller – Corporate Services General Manager, QLDC
Jonathan Salter – Simpson Grierson

Prepared by:



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Title: EA to Corporate Services General Manager
4 September 2026

Reviewed and Authorised by:



Name: Meaghan Miller
Title: Corporate Services General Manager
4 September 2026

ATTACHMENTS:

A	Presentation Slides
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Review of Delegations held by Chief Executive

QLDC workshop
15 September 2026



What we will cover today

01

Background -
Introduction

02

Statutory
context

03

Commentary
• Objectives
• Issues
• Risks

04

Current
delegation
structure

05

Options for
restructure or
refinement

06

Options for change

07

Options for
refinement

08

What are the
issues?

09

Discussion



Background



- Current delegations structure since at least 2014
- Updates in 2018 and 2025
- Notice of Motion to February Council
- Resolved to conduct a review of CE delegations

Statutory context



General power (clause 32(1) Sch 7 LGA 2002)

“Unless expressly provided otherwise in this Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers”

(subject to listed exceptions)

Powers that cannot be delegated (clause 32(1)(a) to (h))



01

To make a rate



02

To make a
bylaw



03

To borrow
money, or
purchase or
dispose of
assets, other
than in
accordance
with the long-
term plan



04

To adopt a long-
term plan,
annual plan, or
annual report



05

To appoint a
chief executive



06

To adopt
policies
required to be
adopted and
consulted on
under the LGA
in association
with the long-
term plan or
developed for
the purposes of
the local
governance
statement



07

To adopt a
remuneration
and
employment
policy

Further clause 31 refinements

- 1 Prohibitions don't preclude delegation of power to do anything precedent to exercise of prohibited power
- 2 Sub-delegation is authorised subject to any conditions, limits, or prohibitions in the primary delegation or by statute)
- 3 Delegated powers/responsibilities may be exercised without confirmation and to the same effect as if Council itself had performed them
- 4 Delegation does not relieve the Council of liability or legal responsibility to ensure performance of any function or duty
- 5 These powers are in addition to, but may be modified by, delegation powers in other Acts
- 6 Specific authority in clause 32A to delegate the issuing of warrants to enforcement officers

Delegation of powers by officer (clause 32B Sch 7 LGA 2002)

Officers may delegate to any other officer any powers held under the LGA 2002 or any enactment **except**

Power to delegate

Any power delegated under clause 32 that is subject to prohibition

Any power under an enactment that precludes sub-delegation

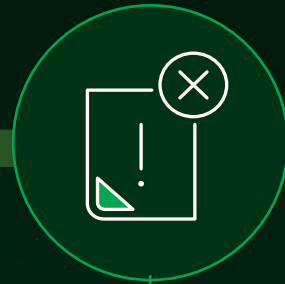
(eg Local Government (Rating) Act 2002 and Resource Management Act 1991)

With same effect as applies to clause 32 delegation

Complications



**Legislative and non-
legislative powers can
be delegated**



**Some Council functions
are simply
administrative/
operational and don't
need to be delegated**



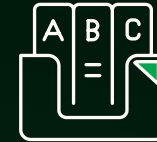
**Some statutory
obligations are
conferred directly
on the chief
executive**

Elected Member



Member of the governing body

Member of the governing body
which is responsible and
democratically accountable for the
Council's decision-making



Rules

Decision-making by duly
constituted meetings, subject to:

- Standing orders
- Code of Conduct
- LGOIMA
- General law

Accountability

Elected Council

- Responsible and democratically accountable for decision-making; accountable for the Chief Executive
- Judged at the ballot box

Chief Executive

- Responsible for effective and efficient management of Council's activities, and for employing, managing and remunerating staff
- Judged by Council through employment/performance agreement

Chief Executive Responsibilities (section 42)



1. Implementing Council decisions
2. Providing advice to elected members
3. Ensuring responsibilities, powers and duties delegated or conferred on them are properly exercised
4. Ensuring effective and efficient management of Council activities
5. Maintain systems to effectively/accurately record financial and service performance
6. Lead, employ and negotiate terms of employment for staff

Governance (Council)	Management (CE)
• set policy (eg LTP)	• advise
• set budgets	• maintain financial system
• adopt policies / plans	• develop policies / budgets
• set rates	• ensure effective / efficient delivery
• appoint / manage CE	• employ, manage and lead staff
• regulate	• implement and enforce
• delegate	• delegate
• make decisions	• make decisions (delegated and statutory)
• monitor performance	
• be accountable to community	• be accountable to Council

Why Delegate?

Efficiency

Necessary for efficiency and effectiveness

Separation

Manifests appropriate separation of Governance (budget and policy setting and monitoring) from Operational/Delivery

Balance

Manages respective workloads

Issues/Risks

Council has powers under a very large number of statutes

Legislation is dynamic

Actions taken or decision made without authority are readily
invalidated by the Courts or ...

Provide ready defence to enforcement action

Relevant case law

Amor v New Plymouth District Council

- Insanitary building notice issued by the Council was invalid – Council had not properly delegated the necessary power to an officer to **determine** that a building was insanitary
 - The delegation of the power, to enter and inspect a building, could not be relied on as also delegating the determination decision

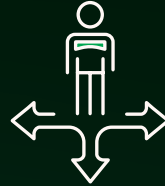
Waimate District Council v Williams

- A prosecution failed because the Council's CE did not have appropriate delegated authority to make the decision to bring a prosecution
 - The CE could not rely on sections 12 and 42 of the LGA to "save" the charging documents

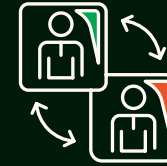
Overriding objectives



Decision-making responsibility is
certain and can be proved



Intended delegations are
comprehensive



Governance and management
responsibilities are demarcated
and understood

Current Delegation Structure



Current Delegation Model Summary

- Delegations to Wānaka-Upper Clutha Community Board
- Delegations to 7 Committees
- Delegations to CE
- RMA delegations – Council to officers
- Sub-delegations Financial
- Sub-delegations Statutory
- Sub-delegations Non-Statutory
- Miscellaneous Sub-delegations

Current CE Delegations



01

All Council's responsibilities, duties, and powers to act on any matter subject to specified conditions and limits



02

Excludes delegations prohibited by any Act or Regulation (obviously)



03

Any transaction must be for efficient conduct of Council affairs and be consistent with the LTP/annual plan



04

General rules applying to all delegations apply



05

Includes power to sub-delegate (except under RMA 1991 and LGRA 2002)



06

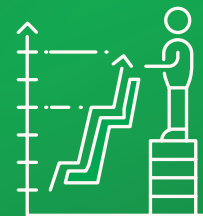
Quarterly reporting to Risk and Assurance Committee on CE exercise of delegations on material matters



To be exercised jointly with the Mayor or Deputy Mayor

- Power to commit transactions relating to CAPEX 3 Waters Programme (including termination or variation), limited to spend approved in the LTP budget
- Power to commit to transactions generally limited to maximum \$10m capex and \$6.5m opex
- Value of transactions under all limitations
 - to include total value over term of contract – including rights of renewal (unless they are at absolute discretion of Council);
 - to include aggregate of series of repeat, related, or ancillary transactions; and
 - exclude GST

Express Transaction Limitations (acting alone)



- Borrowing approved in the LTP/annual plan limited to instruments for a **maximum of \$100m** (principal plus associated interest) and in compliance with the Treasury Management Policy
- Other transactions (including termination or variation) limited to
 - **Maximum of \$5m capex**
 - **Maximum of \$1.5m opex**
 - **Maximum of \$4m** grants to Destination Queenstown approved in LTP/annual plan
- Transactions being in accordance with the LTP for borrowing money, or acquisition and disposal of assets

Other Express Powers (not linked to LTP etc)

- Bring or withdraw prosecutions for infringement proceedings for any offence, including but not limited to
 - RMA 1991
 - Building Act 2004
 - LGA 2002
 - QLDC bylaws
- Decisions under Part 6 Criminal Procedure Act 2011 to appeal against any sentence on conviction of any person in proceedings by Council (subject to solicitor's recommendation)
- Sub-delegation to any matter, including:
 - LGOIMA 1988 (s 43)
 - Privacy Act 2020 (s 125)
 - Sale and Supply of Alcohol Act 2012 (s 198)
 - LGA 2002 (s 54G)

General Rules applying to all delegations (Schedule 1)

01

Delegation confers the authority to exercise the responsibility not mandatory requirement to do so

02

Matters required to be given effect by Council resolution cannot be delegated to officers

03

Unless specifically time-limited, delegations continue in force until revoked, altered/varied by the delegator

04

When delegation exercised by officer in an acting capacity, this should be expressly stated

05

Delegate must comply with any relevant conditions/limits/procedural requirements and with applicable Council policies

General Rules applying to delegations to officers (Schedule 1)

01

Delegation (other than financial) to officer holding named position/level of authority applies to all officers in direct line of authority above that officer (and to any officer who performs substantially the same role or function)

02

Delegation includes ancillary responsibilities, duties, and powers necessary to give effect to the delegation

03

Legislative provisions prevail in the event of ambiguity or conflict

04

Reference to repealed legislation to be read as to legislation that corresponds to or replaces it

05

Delegations by chief executive cannot be sub-delegated

Specific delegations from Council to Officers

- Section by section under RMA 1991 to named positions

Financial Sub-Delegations



By CE

By CE to officers in defined position categories

Six categories

6 categories with limits on opex and capex varying based on level of responsibilities

- Opex - \$1.5m down to \$1500
- Capex - \$5m down to \$1500

All rules apply

All delegations rules apply as well as some additional ones

Statutory Sub-Delegations



Section by section listed
powers/responsibilities to named
positions

Under 56 Acts, 13 Regulations, and
8 Bylaws

Major Acts – Building, Dog
Control, Food, Health, LGA 1974,
LGA 2002, Public Works,
Reserves, Trespass

Non-Statutory Sub-Delegations

Employment matters

Correction powers

Miscellaneous Sub-Delegations

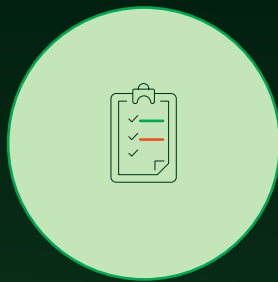
Generally where is no change or change from policy, eg

- Affected Party Approval (encroaching or adjoining council land)
- Assignment of leases/lessor approvals/renewals
- Rent reviews
- Granting film permits
- Affected Party Approvals (fireworks)
- Vesting land in lieu of DCs

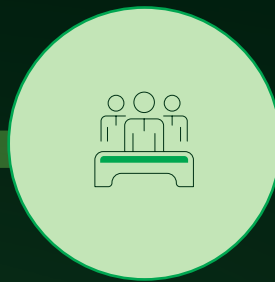
CE Delegation Options



Wide general delegation to CE/specific reservation to Council (**Option 1**)



Current model



Open to Council to resolve to reserve specific matters to itself

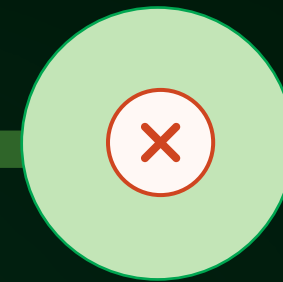
eg:

- Specific projects/subject matters
- Financial limits



Pros

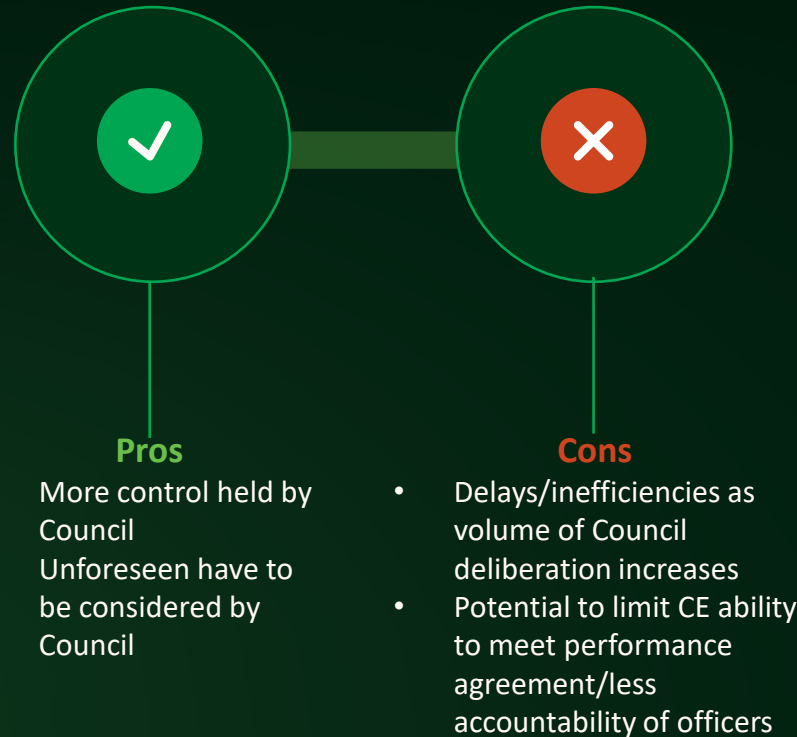
- Covers all scenarios and avoids delays.
- Is usual practice
- Focuses elected members on governance role



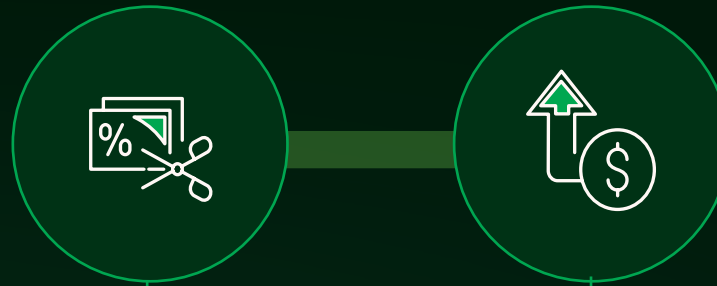
Cons

Less elected member control

Specific delegations to CE/general authority retained by Council (**Option 2**)



Change financial limits (**Refinement 1**)



Lower limits

Pros:

- More control held by Council
- Greater visibility

Cons:

- Inefficiencies/delays
- Less accountability to officers

Higher limits

Pros:

- More decision making by qualified officers with contractual accountability and qualifications
- Greater accountability to decision-makers

Cons:

- Less control by Council
- May require more extensive reporting

Functional delegations v specific statutory delegations (**Refinement 2**)

Functional delegations

eg any leasing of Council property, subject to statutory requirements and financial delegation limits

Pros:

- Makes delegations register more concise
- Inadvertent omissions maybe less likely

Cons:

- Less granularity in delegated powers
- Maybe less certainty

Specific statutory delegations

eg Grant a lease of non-reserve land under s208 of the Property Law Act 2007

Pros:

- Precise delegations

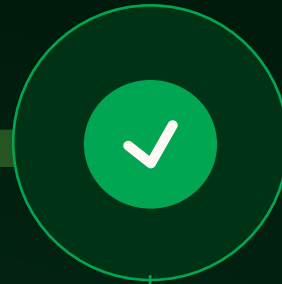
Cons:

- More risk of gaps and uncertainty

Delegations under specific resolutions (Refinement 3)



May be appropriate in certain circumstances



Pros

- Allows for tailored delegations



Cons

- Need careful drafting
- Harder to track, as difficult to update the delegations register each time

Withdrawal of delegations in specific circumstances

Where particular sensitivities warrant governing body responsibility



Should be used sparingly



May compromise CE accountability

What are the issues?



Discussion

Presenter



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