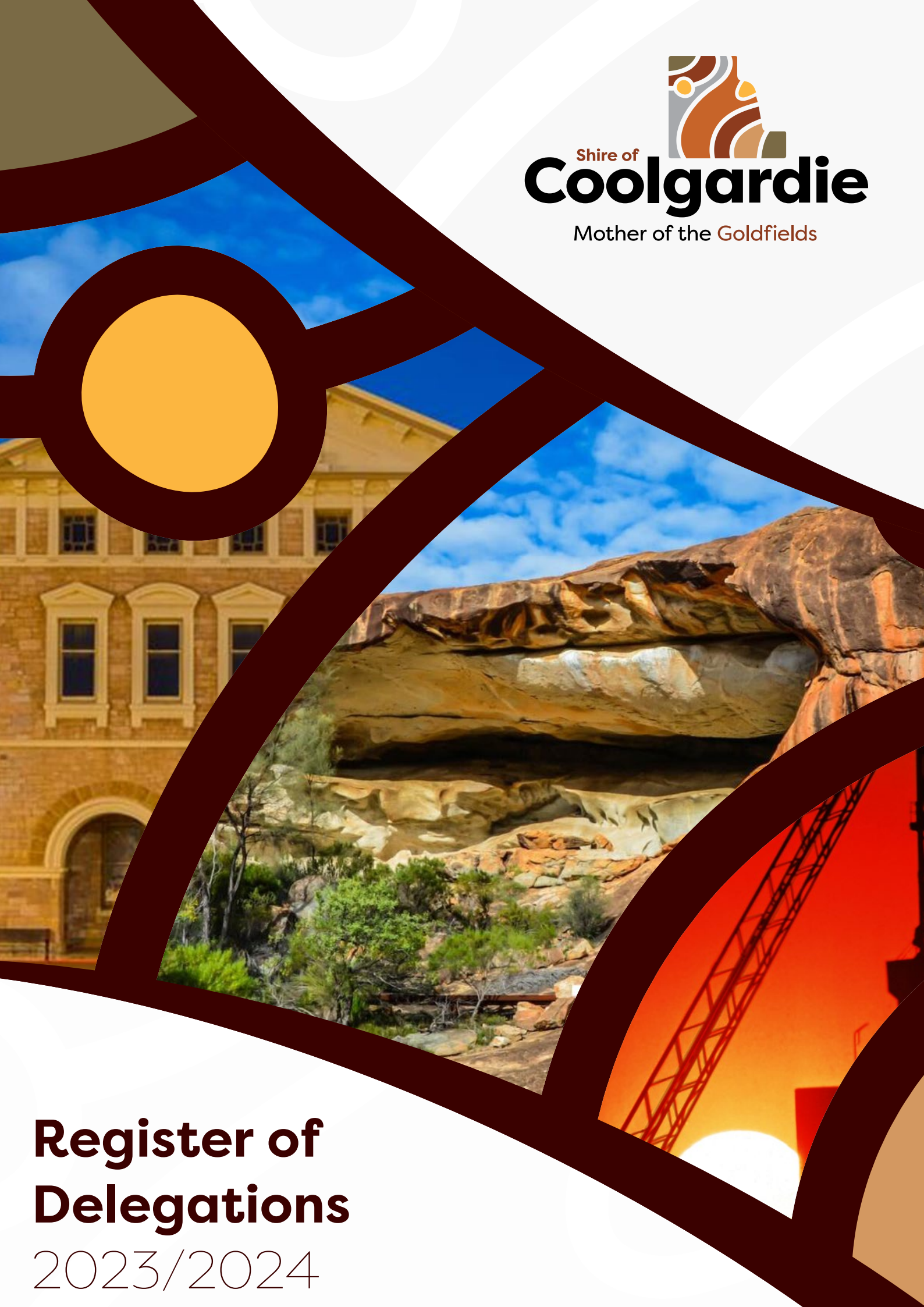
Shire of Coolgardie

Mother of the Goldfields



Register of Delegations

2023/2024

Shire of Coolgardie

Mother of the Goldfields

DELEGATION REGISTER

Current as at December 2023

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Introduction

FORMAT OF REGISTER

This Register includes:

- Delegations from the Council to the Chief Executive Officer, and where appropriate to other employees or other persons; and
- Sub delegations from the Chief Executive Officer to other employees or persons
- Authorisations made by the Council or the CEO
- Appointments made by the Council or the CEO, or as of right by virtue of legislation.

The Register includes some instruments of sub delegation, authorisation, and appointment by the CEO, which do not need to be adopted/approved by Council. They are included to reflect a "one stop shop" approach.

As a matter of principle throughout the Register, the Chief Executive Officer is the only employee authorised by the Shire of Coolgardie to commence (or authorise the commencement of) legal proceedings.

TERMINOLOGY AND ACRONYMS

Clause – of the Shire of Coolgardie own Planning Scheme No 5 referenced by 'cl', as in cl8.2.1.

Employee – refers to an employee of the Shire of Coolgardie. It should be noted although the Chief Executive Officer may generally only delegate a function or duty to an employee (S5.44 Local Government Act 1995 and others), any 'person' may be appointed an Authorised Person (although some Acts, such as the Building Act 2011 and Health Act 1911 require only employees or certain qualified employees to be 'authorised' or 'appointed'). Thus, care needs to be taken to ensure that contractors are not 'delegated' functions or duties, although they may be appointed as Authorised Persons.

Regulation – subordinate legislation, referenced by 'r', as in r22.

Schedule – to an Act, referenced as 'Sch', as in Sch 3.2.

Section - of an Act, referenced by 's', as in s5.42.

Sub delegation – the terms 'sub delegate' and 'sub delegation' are used as a style preference, rather than 'on delegate' or 'on delegation'.

DELEGATIONS AND SUB DELEGATIONS

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not 'undermine' the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

The Council (and the Chief Executive Officer in the case of most sub delegations) will only delegate matters where the relevant employees (or other persons) have the appropriate skills and expertise to implement the delegation/sub delegation or authorisation within the Shire's decision-making frameworks. At the same time the exercise of all delegated and sub delegated authority, as well as authorisations is subject to complying with relevant Policies of the Shire, which are cross referenced within each Instrument.

An important safeguard is also the principle that nothing prevents the delegating body or person from taking back a delegation or sub delegation or making the relevant decision on an issue.

This Register describes:

- the 'head of power' for the exercise of delegation to an elected member, employee, Committee, or person,
- the 'head of power' for sub delegation (where such authority exists under the relevant legislation),
- the precise authority being delegated, including any limits, restrictions, or conditions,
- relevant Shire policies applicable to the execution of the delegation or sub delegation,
- the statutory requirements for the Council to review all delegations, and others to review sub delegations.

In general, for all matters, whether made under the Local Government Act 1995, or otherwise, the requirement of the Local Government Act 1995 to review the Register at least once every financial year will be followed, except where delegations under other Acts have different requirements. Where there is no statutory requirement for review, the provisions of the Local Government Act will be applied to ensure uniformity of approach and outcome.

AUTHORISATIONS

This Register includes authorisations under the Local Government Act 1995 and other legislation. In most cases, authorisations are made by the Chief Executive Officer under s9.10 of the LGA 1995, in other cases via delegated authority. In some cases, authorisations are made by the Council itself because the relevant statute requires.

Some legislation provides for authorisation of Local Government officers to have powers as are necessary for them to perform their required duties as a specific function of the local government. These duties are carried out as 'acting through' functions under s5.45(2) of the Local Government Act 1995.

APPOINTMENTS

Consistent with the aim of providing a single resource, this Register includes appointments under various statutes, in some cases such appointments are "as of right" and in others the Council or the Chief Executive Officer has chosen not to make an appointment at the date of adoption of this Register.

LOCAL GOVERNMENT ACT 1995

Most delegations and sub delegations described in this Register originate under the Local Government Act 1995 which permits a local government (by absolute majority decision under s5.42(1)) to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority or special majority of the local government,
- accepting a tender which exceeds an amount determined by the local government,
- appointing an auditor,
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government,
- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act,

- borrowing money on behalf of the local government,
- hearing or determining an objection of a kind referred to in s9.5 of the Act,
- the power under s9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government,
- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are several other matters which cannot be delegated to the CEO:

- under r18G of the Local Government (Administration) Regulations s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors,
- under r16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day-to-day accounts or financial management operations.

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

OTHER LEGISLATION

Legislation other than the Local Government Act 1995, its Regulations and the Shire's Local Laws created under the Act where delegations, authorisations or appointments may occur (and which are relevant to the Shire of Coolgardie) include:

- Animal Welfare Act 2002,
- Australian Citizenship Act 2007,
- Building Act 2011 and Building Regulations 2012,
- Bush Fires Act 1954, regulations and local laws created under that Act,
- Cat Act 2011 and Regulations,
- Caravan Parks and Camping Grounds Act 1995,
- Control of Vehicles (Off-Road Areas) Act 1978 and Regulations,
- Dog Act 1976 and Regulations,
- Equal Employment Opportunity Act 1984,
- Environmental Protection Act 1986,
- Food Act 2008,
- Freedom of Information Act 1992,
- Graffiti Vandalism Act 2016,
- Health (Miscellaneous Provisions) Act 1911, Regulations and local laws created under that Act,
- Health (Asbestos) Regulations 1992,
- Land Administration Act 1997, and Regulations,
- Litter Act 1979 and Regulations,
- Local Government (Miscellaneous Provisions) Act 1960,
- Parks and Reserves Act 1895,
- Planning and Development Act 2005 including Regulations, policies, and the Town Planning Scheme,
- Public Interest Disclosure Act 2003,
- Public Health Act 2016,

- Rates and Charges (Rebates and Deferments) Act 1982,
- Road Traffic Act 1974,
- Strata Titles Act 1985.

The Shire of Coolgardie Town Planning Scheme No 5 permits delegation by Council to employees (rather than via the Chief Executive Officer as per the Local Government Act). Accordingly, the process defined by the Town Planning Scheme for delegating authority and duties is utilised.

SUB DELEGATION BY THE CHIEF EXECUTIVE OFFICER

The Local Government Act 1995 allows the Chief Executive Officer to delegate any of the powers delegated to the office of Chief Executive Officer to another employee (s5.44(1)), in writing (s5.44(2)) and may include conditions (s5.44(4)).

Other legislation permits sub delegation by the CEO, either, as of right, or with the express authority of the Council (Dog Act).

The Bush Fires Act prohibits sub delegation by the CEO.

REVIEW OF DELEGATIONS

The Register of Delegations relevant to the Chief Executive Officer and other employees or other persons will be reviewed at least once every financial year (in accordance with the provisions of s5.46(1), (2)).

As a matter of principle, the Shire of Coolgardie will review all delegations, authorisations and appointments at least once in every financial year, whether under the Local Government Act 1995, or another Act. This is despite the varying requirements for review viz:

- Building Act 2011 - no requirement
- Bush Fires Act 1954 - no requirement
- Cat Act 2011 - annual review requirement
- Dog Act 1976 - annual review requirement
- Food Act 2008 - no requirement
- Graffiti Vandalism Act 2016 - no requirement
- Public Health Act 2016 - no requirement
- Planning and Development Act 2005 - annual review requirement

This will include the Chief Executive Officer reviewing all sub delegations, authorisations and appointments made by him or her.

RECORD OF ACTIONS AND DECISIONS

If a person is exercising a power or duty that has been delegated (including sub delegated), the Local Government Act requires that records be kept whenever the delegated authority is utilised (s5.46(3)).

The record is to contain information on:

- how the person exercised the power or discharged the duty,
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty (r19 Local Government (Administration) Regulations 1996).

Departments/Sections responsible for a work process are to ensure that data is captured, and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation.

Similar provisions do not exist under other legislation regarding record keeping.

The CEO has determined that in relation to all record keeping of the exercise of delegated authority under legislation other than the Local Government Act 1995 that the provisions of the latter will apply and the same record keeping approach as required under the Local Government Act will be applied. These requirements will be applied as an administrative instruction from the CEO.

PRIMARY/ANNUAL RETURNS AND GIFT DISCLOSURES

A person to whom a duty or power is delegated under the Local Government Act 1995 is a 'designated employee' under s5.74(b) of the Act and is required to:

- disclose relevant interests s5.70 LGA,
- complete a Primary Return s5.75 LGA,
- complete Annual Returns s5.76 LGA.

Although these requirements relate only to delegations under the Local Government Act 1995 and not any other Acts, the Council and the CEO have taken the decision to require compliance with those provisions, even when made under other Acts, to ensure all employees are treated equally in such disclosures.

The SoC has no designated senior employees.

ACTING THROUGH ANOTHER PERSON

The Local Government Act recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire. s5.45 (2) of the Act states:

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing:

a) a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or

b) a Chief Executive Officer from performing any of his or her functions by acting through another person.

The key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision-making function in his or her own right. Thus, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to 'act through' another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For further information, see Department of Local Government and Communities Guideline No 17 - Delegations.

1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1. Local Government Act 1995 Delegations

1.2 Council to CEO

1.2.1 Performing Functions Outside the District

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.20(1) Performing functions outside district
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Council Conditions on this Delegation:	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation, and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**NIL**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
2	Resolution #61/2023 28th March 2023

1. Local Government Act 1995 Delegations

1.2.2 Compensation - Damage Incurred when Performing Executive Functions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.22(1) Compensation s.3.23 Arbitration
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Council Conditions on this Delegation:	a. Delegation is limited to settlements which do not exceed a material value of $10,000. b. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**NIL**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
2	Resolution #61/2023 28th March 2023
3	

1. Local Government Act 1995 Delegations

1.2.3 Powers of Entry

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. b. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development** **Manager Leisure and Recreation Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995*: s.9.10 Appointment of authorised persons – also refer s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation

1. Local Government Act 1995 Delegations

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
2	Resolution #61/2023 28th March 2023
3	

1. Local Government Act 1995 Delegations

1.2.4 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision. b. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development** **Manager Waste and Sewerage Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.5 Confiscated or Uncollected Goods

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. 4. Only the CEO may commence legal proceedings.
Council Conditions on this Delegation:	a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than $20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
Express Power to Sub-Delegate:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995*:Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.6 Disposal of Sick or Injured Animals

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development** **Manager Waste and Sewerage Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.2.7 Close Thoroughfares to Vehicles

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].
Council Conditions on this Delegation:	a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**
CEO Conditions on this Sub-Delegation:	

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Conditions on the original delegation also apply to the sub-delegations.	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.8 Control Reserves and Certain Unvested Facilities

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the *Parks and Reserves Act 1895*. [s.3.54(1)].
Council Conditions on this Delegation:	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.9 Obstruction of Footpaths and Thoroughfares

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has:

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	i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record Keeping	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.10 Gates Across Public Thoroughfares

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.2.11 Public Thoroughfare – Dangerous Excavations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

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Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development** **Manager Waste and Sewerage Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares *Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.2.12 Crossing – Construction, Repair and Removal

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures

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	Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.2.13 Private Works on, over or under Public Places

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: r.17 Private works on, over, or under public places – Sch.9.1 cl.
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development** **Manager Waste and Sewerage Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.2.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) 1996*: r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift *[ULP r.21(1)]*.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.2.15 Expressions of Interest for Goods and Services

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Council Conditions on this Delegation:	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development** **Manager Waste and Sewerage Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures Council Policy 1.05 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.2.16 Tenders for Goods and Services – Call Tenders

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Council Conditions on this Delegation:	a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where : i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s:	**Director Corporate Affairs**

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Appointed by CEO	**Director Governance and Administration** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures Council Policy 1.05 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the $350,000 detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the

1. Local Government Act 1995 Delegations

	goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of $40,000 whichever is the lesser value [F&G r.21A(a)]. 9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Council Conditions on this Delegation:	a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications. b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: i. The total consideration under the resulting contract is $350,000 or less; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). c. Where the CEO determines to exercise authority to decline to accept any tender [F&G r.18(5)], where such a tender must be determined by Council, the CEO must, at <u>least</u> advise the Shire President of the intention to do so, and the reasons for doing so. In addition, the CEO must advise the next appropriate forum of the Council of the intention, or if the decision has been made, of having done so, and why. d. A decision to vary a tendered contract <u>before</u> entry into the contract *[F&G r.20(1) and (3)]* must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply. e. A decision to vary a tendered contract <u>after</u> entry into the contract *[F&G r.21A(a)]* must include evidence that the variation is necessary and does not change the scope of the contract. f. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) **<u>and</u>** that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term. g. Contract variations under r20 and 21A of Local Government (Functions and General) Regulations 1996 are subject to: • prior budget provision having been made, or

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	• being to give effect to a Council decision to accept a variation of a contract entered into, or • the intentions and purposes of the contract are not substantially altered, • an assessment, in writing, of the reasons for the variation, as determined by the CEO, either generally or specifically in relation to a contract • consideration is given to the cumulative impact of variations, to ensure that the scope of the original contract is not significantly altered, and that a separate procurement process is not required, and where the effect on the total contract is – • a reduction or • the cumulative value remains below the tender threshold or • likely increase in cost to a cumulative total of $40,000 ex GST or 10% whichever is the greater, where the adjusted total contract payment remains within Budget provision: or • is a reasonable and unforeseen increase in duration of the contract. Contract extensions under r20 and 21A of Local Government (Functions and General) Regulations 1996 are subject to: • prior budget provision having been made, or • being to give effect to a Council decision to extend a contract entered into, or • the intentions and purposes of the contract are not substantially altered, and • the original contract including provisions which permit an extension • an assessment, in writing, of the merits of extending the contract, as determined by the CEO, either generally or specifically in relation to a contract • any extension taking effect prior to the expiration of the original contract • written evidence that the terms of the contract extension have been mutually agreed by the Shire and the contractor.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**

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CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures Council Policy 1.05 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.18 Tenders for Goods and Services - Exempt Procurement

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11(2) When tenders have to be publicly invited (*exemptions*)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)].
Council Conditions on this Delegation:	a. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum $value specified for the following categories:

Category	Maximum Value for individual contracts
WALGA Preferred Supplier Program *[F&G.r.11(2)(b)]*	$350,000
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government *[F&G.r.11(2)(e)]*	$350,000
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below *[F&G.r.(2)(f)]*	$350,000
Supply of petrol, oil or any other liquid or gas used for internal combustion engines *[F&G.r.11(2)(g)]*	$350,000
Goods or services supplied by a person registered on the Aboriginal Business Directory WA	<$250,000*

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OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. *[F&G.r.11(2)(h)]*	**as specified in F&G.r.11(2)(h)(ii)*
Goods or services supplied by an Australian Disability Enterprise *[F&G.r.11(2)(i)]*	$350,000

b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:

i. A detailed specification;
ii. The outcomes of market testing of the specification;
iii. The reasons why market testing has not met the requirements of the specification;
iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and
v. The expense is included in the adopted Annual Budget.

c. Where the total consideration of a Tender Exempt procurement contract exceeds the value delegated above, the decision is to be referred to Council.

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures Council Policy 1.05 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.19 Application of Regional Price Preference Policy

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Functions and General) Regulations 1996:* r.24G Adopted regional price preference policy, effect of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy 1.06 Regional Price Preference
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.2.20 Disposing of Property

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.58(2) & (3) Disposing of Property
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to dispose of property to: (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of $20,000 or less. c. When determining the method of disposal: • Where a public auction is determined as the method of disposal: o Reserve price has been set by independent valuation. o Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: o Negotiate the sale of the property up to a -10% variance on the valuation; and

1. Local Government Act 1995 Delegations

	○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. d. Where the market value of the property is determined as being less than $20,000 (F&G r.30(3) excluded disposal) may be undertaken: • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Governance and Administration** **Director Corporate Affairs** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* – s.3.58 Disposal of Property *Local Government (Functions and General) Regulations 1995* – r.30 Dispositions of property excluded from Act s. 3.58
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.21 Payments from the Municipal or Trust Funds

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Financial Management) Regulations1996*: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	a. Authority to make payments is subject to annual budget limitations.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Governance and Administration** **Director Corporate Affairs** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO or Directors. 3. Director of Corporate Affairs, Director Governance and Administration, Director Community and Development are limited to ONLY counter sign payment authorities, when the other signatory is the CEO. Payment transaction and delegated authority records are retained in Synergy through 'Payment Reports'. 4. Monthly cheque and EFT payment listing recorded in Council Minutes and registered to Subject Tab: Financial Management / Financial Reporting 5. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.

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	6. Such delegation applies to each employee for his/her area of responsibility.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *Local Government (Financial Management) Regulations 1996* - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. *Local Government (Audit) Regulations 1996* Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries: Accounting Manual
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.22 Appointment of Acting Chief Executive Officer

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s5.36(1)(a), 5.39C
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Consistent with Council Policy 3.17 – Appointment of Acting CEO Short term absences of the CEO can be managed by the latter appointing a suitable qualified acting CEO, without need of reference to Council. Council is satisfied that the Directors have the knowledge, experience, qualifications, and skills necessary to effectively perform the duties and responsibilities of the position of Acting Chief Executive Officer. Where the CEO proposes to appoint another employee, or any other person to be acting CEO then they must have the knowledge, experience, qualifications, and skills necessary to effectively perform the duties and responsibilities of the position of Acting Chief Executive Officer. In making such appointments it is Council Policy that: • For periods of absence of up to, and including, 10 working days the CEO may appoint any suitably qualified person to the position of Acting Chief Executive Officer, including any Director, other employee of the Shire, or another person. • For periods of more than 10 working days and up to, and including 20 working days, the CEO may appoint one of the Directors as Acting CEO and any other proposal must be determined by Council. • For periods of absence of more than 20 working days, the Chief Executive Officer shall submit a recommendation for the determination by the Council. • The Chief Executive Officer must inform the Shire President and all Council Members of all proposed Acting Chief Executive Officer arrangements. • If the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council, by absolute majority, in accordance with the Local Government Act and Regulations, including the relevant Standards. If the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council, in

1. Local Government Act 1995 Delegations

	accordance with the Local Government Act 1995, Regulations and relevant Standards.
Council Conditions on this Delegation:	Cannot be sub-delegated
Express Power to Sub-Delegate:	

Sub-Delegate/s: *Appointed by CEO*	
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.23 Defer, Grant Discounts, Waive or Write Off Debts

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Waive a debt which is owed to the Shire of Coolgardie [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Coolgardie [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of Coolgardie [s.6.12(1)(c)] 4. Make a donation.
Council Conditions on this Delegation:	a. Write-off a rates or service charge debt up to $2,000 in accordance with the Financial Hardship Policy 3.32 [s.6.12(1)(c) &(2)]. b. A debt may only be waived in accordance with Council Policies 2.8, 3.2, 3.3 or 3.5 and where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire. c. A concession may only be granted in accordance with Council Policies 2.8, 3.2, 3.3 or 3.5. d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Coolgardie. i. Limited to individual debts valued below $500 or cumulative debts of a debtor valued below $1000 Write off of debts greater than these values must be referred for Council decision. e. Running record of donations maintained by the Chief Executive Officer's office and reported to Council on a quarterly basis. included quarterly in the Status Report. f. Maximum value of a donation is $2000, to any one applicant, either in 1 application, or multiple applications during a financial year – all other applications to be considered by Council.

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Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	1. DCA may only waive fees and charges related to their operational responsibilities and where such waiver is to rectify a service failure on the part of the Shire of Coolgardie limited to a value less than $1000 per customer within a financial year. 2. Sub delegates, other than DCA, may waive fees and charges related to their operational responsibilities where such waiver is either to: i. rectify a service failure on the part of the Shire of Coolgardie limited to a value less than $500 per customer within a financial year; or ii. assist a not for profit community group or charitable entity in fulfilling a service, social or cultural outcome within the Shire of Coolgardie. 3. Concessions may only be granted where the debtor is in accordance with Policy. 4. DCA may only write off debts limited to a value of less than $200 per debtor within a financial year.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Collection of Rates Debts – refer Delegations re: • Agreement as to Payment of Rates and Service Charges • Recovery of Rates or Service Charges • Recovery of Rates Debts – Require Lessee to Pay Rent • Recovery of Rates Debts – Actions to Take Possession of the Land
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.24 Power to Invest and Manage Investments

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.14 Power to invest *Local Government (Financial Management) Regulations 1996*: r.19 Investments, control procedures for
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 1.04. b. A report detailing the investment portfolio's performance, exposures, and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	1. A decision to invest must be jointly confirmed by two Delegates. 2. Investment decisions are limited to a maximum of $500,000 per transaction on the short-term money market and up to a value of $500,000 per transactions for other markets.

1. Local Government Act 1995 Delegations

	3. Where exposure to a single market or investment type will exceed $1,000,000 the decision must be referred to the CEO.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Financial Management) Regulations 1996* – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy 1.04 - Investments
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.25 Rate Record Amendment

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.39(2)(b) Rate record
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.2.26 Agreement as to Payment of Rates and Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.49 Agreement as to payment of rates and service charges
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy 3.32. b. Agreements must be in writing and, subject to the Council Policy 3.32 must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. c. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. d. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Finance Manager**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy 3.32
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
2	Resolution #61/2023 28th March 2023

1. Local Government Act 1995 Delegations

1.2.27 Determine Due Date for Rates or Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.50 Rates or service charges due and payable
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Coolgardie. [s.6.50].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
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1. Local Government Act 1995 Delegations

1.2.28 Recovery of Rates or Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy 3.32. b. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
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1. Local Government Act 1995 Delegations

1.2.29 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.60 Local Government may require lessee to pay rent
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Coolgardie. [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy 3.32. b. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60. Council Policy 3.32.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
2	Resolution #61/2023 28th March 2023

1. Local Government Act 1995 Delegations

1.2.30 Recovery of Rates Debts - Actions to Take Possession of the Land

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.64(1) Actions to be taken s,6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the Shire of Coolgardie [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy 3.32. b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the *Local Government Act 1995.* d. CEO must report to Council the intention to commence action to take possession of land. e. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

1. Local Government Act 1995 Delegations

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation. *Local Government (Financial Management) Regulations 1996* – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation. Council Policy 3.32
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
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1. Local Government Act 1995 Delegations

1.2.31 Rate Record – Objections

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.76 Grounds of objection
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation:	a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
2	Resolution #61/2023 28th March 2023

1. Local Government Act 1995 Delegations

1.2.32 Renewal or Extension of Contracts during a State of Emergency

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2) (ja)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2) (ja)]. This authority relates to: • contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds $250 000, and • contracts formed through a public tender.
Council Conditions on this Delegation:	a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: i. It is exercised at the sole discretion of the Local Government; ii. It is in the best interests of the Local Government; iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; iv. It has potential to promote local and/or regional economic benefits. b. This authority may only be exercised where the total consideration for the renewal or extension is $350,000 or less. c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the President (i.e., before the expense is incurred) in accordance with LGA s.6.8(1)(c). d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy.

1. Local Government Act 1995 Delegations

	e. This authority may only be exercised where the total consideration under the resulting contract is $350,000 or less. f. The CEO cannot sub-delegate this authority.
Sub-Delegate/s: *Appointed by CEO*	**Director Governance and Administration** **Director Community and Development** **Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Local Government (Functions and General) Regulations 1996 Council Policy 1.05 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.2.33 Procurement of Goods or Services required to address a State of Emergency

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2) (aa) Associated definition under subregulation 11(3)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: 1. Determine that particular goods or services with a purchasing value >$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2) (aa)].
Council Conditions on this Delegation:	a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e., before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration.

1. Local Government Act 1995 Delegations

Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy 1.05 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
Sub-Delegate/s: *Appointed by CEO*	**Director Governance and Administration** **Director Corporate Affairs** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

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1. Local Government Act 1995 Delegations

1.3 CEO to Employees

1.3.1 Determine if an Emergency for Emergency Powers of Entry

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.34(2) Entry in emergency
Delegate/s:	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Delegate/s:	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9: 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b). 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
CEO Conditions on this Delegation:	a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996*.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	This delegated authority is effective only in alignment with Delegated Authority 1.2.9 Obstructions of Footpaths and Thoroughfares. Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996

1. Local Government Act 1995 Delegations

	Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Delegate/s:	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12: 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. 4. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 5. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 6. Authority to • impose conditions on granting permission [ULP r.11(6)]. • renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].

1. Local Government Act 1995 Delegations

	• determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. • determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. • determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
CEO Conditions on this Delegation:	a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. b. Actions under this Delegation must comply with the procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996*. c. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Delegate/s:	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
CEO Conditions on this Delegation:	Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.3.5 Appoint Persons (other than employees) to Open Tenders

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government (Functions and Genera) Regulations 1996*: r.16(3) Receiving and opening tenders, procedure for
Delegate/s:	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.3.6 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government Act 1995*: s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election *Local Government (Elections) Regulations 1995*: r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate/s:	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].

1. Local Government Act 1995 Delegations

	10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
CEO Conditions on this Delegation:	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.3.7 Destruction of Electoral Papers

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government (Elections) Regulations 1996*: r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.3.8 Information to be Available to the Public

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government (Administration) Regulations 1996*: r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) *Local Government Act 1995:* s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s:	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)]. 5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

1. Local Government Act 1995 Delegations

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.3.9 Financial Management Systems and Procedures

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government (Financial Management) Regulations 1996*: r.5 CEO's Duties as to financial management
Delegate/s:	**Director Corporate Affairs**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: i. Collection of money owed to the Shire of Coolgardie: ii. Safe custody and security of money collected or held by the Shire of Coolgardie; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority; vii. Preparation of budgets, budget reviews, accounts, and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995*

1. Local Government Act 1995 Delegations

	Local Government (Financial Management) Regulations 1996 *Local Government (Audit) Regulations 1996* Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.3.10 Audit – CEO Review of Systems and Procedures

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government (Audit) Regulations 1996*: r.17 CEO to review certain systems and procedures
Delegate/s:	**Director Corporate Affairs**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Coolgardie's systems and procedures in relation to i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
CEO Conditions on this Delegation:	a. Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Audit) Regulations 1996*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.3.11 Infringement Notices

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government Act 1995*: s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice *Building Regulations 2012:* Regulation 70(1A), (1), (2) Approved officers and authorised officers
Delegate/s:	**Chief Executive Officer** **Director Corporate Affairs** **Director Community and Development** **Team Leader Ranger and Emergency Services**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
CEO Conditions on this Delegation:	a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. b. Delegation for Dog Act, Cat Act, Parking Local Law, Infringement Notices is limited to the following listed positions ONLY: (i) **Chief Executive Officer** (ii) **Director Community and Development** (iii) **Team Leader Ranger and Emergency Services** (iv) **Director Corporate Affairs** c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an "Approved Officer" in accordance with *Building Regulation 70(1)* for the purposes of the *Criminal Procedure Act 2004* section 6(a) and *Building Act 2011* Infringement Notices: (i) **Chief Executive Officer**

1. Local Government Act 1995 Delegations

	(ii) **Director Community and Development** *NOTE:* ***Delegates must also be appointed as an "Approved Officer"*** *– appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.*
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.4 Local Law Delegations to the CEO

1.4.1 Infrastructure Control – Activities in Thoroughfares and Public Places and Trading Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Activities in Thoroughfares and Public Places and Trading Local Law*: cl.2.5(2) Removal of redundant crossing cl.2.6 Interpretation – "acceptable material" cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17(1) Signs cl.5.3 Declaration of flora road cl.5.5 Signposting of flora roads cl.5.7 Designation of special environmental areas cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damage to thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare cl.10.2 Local government may undertake requirements of notice
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	**1. General Activity Control** 1A. Authority, limit to permits subject of this delegation, to: a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; e. determine the form of the permit [cl.7.2(2)]. 1B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:

	a. Temporary vehicle crossing [cl.2.4(1)] b. Any activity described as requiring a permit under cl.2.2(1); i. dig or otherwise create a trench through or under a kerb or footpath; ii. throw, place or deposit anything on a verge; iii. cause any obstruction to a vehicle or person using a thoroughfare; iv. cause any obstruction to a water channel; v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare; vi. damage a thoroughfare; vii. light any fire or burn anything on a thoroughfare other than under a permit issued under cl.5.13; viii. fell any tree onto a thoroughfare; ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare; x. provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare; xi. use or do anything so as to create a nuisance; xii. place or cause to be placed in on a thoroughfare a bulk rubbish container; xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare; c. Drive or take a vehicle on a closed thoroughfare [cl.2.19]; d. Erect or place an advertising or directional sign [cl.3.2] e. Use of portable signs [cl.3.4]; f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5]; g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)]; h. Clear and maintain in a cleared state, the surface of a thoroughfare within 1m of the person's land [cl.5.11]. i. Burn, subject to the *Bush Fires Act 1954*, slash or apply herbicides to part of a thoroughfare to reduce fire hazard, with the method approved to be beneficial to the preservation and conservation of native flora and fauna [cl.5.15]

	b. Construct firebreaks on a thoroughfare [cl.5.17] 1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5] 1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)]. **2. Use of Public Places** 2A. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)]. **3. Crossings** 3A. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge and other thoroughfare infrastructure [cl.2.5(2)]. **4. Thoroughfares and Verges** 4A. Authority to determine and maintain the list of "acceptable materials"' which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6]. 4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11]. 4C. Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned [cl.2.15]. 4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to: a. Alter the direction of a sprinkler or other watering equipment [cl.9.1]; b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2]; 4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to: Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3]; Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4]. 4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2]. **5. Flora and Fauna within Thoroughfares**

	5A. Authority to declare a flora road and to signpost it, where roadside vegetation is determined as high quality [cl.5.3 and cl.5.5]. 5B. Authority to designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which has protected or rare flora or fauna or has environmental, aesthetic or cultural significance [cl.5.7]. 5C. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to: a. Collecting native flora and / or native flora seeds [cl.5.20]; b. Planting or sowing any plant seeds in a thoroughfare [cl.5.9]. 5D. Authority to determine conditions [cl.7.2(4) and cl.7.8] to be complied with by a permit holder, and to vary conditions [cl.7.5]
Council Conditions on this Delegation:	Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. A register of all special environmental areas must be maintained under cl.5.8 of the *Activities in Thoroughfares and Public Places and Trading Local Law*. Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17 of the *Local Government (Uniform Local Provisions) Regulations 1996* – refer CEO Delegations 1.3.3 and 1.3.4. Crossing permits are approved under Regulations 12 and 13 of the *Local Government (Uniform Local Provisions) Regulations 1996* – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.4.2 Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Activities in Thoroughfares and Public Places and Trading Local Law*: cl.6.6 Conditions of Permit (Stallholders and Traders) cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	**1. Permits General** 1A. Authority, limited to the permit types listed below, to: a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; e. determine the form of the permit [cl.7.2(2)]. **2. Stallholder, Trading and Performing** 2A. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.6 and cl.7.3] or a policy adopted under cl.7.4 or determined as appropriate, limited to: a. Stallholder [cl.6.2]; b. Trader [cl.6.3]; c. Perform in a public place [cl.6.10]. 2B. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5] 2C. Authority to authorise another person, as the permit holder's nominee for a specified period [cl.6.6(2)]. **3. Outdoor Eating Facilities**

	3B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.18] or determined as appropriate, for the purposes of an outdoor eating facility [cl.6.16]. 3C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5] 3D Authority to give notice to an outdoor eating facility permit holder requiring them to carry out work [cl.6.18(2)].
Council Conditions on this Delegation:	Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.4.2 Bush Fire Brigades Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Council Conditions on this Delegation:	Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Shire of Coolgardie Bush Fire Brigades Local Law
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.4.3 Cats Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Council Conditions on this Delegation:	Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Shire of Coolgardie Cats Local Law
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.4.4 Cemeteries Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Council Conditions on this Delegation:	Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Shire of Coolgardie Cemeteries Local Law
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.4.5 Dogs Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Council Conditions on this Delegation:	Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Shire of Coolgardie Dogs Local Law
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.4.6 Fencing Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Council Conditions on this Delegation:	Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Governance and Administration** **Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Shire of Coolgardie Fencing Local Law
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.4.7 Parking Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Council Conditions on this Delegation:	Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Shire of Coolgardie Parking Local Law
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.4.8 Waste Local Law

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	*All the powers, duties, and responsibilities of the local government pursuant to the Local Law.*
Council Conditions on this Delegation:	Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Governance and Administration** **Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Shire of Coolgardie Waste Local Law
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit *Building Regulations 2012:* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2. Building Act 2011 Delegations

Sub-Delegate/s: *Appointed by CEO*	**Director Governance and Administration** **Director Corporate Affairs** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	*Building Act 2011* s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor *Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT* *Building Services (Registration Act) 2011* – Section 7 *Home Building Contracts Act 1991* – Part 3A, Division 2 – Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage Act 2018*
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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2. Building Act 2011 Delegations

2.1.2 Demolition Permits

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit Building Regulations 2012 r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration**

2. Building Act 2011 Delegations

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	*Building Act 2011* s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit *Building Services (Complaint Resolution and Administration) Act 2011* — Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage Act 2018*
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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2. Building Act 2011 Delegations

2.1.3 Occupancy Permits or Building Approval Certificates

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	*Building Act 2011* s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT

2. Building Act 2011 Delegations

	Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage Act 2018*
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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2. Building Act 2011 Delegations

2.1.4 Designate Employees as Authorised Persons

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. NOTE: An *authorised person* for the purposes of sections 96(3) and 99(3) is not an *approved officer* or *authorised officer* for the purposes of Building Reg. 70.
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	**NA**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	*Building Act 2011*: s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

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2. Building Act 2011 Delegations

2.1.5 Building Orders

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to make Building Orders in relation to: a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the *Building Act 2011*.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2. Building Act 2011 Delegations

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	*Building Act 2011*: Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - *s.122* Building orders – application for review by SAT
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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2. Building Act 2011 Delegations

2.1.6 Inspection and Copies of Building Records

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.131(2) Inspection, copies of building records
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine an application from a n interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	*Building Act 2011* - s.146 Confidentiality
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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2. Building Act 2011 Delegations

2.1.7 Referrals and Issuing Certificates

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.145A Local Government functions
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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2. Building Act 2011 Delegations

2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012*: r.51 Approvals by permit authority
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier, or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration** **Manager Leisure and Recreation Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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2. Building Act 2011 Delegations

2.1.9 Smoke Alarms – Alternative Solutions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012:* r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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2. Building Act 2011 Delegations

2.1.10 Appointment of approved officers and authorised officers

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012:* r.70 Approved officers and authorised officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint an approved officer for the purposes of s.6(a) of the *Criminal Procedure Act 2004*, in accordance with Building Regulation 70(1) and (1A). *NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".* 2. Authority to appoint an authorised officer for the purposes of s.6(b) of the *Criminal Procedure Act 2004*, in accordance with Building Regulation 70(2). *NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 <u>and</u> authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).*
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	**NA - see Appointment Instrument**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	*Building Regulations 2012:* r 70(3) each authorised officer must be issued a certificate of appointment.
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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3 Bush Fires Act 1954 Delegations

3.1 Council to CEO, Shire President and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.13(4) Duties and powers of bush fire liaison officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to request on behalf of the Shire of Coolgardie that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.2 Prohibited Burning Times - Vary

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.17(7) Prohibited burning times may be declared by Minister *Bush Fire Regulations 1954:* r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	**Shire President and Chief Bush Fire Control Officer (jointly)**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Council Conditions on this Delegation:	a. Decisions under s,17(7) must be undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.3 Prohibited Burning Times – Control Activities

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land *Bush Fire Regulations 1954:* r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire of Coolgardie or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Council Conditions on this Delegation:	a. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land *Bush Fire Regulations 1954:* r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].

	6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 9. Authority to recover the cost of measures taken by the Shire of Coolgardie or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Council Conditions on this Delegation:	a. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.27D Requirements for carriage and deposit of incendiary material *Bush Fires Regulations 1954:* r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3) 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. *Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer*.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 *Bush Fires Regulations 1954:* r.27(3) Permit, issue of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].

Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.7 Firebreaks

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Coolgardie: a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.38 Local Government may appoint bush fire control officer
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Coolgardie [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)* *See Appointment Instrument*

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.9 Control and Extinguishment of Bush Fires

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.58 General penalty and recovery of expenses incurred
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Coolgardie or those on behalf of the Shire of Coolgardie to do [s.58].
Council Conditions on this Delegation:	a. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.11 Prosecution of Offences

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Council Conditions on this Delegation:	a. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	*Bush Fires Act 1954:* s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags *Cat Regulations 2012* Schedule 3, cl.1(4) Fees Payable
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Coolgardie's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration** **Team Leader Ranger and Emergency Services** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Cat Regulations 2012 r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the *Cat Act 2011*.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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4.1.2 Cat Control Notices

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.26 Cat control notice may be given to cat owner
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Coolgardie's District [s.26].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration** **Team Leader Ranger and Emergency Services** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	*Cat Regulations 2012* – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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4.1.3 Approval to Breed Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged, or destroyed [s.39(2)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Cat Regulations 2012: r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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4.1.4 Recovery of Costs – Destruction of Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.49(3) Authorised person may cause cat to be destroyed
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	a. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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4.1.5 Applications to Keep Additional Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat (Uniform Local Provisions) Regulations 2013*: r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the *Cat (Uniform Local Provisions) Regulations 2013*.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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4.1.6 Reduce or Waiver Registration Fee

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Regulations 2012*: Schedule 3 Fees clause 1(4)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	. a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the *Local Government Act 1995*.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Corporate Affairs** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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4.2 Cat Act Delegations - CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	**Director Community and Development** **Director Corporate Affairs** **Team Leader Ranger and Emergency Services**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to extend the period of 28 days within which the modified penalty may be paid, and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	*Cat Regulations 2012:* r.28 Withdrawal of infringement notice (s.65(1))
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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5 Dog Act 1974 Delegations

5.1 Dog Act Delegations Council to CEO

5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.10A Payments to veterinary surgeons towards costs of sterilisation
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of $150 [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Council Conditions on this Delegation:	. a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Team Leader Ranger and Emergency Services** **Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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5. Dog Act 1974 Delegations

5.1.2 Refuse or Cancel Registration

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the *Cat Act 2011* or the *Animal Welfare Act 2002*; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Coolgardie's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]

5. Dog Act 1974 Delegations

Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Only the CEO may commence legal action.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Team Leader Ranger and Emergency Services** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	*Dog Act 1976* s.17A If no application for registration made – procedure for giving notice of decision under s.16(3) Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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5. Dog Act 1974 Delegations

5.1.3 Kennel Establishments

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.27 Licensing of approved kennel establishments
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the Shire of Coolgardie Dogs Local Law. c. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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5. Dog Act 1974 Delegations

5.1.4 Keeping more than 2 dogs, and up to 6 dogs

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.26 Keeping more than 2 dogs
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Whereas the Shire of Coolgardie Dogs Local Law, limits the number of dogs in Urban areas to 2 animals and in Rural or Special Rural to 3 animals, the local government may give approval to keep more than 2 (or 3) dogs, under s26 of the Dog Act, up to threshold for a kennel establishment.
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the Shire of Coolgardie Dogs Local Law. c. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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5. Dog Act 1974 Delegations

5.1.5 Recovery of Moneys Due Under this Act

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.29(5) Power to seize dogs
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Corporate Affairs** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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5. Dog Act 1974 Delegations

5.1.6 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.29(11) Power to seize dogs
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund. c. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Team Leader Ranger and Emergency Services** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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5. Dog Act 1974 Delegations

5.1.7 Declare Dangerous Dog

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Only the CEO may commence legal proceedings. c. A person who has made a declaration cannot determine an objection or revocation of that determination.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Team Leader Ranger and Emergency Services** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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5. Dog Act 1974 Delegations

5.1.8 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) and (2) Local government may revoke declaration or proposal to destroy
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Only the CEO may commence legal proceedings. c. A person who has made a declaration cannot determine an objection or revocation of that determination.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

5. Dog Act 1974 Delegations

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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5. Dog Act 1974 Delegations

5.1.9 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33H(5) Local government may revoke declaration or proposal to destroy
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Only the CEO may commence legal proceedings. c. A person who has made a declaration cannot determine an objection or revocation of that determination.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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5. Dog Act 1974 Delegations

5.1.10 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous *[s.33H(5)]*.
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Does not include the setting of the fee under s33(M)(10(b) as this must be determined by Council, pursuant to s6.16 LGA. c. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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6. Food Act 2008 Delegations

6 Food Act 2008 Delegations

6.1 Council to CEO

6.1.1 Determine Compensation

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	**CEO** **Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of $500. Compensation requests above this value are to be reported to Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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6. Food Act 2008 Delegations

6.1.2 Prohibition Orders

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	**CEO** **Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration** **Contract Environmental Health Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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6. Food Act 2008 Delegations

6.1.3 Food Business Registrations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	**CEO** **Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration** **Contract Environmental Health Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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6. Food Act 2008 Delegations

6.1.4 Appoint Authorised Officers and Designated Officers

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	**CEO**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the *Public Health Act 2016,* to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7).
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed

6. Food Act 2008 Delegations

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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6. Food Act 2008 Delegations

6.1.5 Debt Recovery and Prosecutions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	**CEO**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3). 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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6. Food Act 2008 Delegations

6.1.6 Food Businesses List – Public Access

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: r.51 Enforcement agency may make list of food
Delegate:	**CEO** **Director Community and Development** **Director Governance and Administration** **Director Corporate Affairs** **Contract Environmental Health Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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7. Graffiti Vandalism Act 2016 Delegations

7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Council Conditions on this Delegation:	a. Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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7. Graffiti Vandalism Act 2016 Delegations

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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7. Graffiti Vandalism Act 2016 Delegations

7.1.3 Obliterate Graffiti on Private Property

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.25(1) Local government graffiti powers on land not local government property
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry.
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	**Director Community Devlopment** **Director Corporate Affairs** **Director Governance and Administration** **Team Leader Ranger and Emergency Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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7. Graffiti Vandalism Act 2016 Delegations

7.1.4 Powers of Entry

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.28 Notice of entry s.29 Entry under warrant
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration** **Team Leader Ranger and Emergency Services** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Health (Asbestos) Regulations 1992:* r.15D(7) Infringement Notices
Express Power or Duty Delegated:	*Health (Asbestos) Regulations 1992:* r.15D(5) Infringement Notices
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the *Criminal Procedure Act 2004* Part 2 [r.15D(5)].
Council Conditions on this Delegation:	a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Sub-Delegate:	Nil – the *Health (Asbestos) Regulations 1992* do not provide a power to sub-delegate.

Compliance Links:	*Criminal Procedure Act 2004* – Part 2
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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8. Public Health Act 2016 Delegations

8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: *Power that enables a delegation to be made*	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.22 Reports by and about enforcement agencies
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Coolgardie [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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8. Public Health Act 2016 Delegations

8.1.3 Designate Authorised Officers

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: *Power that enables a delegation to be made*	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.24(1) and (3) Designation of authorised officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to designate a person or class of persons as authorised officers for the purposes of: i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. Including: a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	a. Subject to each person so appointed being; • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers

8. Public Health Act 2016 Delegations

	s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority *Criminal Investigation Act 2006*, Parts 6 and 13 – refer s.245 of the *Public Health Act 2016* *The Criminal Code*, Chapter XXVI – refer s.252 of the *Public Health Act 2016*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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8. Public Health Act 2016 Delegations

8.1.4 Determine Compensation for Seized Items

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: *Power that enables a delegation to be made*	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.264 Compensation
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Council Conditions on this Delegation:	a. Compensation is limited to a maximum value of $1000, with any proposal for compensation above this value to be referred for Council's determination.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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8. Public Health Act 2016 Delegations

8.1.5 Commence Proceedings

Delegator: *Power / Duty assigned in legislation to:*	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: *Power that enables a delegation to be made*	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.280 Commence proceedings
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. The Chief Executive Officer is delegated authority to commence proceedings for an offence under the Public Health Act 2016 [s.280]
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Illegal Development

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Planning and Development Act 2005:* Section 214(2), (3) and (5)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration**
CEO Conditions on this Sub-Delegation:	

9. Planning and Development Act 2005 Delegations

Conditions on the original delegation also apply to the sub-delegations.	

Compliance Links:	Part 13 of the *Planning and Development Act 2005*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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9. Planning and Development Act 2005 Delegations

9.1.2 Unauthorised or Non – complying Development – Directions and Offences

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Planning and Development Act 2005:* Section 214, 218
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Issue written direction to stop unauthorised development [P&D s214(2)] & s218]. 2. Issue written direction to require the unauthorised development to be brought into compliance by removing, pulling down, taking up or altering the unauthorised development and by restoring the land to how it was prior to the development [P&D s214(3)]. 3.xecute work to have unauthorised development brought into compliance [P&D s214(5).
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Part 13 of the *Planning and Development Act 2005*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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9.2 Local Planning Scheme – Council to CEO

9.2.1 General Delegation

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Planning and Development Act 2005:* Section 214(2), (3) and (5)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to exercise any of the local government's powers or the discharge of any of the local government's duties under Local Planning Scheme No 5, other than this power of delegation
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs** **Director Governance and Administration** **Director Community and Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	

Compliance Links:	Part 13 of the *Planning and Development Act 2005*
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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10 Delegations by the CEO

NOTE: The following delegations are made by the CEO, who holds the original power or duty. Council has no role in these decisions of the CEO, and they are included only for completeness in the Register.

10.1 Local Government Act 1995

10.1.1 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: *Power / Duty assigned in legislation to:*	**Chief Executive Officer**
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election *Local Government (Elections) Regulations 1995*: r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	To: • require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. • decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. • decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. • make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. • approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their family's safety at risk [Elections r.13(2)]. • amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. • ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. • decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider

	submissions [s.4.35(6)], before making such determination. • determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. • decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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10.1.2 Destruction of Electoral Papers

Delegator: *Power / Duty assigned in legislation to:*	**Chief Executive Officer**
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Elections) Regulations 1996*: r.82(4) Keeping election papers – s4.84(a)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	After a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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10.1.3 Information to be Available to the Public

Delegator: *Power / Duty assigned in legislation to:*	**Chief Executive Officer**
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Administration) Regulations 1996*: r.29(2) & (3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) *Local Government Act 1995:* s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to: • determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. • determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. • determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. • determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)]. • determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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10.1.4 Financial Management Systems and Procedures

Delegator: *Power / Duty assigned in legislation to:*	**Chief Executive Officer**
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Financial Management) Regulations 1996:* *r.5 CEO's Duties as to financial management*
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority toto establish systems and procedures which give effect to internal controls and risk mitigation for the: i. Collection of money owed to the Shire, ii. Safe custody and security of money collected or held by the Shire, iii. Maintenance and security of all financial records, including payroll, stock control and costing records, iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities, v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards, vi. Making of payments in accordance with Delegated Authority 1.17, vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements. [FM r.5].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17]

Compliance Links:	

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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10.2 Cat Act 2011

10.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: *Power / Duty assigned in legislation to:*	**Chief Executive Officer**
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* *s.44 Delegation by local government* *s.45 Delegation by CEO of local government*
Express Power or Duty Delegated:	*Cat Act 2011*: s.64 Extension of time s.65 Withdrawal of notice
Delegate:	**Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration** **Team Leader Ranger and Emergency Services**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to: • extend the period of 28 days within which the modified penalty may be paid, and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. • within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	**Director Community and Development** **Director Governance and Administration** **Director Corporate Affairs**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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11 Authorisations and Appointments – As of Right

NOTE: The following authorities are as of right, by virtue of specific legislative provisions, and they are included only for completeness in the Register.

11.1 Australian Citizenship Act 2017

Express Power or Duty:	Australian Citizenship Act 2017 s27(5)
Authorisations:	**President** **Deputy President** **Chief Executive Officer**
Function:	Pursuant to s27(5) of the Australian Citizenship Act 2017 the Shire President, Deputy President, CEO are authorised persons, as of right, to receive a Pledge of Commitment under the Act.

11.2 Litter Act 1979

Express Power or Duty:	Litter Act 1978 – S26(1)(c)(i), (ii)), S30(4a)
Authorisations:	**All elected members and employees are Authorised Persons by virtue of their office.**
Function:	S26(1)(c)(i), (ii) prescribes that all elected members and employees are Authorised Persons by virtue of their office.

12 Authorisations and Appointments by Council

NOTE: The following authorisations and appointments are made by Council, as the Local Government.

12.1 Criminal Code 2013

12.1.1 Person in control of Local Government Property

Appointer:	**Local Government**
Express Power or Duty:	Criminal Code 2013 – S70A
Appointees:	**CEO**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The Chief Executive Officer is deemed to be the person in authority of local government property and facilities, including the Council Chambers during Council and Committee meetings
Conditions on this Authorisation or Appointment:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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12.2 Environmental Protection Act 1986

12.2.1 Referral of Proposals – Environmental Protection Act 1986

Appointer:	**Local Government**
Express Power or Duty:	Environmental Protection Act 1986 – s87, 114(3)
Appointees:	**CEO**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The Chief Executive Officer is authorised to refer Proposals to the Environmental Protection Authority.
Conditions on this Authorisation or Appointment:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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12.2.2 Authorisation

Appointer:	**Local Government**
Express Power or Duty:	Environmental Protection Act 1986 – s87, 114(3)
Appointees:	**CEO**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	IF, pursuant to s87 of the Environmental Protection Act 1986 the Chief Executive Officer of the relevant State Government Department requests nominations to be appointed as an Authorised Person for enforcement, the CEO is to be nominated. The CEO, acting with the consent of the CEO of the relevant State Government Department is authorised to initiate prosecutions.
Conditions on this Authorisation or Appointment:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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12.3 Equal Opportunity Act 1984

12.3.1 Equal Employment Opportunity Management Plans

Appointer:	**Local Government**
Express Power or Duty:	Equal Employment Opportunity Act 1984 – S145
Appointees:	**CEO**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Chief Executive Officer is to prepare and implement equal employment opportunity management plans pursuant to s145 Equal Employment Opportunity Act 1984.
Conditions on this Authorisation or Appointment:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
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12.4 Food Act 2008

12.4.1 Authorised Persons

Appointer:	**Local Government**
Express Power or Duty:	*Food Act 2008*: s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Appointees:	**CEO** **Contract Environmental Health Officer** **Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	CEO, Contract Environmental Health Officer, Deputy CEO are appointed as: • an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. • an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)]. • an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7).
Conditions on this Authorisation or Appointment:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
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12.5 Gaming and Wagering Commission Act 1987

12.5.1 Authorised Persons

Appointer:	**Local Government**
Express Power or Duty:	*Gaming and Wagering Commission Act 1987 s21(2), 55(3)*
Appointees:	**CEO**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	If the Commission requests, the Chief Executive Officer is to be the authorised officer and pursuant to s55(3) if the Commission requests the relevant Reports, the CEO is authorised to provide same.
Conditions on this Authorisation or Appointment:	Only activated if the Commission requests

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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12.6 Liquor Control Act 1988

12.6.1 Issue Certificates, removal of Licences, Application for Extended Trading Permits

Appointer:	**Local Government**
Express Power or Duty:	*Liquor Control Act 1988 – S39; S40; S61(1)(d), (2;) 69(7), (8)*
Appointees:	**CEO** **Director Corporate Affairs** **Director Community and Development** **Director Governance and Administration**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	CEO, Director Corporate Affairs, Director Community and Development and Director Governance and Administration are authorised to: • issue Certificates for grant, change or removal of liquor licences pursuant to s39 (Health), 40 (Planning) Liquor Control Act 1988 • provide comment and make recommendations on Applications for Extended Trading Permits pursuant to s61(1)(d), (2) Liquor Control Act 1988 • intervene in Applications pursuant to S69(7), (8) of the Liquor Control Act 1988
Conditions on this Authorisation or Appointment:	The Chief Executive Officer, Director Corporate Affairs, Director Community and Development and Director Governance and Administration cannot recommend approval or refusal for first time applications for Extended Trading Permits to the relevant State Government authority. Such applications must be considered and determined by the Council. The Chief Executive Officer may recommend approval or refusal for subsequent applications.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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12.7 Litter Act 1979

12.7.1 Authorised Officers, Withdrawal of Infringement Notices

Appointer:	**Local Government**
Express Power or Duty:	*Litter Act 1978 – S26(1)(c)(i), (ii)), S30(4a)*
Appointees:	**CEO** **Director Community and Development** **Director Corporate Affairs**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Pursuant to S30(4a) Litter Act 1979 the Chief Executive Officer, Director Community and Development, Director Corporate Affairs are authorised to withdraw infringement notices.
Conditions on this Authorisation or Appointment:	Employees and elected members appointed under S26(1)(c)(i), (ii) must hold a certificate stating the person is authorised, in accordance with s26(4)(c). If the Chief Executive Officer has issued the relevant infringement notice, the Shire President is authorised to withdraw such a notice.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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12.8 Local Government Act 1995

12.8.1 Authorised Persons - Public Statements on behalf of the local government

Appointer:	**Local Government**
Express Power or Duty:	*Local Government Act 1995) S.2.8(1)(d), 5.41(f)*
Appointees:	**CEO**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The Chief Executive Officer is authorised to speak in public, on behalf of the Shire, **on all matters of an operational nature** and, where the Shire President agrees: • on a specific occasion; or • on a specific subject matter; or • on a specified category of occasions or a specified category of subjects when they arise.
Conditions on this Authorisation or Appointment:	It is acknowledged that under s.5.41, the CEO has additional broad functions including the function of managing the day-to-day operations of the local government. That function requires the CEO from time to time to speak in public as to the local government's affairs, but the agreement of the Shire President is only required where the CEO makes a public statement on behalf of the local government of a kind which would ordinarily fall within the role of the Shire President as the spokesperson of the local government.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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12.9 Rates and Charges (Rebates and Deferments) Regulation Act 1992

12.9.1 Review Officer and Determination Officer – Rates and Charges (Rebates and Deferments) Regulation Act 1992

Appointer:	**Local Government**
Express Power or Duty:	*Rates and Charges (Rebates and Deferments) Regulation Act 1992 – S12; S13; S32*
Appointees:	**CEO** **Director Corporate Affairs**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The Chief Executive Officer is the Pensioner Rates Review Officer, as defined by the Act. The Deputy CEO is the Pensioner Rates Determination Officer as defined by the Act.
Conditions on this Authorisation or Appointment:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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13 Authorisations and Appointments by CEO

NOTE: The following authorisations and appointments are made by the CEO, either as of right, or because of delegated authority from the Council, as the local government. As such they require no Council decisions but are included for completeness of the record.

13.1 Building Act 2011

13.1.1 Authorised Persons

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Building Act 2011*: s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Appointees:	**Chief Executive Officer** **Director Community and Development** **Director Corporate Affairs** **Director Governance and Administration** **Manager Leisure and Recreation Development**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority as Authorised Persons
Conditions on this Authorisation or Appointment:	A permit authority must give an identity card to each person designated by it as an authorised person and which must: (a) identify the person as an authorised person; and (b) contain a recent photograph of the person Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
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13.2 Caravan Parks and Camping Grounds Act 1995

13.2.1 Authorised Persons

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Local Government Act 1995 s9.10* *Caravan Parks and Camping Grounds Act 1995 – s17(1)*
Appointees:	**Chief Executive Officer** **Director Community and Development** **Director Corporate Affairs** **Team Leader Ranger and Emergency Services** **Ranger**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority as Authorised Persons
Conditions on this Authorisation or Appointment:	The CEO must give to each person appointed an identity card that — (a) on the front of the card, sets out — (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person's appointment relates. (5) A person appointed under subsection (2) (the authorised person) must — (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
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13.3 Bush Fires Act 1954

13.3.1 Bush Fire Control Officers

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Bush Fires Act 1954:* s.38 Local Government may appoint bush fire control officer
Appointees:	**Chief Executive Officer** **Team Leader Ranger Services** **Senior Waste Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	CEO appoints CEO, Senior Waste Officer and Team Leader Ranger Services to be a Bush Fire Control Officer for the purposes of the Bush Fires Act 1954; and • appoints the Team Leader Ranger Services as the Chief Bush Fire Control Officer and Senior Waste Officer as the Deputy Chief Bush Fire Control Officer; and • determines the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. • to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire [s.38(5A)]
Conditions on this Authorisation or Appointment:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
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13.4 Caravan Parks and Camping Grounds Act 1995

13.4.1 Authorised Persons

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Local Government Act 1995 s9.10* *Caravan Parks and Camping Grounds Act 1995 – s17(1)*
Appointees:	**Chief Executive Officer** **Director Community and Development** **Team Leader Ranger and Emergency Services** **Ranger**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	CEO, Director Community and Development, Team Leader Ranger and Emergency Services, Ranger are appointed Authorised Persons, with powers of entry and inspection pursuant to s17(1) Caravan Parks and Camping Grounds Act.
Conditions on this Authorisation or Appointment:	The CEO must give to each person appointed an identity card that — (a) on the front of the card, sets out — (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person's appointment relates. (5) A person appointed under subsection (2) (the authorised person) must — (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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13.4.2 Authorised Persons - Infringement Notice

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Local Government Act 1995 s9.10* *Caravan Parks and Camping Grounds Act 1995 – s23(2)*
Appointees:	**Chief Executive Officer** **Director Community and Development** **Director Corporate Affairs** **Team Leader Ranger and Emergency Services** **Ranger**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority as Authorised Persons are appointed an Authorised Person pursuant to s23(2) Caravan Parks and Camping Grounds Act 1995.
Conditions on this Authorisation or Appointment:	The CEO must give to each person appointed an identity card that — (a) on the front of the card, sets out — (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person's appointment relates. (5) A person appointed under subsection (2) (the authorised person) must — (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
2	Resolution #61/2023 28th March 2023

13.4.3 Authorised Persons - Infringement Notice

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Local Government Act 1995 s9.10* *Caravan Parks and Camping Grounds Act 1995 – s23(3)(5)(7)*
Appointees:	**Chief Executive Officer** **Director Community and Development** **Director Corporate Affairs** **Team Leader Ranger and Emergency Services** **Ranger**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority as Authorised Persons for the purposes of s23(3)(5)(7) Caravan Parks and Camping Grounds Act 1995.
Conditions on this Authorisation or Appointment:	The CEO must give to each person appointed an identity card that — (a) on the front of the card, sets out — (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person's appointment relates. (5) A person appointed under subsection (2) (the authorised person) must — (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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13.5 Cat Act 2011

13.5.1 Authorised Persons

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Local Government Act 1995 s9.10* *Cat Act 2011: s. 48 Authorised persons*
Appointees:	**Chief Executive Officer** **Director Community and Development** **Director Corporate Affairs** **Team Leader Ranger and Emergency Services** **Ranger**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	CEO, Director Community and Development, Director Corporate Affairs, Team Leader Ranger and Emergency Services, Ranger, are designated Authorised Persons for the purposes of s62 Cat Act. CEO, Director Community and Development, Director Corporate Affairs, Team Leader Ranger and Emergency Services, Ranger are designated Authorised Persons for all purposes of the Cat Act, except as otherwise provided.
Conditions on this Authorisation or Appointment:	The CEO must give to each person appointed an identity card that — (a) on the front of the card, sets out — (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person's appointment relates. (5) A person appointed under subsection (2) (the authorised person) must — (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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13.6 Control of Vehicles (Off Road Areas) Act 1978

13.6.1 Authorised Persons

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Local Government Act 1995 s9.10* *Control of Vehicles (Off Road Areas) Act 1978 – s38(3)*
Appointees:	**Chief Executive Officer** **Director Community and Development** **Team Leader Ranger and Emergency Services** **Ranger**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	CEO, Director Community and Development, Team Leader Ranger and Emergency Services, Ranger, are designated Authorised Persons for the purposes of the Act.
Conditions on this Authorisation or Appointment:	The CEO must give to each person appointed an identity card that — (a) on the front of the card, sets out — (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person's appointment relates. (5) A person appointed under subsection (2) (the authorised person) must — (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
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13.7 Dog Act 1976

13.7.1 Authorised Persons

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Local Government Act 1995 s9.10* *Dog Act 1976: s.11(1) Staff and Services s.33E(1) Individual dog may be declared to be dangerous dog (declared)*
Appointees:	**CEO** **Director Community and Development** **Team Leader Ranger and Emergency Services** **Ranger** **Kambalda Place Manager** **Coolgardie Place Manager** **Recreation and Community Service Officers** **Support Officer** **Coordinator Recreation and Community Services**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	CEO, Director Community and Development, Team Leader Ranger and Emergency Services, Ranger, Kambalda Place Manager, Recreation and Community Service Officers, Support Officer, Coolgardie Place Manager, Recreation and Community Services Coordinator are designated Authorised Persons for the purposes of the Act. The CEO, Director Community and Development, Ranger, Team Leader Ranger and Emergency Services, Kambalda Place Manager, Recreation and Community Service Officers, Support Officer, Coolgardie Place Manager, Recreation and Community Services Coordinator are designated as Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3]. The Director Community and Development, Team Leader Ranger and Emergency Services and Ranger are designated as Authorised Persons to exercise the powers conferred on an authorised person by this Act [s.11(1)] and specifically to make declarations pursuant to s.33E(1) Individual dog may be declared to be dangerous dog.
Conditions on this Authorisation or Appointment:	The CEO must give to each person appointed an identity card that — (a) on the front of the card, sets out — (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person's appointment relates.

	(5) A person appointed under subsection (2) (the authorised person) must — (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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13.8 Freedom of Information Act 1992

13.8.1 Information Coordinator and Principal Decision Maker

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Freedom of Information Act 1992 – S11, 12, 41, 100*
Appointees:	**CEO as Principal Review Officer** **Director Governance and Administration as Freedom of Information Coordinator**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Director Governance and Administration as the Freedom of Information Coordinator to undertake the duties and functions associated with the lodgement and collation of an application for information in accordance with S11, 12, of the Freedom of Information Act 1992 Director Governance and Administration as the Principal Decision Maker The Chief Executive Officer is the Principal Review Officer.
Conditions on this Authorisation or Appointment:	Principal Decision Maker is the Chief Executive Officer, or an employee directed by the Chief Executive Officer to undertake the duties and functions s100 Principal Review Officer cannot be subordinate to Principal Decision Maker s41

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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13.9 Graffiti Vandalism Act 2016

13.9.1 Authorised Persons

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016].*
Appointees:	**CEO** **Director Community and Development** **Team Leader Ranger and Emergency Services** **Ranger**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	
Conditions on this Authorisation or Appointment:	Cannot determine Objections or Suspension of effect in relation to Notice issued by the employee - s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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13.10 Local Government Act 1995

13.10.1 Authorised Persons - Legal Proceedings, Infringements and Enforcements

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Local Government Act 1995) s9.10(1), 9.11, 9.13, 9.16 and 9.24* *s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land]*
Appointees:	**CEO** **Director Community and Development** **Director Corporate Affairs**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	CEO, Director Community and Development and Director Corporate Affairs Authorised Persons for the purposes of s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] and s9.10(1), 9.11, 9.13, 9.16 and 9.24
Conditions on this Authorisation or Appointment:	Only the CEO may commence legal proceedings. The CEO must give to each person appointed an identity card that — (a) on the front of the card, sets out — (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person's appointment relates. (5) A person appointed under subsection (2) (the authorised person) must — (a) carry their identity card at all times when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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13.11 Local Government (Financial Management) Regulations 1996

13.11.1 Authority to Incur Liabilities

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Regs 5, 11 Local Government (Financial Management) Regulations 1996*
Appointees:	**As detailed below**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Requisitions and Purchase Orders Authority is provided to the following employees to raise requisitions (where appropriate) and to incur liabilities through the issue of Purchase Orders, within the following limits: Chief Executive Officer $250,000 to $349,999 to give effect to CEO determination under delegated authority Director Community and Development $249,999* Director Corporate Affairs $249,999* Director Governance and Administration $249,999* Works Supervisor $20,000 Mechanic $10,000 Leisure and Recreation Development Manager $10,000 Team Leader Ranger and Emergency Services $5,000 Team Leader Heritage and Tourism $5,000 Executive Assistant to CEO $5,000 Executive Assistant to Deputy CEO $5,000 Community Development Team Leader $5,000 Coolgardie Place Manager $5,000 Kambalda Place Manager $5,000 Manager Waste and Sewerage Services $20,000 Credit and Debit Cards Authority is provided to the following employees to incur liabilities through Shire of Coolgardie credit or debit cards, within the following limits: Chief Executive Officer $15,000 Deputy CEO $10,000 Works Supervisor $10,000 Director Corporate Affairs $10,000 Director Governance and Administration $10,000
Conditions on this Authorisation or Appointment:	Use of corporate credit or debit cards must be consistent with Council Policies, and instructions and procedures determined by the CEO.

Compliance Links:	

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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13.12 Planning and Development Act 2005

13.12.1 Authorised, Designated Persons - Infringement Notices

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Planning and Development Act 2005 s228,229,230, 231, 234 Clause 82, Schedule 2, Planning and Development (Local Planning Schemes) Regulations 2015*
Appointees:	**Chief Executive Officer** **Director Community and Development** **Consultant Town Planner**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The Chief Executive Officer designates the Chief Executive Officer as a Designated Person for the purposes of s230, 231. The Chief Executive Officer designates the Director Community and Development, Consultant Town Planner Designated Persons for the purposes of s.228, 229 The Chief Executive Officer designates the Chief Executive Officer, Director Community and Development, Consultant Town Planner as Authorised Persons.
Conditions on this Authorisation or Appointment:	A Designated Person pursuant to s228 cannot be appointed for the purposes of any other Sections as a Designated person

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
2	Resolution #61/2023 28th March 2023
3	

13.14 Public Health Act 2016

13.14.1 Authorised Officers

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Public Health Act 2016 s.24(1) and (3) Designation of authorised officers*
Appointees:	**Chief Executive Officer** **Director Community and Development** **Contract Environmental Health Officer** **Consultant Town Planner**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Director Community and Development, Contract Environmental Health Officer, Consultant Town Planner, are designated as an authorised officer under s24 of the Public Health Act 2016.
Conditions on this Authorisation or Appointment:	Must operate in accordance with the conditions within the Shire of Coolgardie Health Local Law 2021. A list of all officers designated as authorised officers must be kept and maintained in accordance with s27 of the Public Health Act 2016. Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with s30 of the Public Health Act 2016.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
2	Resolution #61/2023 28th March 2023
3	

13.14.2 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Health (Asbestos) Regulations 1992* *Pt 2 Criminal Procedure Act 2004*
Appointees:	**CEO** **Director Community and Development** **Contract Town Planner** **Contract Environmental Health Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The Contract Environmental Health Officer, Director Community and Development, Contract Town Planner are appointed Authorised Persons and authorised pursuant to the Health (Asbestos) Regulations 1992 for the issuing of infringement notices. The Chief Executive Officer is appointed as an Approved Officer pursuant to the Health (Asbestos) Regulations 1992 and the Criminal Procedure Act 2004 for the withdrawal or extension to a period to pay an infringement notice.
Conditions on this Authorisation or Appointment:	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
2	Resolution #61/2023 28th March 2023
3	

13.15 Public Interest Disclosure Act 2003

13.15.1 Public Interest Disclosures

Appointer:	**Chief Executive Officer**
Express Power or Duty:	*Public Interest Disclosure Act 2003 – s23(1)(a)*
Appointees:	**CEO** **Director Governance and Administration**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Pursuant to s23(1)(a) Public Interest Disclosure Act 2003 the Principal Executive Officer (Chief Executive Officer) designates the occupant of a specified position within the authority as the person responsible for receiving disclosures of public interest information. The Director Governance and Administration of the Shire of Coolgardie is designated accordingly.
Conditions on this Authorisation or Appointment:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Resolution #42/2022 22nd March 2022
2	Resolution #61/2023 28th March 2023
3	

14 Statutory Authorisations and Delegations to Local Government from State Government Entities

14.1 Environmental Protection Act 1986

14.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
Previous Close Next

No. 47. 19-Mar-2004
Page: 919 Pdf - 476kb

EV401

ENVIRONMENTAL PROTECTION ACT 1986
Section 20
Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

14.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
Previous Close Next

No. 232. 20-Dec-2013
Page: 6282 Pdf - 3Mb

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

(a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;

(b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);

(c) community activities--noise control notices in respect of community noise under regulation 16;

(d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;

(e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;

(f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;

(g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--

(i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

14.1.3 Noise Management Plans – Construction Sites

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
Previous Close Next

No. 71. 16-May-2014
Page: 1548 Pdf - 2Mb

EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

(a) Chief Executive Officer under the *Local Government Act 1995;* and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997,* other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984,* Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

14.2 Planning and Development Act 2005

14.2.1 Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2nd day of June 2016

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- the land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road.

in respect of development applications being made under or referred to in:

(i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);

(ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);

(iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);

(iv) section 122A of the Planning and Development Act 2005 in respect of which approval is required under an improvement scheme (as that term is defined in that Act);

(v) section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);

(vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;

(vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

Column 2

City of Albany
City of Armadale
Shire of Ashburton
Shire of Augusta-Margaret River
Town of Bassendean
City of Bayswater
City of Belmont
Shire of Beverley
Shire of Boddington
Shire of Boyup Brook
Shire of Bridgetown-Greenbushes
Shire of Brookton
Shire of Broome
Shire of Broomehill-Tambellup
Shire of Bruce Rock
City of Bunbury
Shire of Busselton
Town of Cambridge
City of Canning
Shire of Capel
Shire of Carnamah
Shire of Carnarvon
Shire of Chapman Valley
Shire of Chittering
Shire of Christmas Island
Town of Claremont
City of Cockburn
Shire of Cocos (Keeling) Islands
Shire of Collie
Shire of Coolgardie
Shire of Cooloow
Shire of Corrigin
Town of Cottesloe
Shire of Cranbrook
Shire of Cuballing
Shire of Cue
Shire of Cunderdin
Shire of Dalwallinu
Shire of Dandaragan
Shire of Dardanup
Shire of Denmark
Shire of Derby/West Kimberley
Shire of Donnybrook-Balingup
Shire of Dowerin
Shire of Dumbleyung
Shire of Dundas
Town of East Fremantle
Shire of East Pilbara
Shire of Esperance
Shire of Exmouth
City of Fremantle
City of Greater Geraldton

Shire of Gingin
Shire of Gnowangerup
Shire of Goomalling
City of Goorellis
Shire of Halls Creek
Shire of Harvey
Shire of Irwin
Shire of Jerramungup
City of Joondalup
Shire of Kalamunda
City of Kalgoorlie-Boulder
Shire of Katanning
Shire of Kellerberrin
Shire of Kent
Shire of Kojonup
Shire of Kondinin
Shire of Koorda
Shire of Kulin
City of Kwinana
Shire of Lake Grace
Shire of Laverton
Shire of Leonora
City of Mandurah
Shire of Manjimup
Shire of Meekatharra
City of Melville
Shire of Menzies
Shire of Merredin
Shire of Mingenew
Shire of Moora
Shire of Morawa
Town of Mosman Park
Shire of Mount Magnet
Shire of Mt Marshall
Shire of Mukinbudin
Shire of Mundaring
Shire of Murchison
Shire of Murray

Column 3

In accordance with and subject to approved Government Land policies.

Any signature subject to the following endorsement:
Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjarraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yilgarn
Shire of York

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd ..... day of June 2016

14.2.2 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)

29 January 2021 GOVERNMENT GAZETTE, WA 449

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;

B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;

C. TO AMEND "Del 2020/01—Powers of Local Governments" to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

Schedule 1

1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

(a) propose the creation of a vacant lot;

(b) propose vacant air stratas in multi-tiered strata scheme developments;

(c) propose the creation or postponement of a leasehold scheme;

(d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);

(e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—

i. a type of development; and/or

ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

2. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

(a) section 21 of the *Strata Titles Act 1985*;

(b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

14.3 Main Roads Act 1930

14.3.1 Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website here

WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;

ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or

iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

(a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;

(b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and

(c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and

2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Page 1 of 2

Dated:

THE COMMON SEAL OF THE COMMISSIONER OF MAIN ROADS)

WAS AFFIXED BY)

COMMISSIONER OF MAIN ROADS)

FOR THE TIME BEING IN THE PRESENCE OF:

_____
Signature of Witness

_____
Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

……*(Insert name of Local Government)*…… agrees to unconditionally observe, perform and be bound by the above conditions.

THE COMMON SEAL of)

_____
[Insert name of Local Government])

Was hereunto affixed pursuant to a resolution of the Council in the presence of:)

_____
Signature of Chief Executive Officer

_____
Signature of Witness

_____
Name of Witness (please print)

Page 2 of 2

14.3.2 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website here

WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises ..... ("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

(a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;

(b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and

(c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)
WAS AFFIXED BY)
)
)
COMMISSIONER OF MAIN ROADS)
FOR THE TIME BEING IN THE PRESENCE OF:)

_____
Signature of Witness

_____
Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE)

.....)
WAS AFFIXED PURSUANT TO A RESOLUTION)
OF THE COUNCIL IN THE PRESENCE OF)

_____
Chief Executive Officer

_____
Witness

14.4 Road Traffic (Vehicles) Act 2012

14.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles

Government of **Western Australia**
Department of **Transport**
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

(a) the *Local Government Act 1995*;

(b) regulations made under the *Local Government Act 1995*;

(c) a local law;

(d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or

(e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "*special use vehicle*" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

CONDITIONS

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must:

Government of **Western Australia**
Department of **Transport**
Driver and Vehicle Services

(a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and

(b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 7 is not intended to prevent the use of additional words on the vehicle.

Christopher Davers
Assistant Director, Strategy and Policy
Driver and Vehicle Services
Department of Transport

Dated the 5th day of September 2017

Approval for ranger vehicles to fit and use yellow flashing lights (transport.wa.gov.au)
Extracted on line on 15 March 2021