



Delegation Register

JULY 2025

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Introduction

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 Council (and the Chief Executive Officer, in the case of most sub delegations) delegate matters where the relevant employees (and sometimes other persons) have the appropriate skills and expertise to implement the delegation or sub delegation within the Shire's decision-making frameworks. At the same time the exercise of all delegated and sub delegated authority is subject to complying with relevant policies of the Shire, which are 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 a particular issue.

Definitions

The terms used throughout this register are defined below:

Delegate

the person (named by position title or office) or entity 'appointed' by the delegator, to act in place of the delegator for the purpose of exercising an express power or duty.

Delegation

the process, prescribed in legislation, for assigning authority to exercise an express power or duty from the delegate to another person (named by position title or office) or an entity (the Delegate).

Delegator

the person (named by position title or office) or entity in which the written law vests an Express Power or Duty who delegates that Express Power or Duty.

Express Power or Duty

a power or duty written (expressly) in legislation.

Express Power to Delegate

a power (procedure) written (expressly) in legislation that enables the devolution of an Express Power or Duty from a Delegator to a Delegate.

Head of Power

the legislation, which contains an express power to delegate and/or an express power or duty.

Instrument of Delegation

the written form of a delegation. Legislation requires delegation be provided in writing. The instrument of delegation communicates the delegation from the Delegator to the Delegate.

Sub-delegate

the person (named by position or title or office) or entity to which a Delegate has sub-delegated a power or duty, which has been delegated to that Delegate by the Delegator.

Local Government Act 1995

The majority of 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 Section 5.42(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 Section 5.43.

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.

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 (Section 5.44(1)), in writing (Section 5.44(2)) and may include conditions (Section 5.44(4)).

Review of Delegations

The *Local Government Act 1995* requires that a review of the Delegations Register occurs at least once every financial year. Delegations, other Acts have different requirements. Where there is no statutory requirement for review, the provisions of the *Local Government Act 1995* shall be applied to ensure uniformity. The review will include the Chief Executive Officer reviewing all sub-delegations and authorisations.

Standard Conditions of Delegations

In accordance with Section 5.71 of the *Local Government Act 1995* and the Shire of Dowerin's Code of Conduct, if an employee has been delegated a power or duty relating to a matter in which the employee has an interest, that employee must not exercise the power or discharge the duty and must, in the case of the CEO, disclose to the Shire President the nature of the interest, and in the case of any other employee, must disclose to the CEO the nature of the interest. The *Local Government Act 1995* contains severe penalties for failure to comply.

In accordance with Sections 5.75 and 5.76 of the *Local Government Act 1995*, the delegation of a power or duty to an employee triggers the requirement to make disclosures in primary and annual returns. The *Local Government Act 1995* contains severe penalties for failure to comply. It is the responsibility of each individual employee to ensure compliance.

Any delegation exercised shall comply with any laws and regulations in force, and the requirements of any Shire of Dowerin Local Laws, Council Policies and resolutions of Council.

In accordance with Section 5.46(3) of the *Local Government Act 1995*, a person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty. Regulation 19 of the *Local Government (Administration) Regulations 1996* requires the person to whom the power or duty has been delegated to keep a written record of:

1. how the person exercised the power or discharged the duty;
2. when the person exercised the power or discharged the duty; and
3. the person 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.

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 1995* requires that records be kept whenever the delegated authority is utilised (Section 5.46 (3)). Regulation 19 of the *Local Government (Administration) Regulations 1996* prescribes the information required to be recorded:

1. how the person exercised the power or discharged the duty;
2. when the person exercised the power or discharged the duty; and
3. 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.

Officers responsible for a delegated function, power or duty are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required.

Primary and Annual Returns

An employee to whom a duty or power is delegated under the *Local Government Act 1995* is considered a 'designated employee' under Section 5.74(1) of the Act and is required to complete a primary and annual return each year.

Matters which cannot be Delegated

The following are decisions that cannot be delegated by Council to the Chief Executive Officer as per Section 5.43 of the Act:

1. Any power or duty that requires a decision of an absolute majority
2. Accepting a tender which exceeds an amount determined by the local government;
3. Appointing an auditor;
4. Acquiring or disposing of any property valued at an amount determined by the local government;
5. Any of the local government's powers under Sections 5.98, 5.98A, 5.99A, 5.99 and 5.100 of the Act;
6. Borrowing money on behalf of the local government;
7. Hearing or determining an objection of a kind referred to in Section 9.5;
8. The power under Section 9.49(4) to authorize a person to sign documents on behalf of the local government;
9. Any power of duty that requires the approval of the Minister or Governor; or
10. Such other duties or powers that may be prescribed by the Act.

Furthermore, the following regulations prescribe powers and duties which cannot be delegated to the CEO:

1. Regulation 18G of the *Local Government (Administration) Regulations 1996* prohibits the delegation to a CEO of the powers and duties under Sections 7.12(a), 7.12A(3)(a) and 7.12A(4) of the *Local Government Act 1995* (relating to meetings with auditors);
2. Regulations 18C and 18D (relating to the selection and appointment of CEO's and reviews of their performance); and
3. Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

Delegation by the Chief Executive Officer to an Employee

Section 5.44(1) of the *Local Government Act 1995* allows for the Chief Executive Officer to delegate any of the powers to another employee other than the power of delegation. This must be done in writing as per Section 5.44(2). The Act also allows for the Chief Executive Officer to place conditions on any delegations if desired under Section 5.44(4).

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year as per Section 5.46(1) and (2) of the Act. If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is exercised as per Section 5.46(3) of the Act.

The record is to contain the following information:

1. How the person exercised the power or discharged the duty;
2. When the person exercised the power or discharged the duty; and
3. 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 under Regulation 19 of *Local Government (Administration) Regulations 1996*.

Officers 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.

A person to whom a power is delegated under the Act is considered to be a “designated employee” under Section 5.74(1) of the Act and is required to complete a primary and annual return each year.

There is no power for a person other than the CEO to delegate a power as stated in Section 5.44(1) of the Act.

Officers must refer to relevant legislation prior to making any decisions under delegated authority.

Acting through another person

The *Local Government Act 1995* recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire. Section 5.45(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.

Using delegation to make decisions

Before using a delegated authority, a delegate must familiarise themselves with the legislative framework that informs the decisions they will make under the Delegation.

Care should be taken to understand the legislative process, conditions and limitations relevant to the statutory power or duty. The delegate must also consider and apply policy, procedures or standards that are relevant to the decisions they are empowered to make and also ensure that they comprehensively understand the legal framework that informs their decision making.

Conflicts of Interest

A conflict of interest arises where a personal interest is in conflict with the public interest. Delegates must disclose any conflict of interest, which may require them to be removed from the decision-making process. A Delegate may also refer the decision-making back to the Delegator where they consider there is a risk or sensitivity which makes it more appropriate for the Delegator to make that decision.

The Shire's Code of Conduct requires that employees immediately disclose interests that could be in conflict, or could be perceived to be in conflict, with the performance of their public duties.

1. Council to Committees of Council

1.1 Audit & Risk Committee

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Delegate:	Audit and Risk Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: <ol style="list-style-type: none"> a. examine the report of the Auditor and determine matters that require action to be taken by the Shire of Dowerin; and b. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 3. Authority to review and endorse the Shire of Dowerin's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Council Conditions on this Delegation:	This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be conducted with Council.
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.7.1B.
Compliance Links:	<u>Local Government (Audit) Regulations 1996</u> Department of Local Government, Industry Regulation and Safety <u>Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees</u> Audit and Risk Committee Terms of Reference
Record Keeping:	Audit and Risk Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19. Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Delegation's Register is to be reported to Council monthly as an attachment to the Information Report.

2. Law & Order

2.1 Authorise a Person to Perform Specified Functions under the Local Government Act 1995

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this Subdivision s.3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.24(1)(c) and (2)(b) Prosecutions, commencing <i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 Pounds, establishing; pound keepers and rangers, appointing
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to authorise persons for the purposes of <i>Part 3, Division 3, Subdivision 2 - Certain provisions about land</i> - to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24] 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)] 3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. 4. Authority to authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws made under the Local Government Act 1995 [s.9.24(1)(c) and (2)(b)]. 5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)]. 6. Authority to appoint fit and proper persons as pound keepers or rangers [Misc.Prov.s.449].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions. c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Governance and Community Services Manager of Infrastructure and Projects Manager of Corporate Services Environmental Health and Regulatory Advisor
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

2.2 Powers of Entry

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of entry 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:	<ol style="list-style-type: none"> 1. 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. 2. When exercising authority to authorise persons under s.3.31(2): <ul style="list-style-type: none"> • A register of Authorisations is to be maintained as a Local Government Record. • Only persons who are appropriately qualified and trained may be appointed as Authorised persons. • Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Governance and Community Services Manager of Infrastructure and Projects Manager of Corporate Services Environmental Health and Regulatory Advisor
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<u><i>Local Government Act 1995:</i></u> Authorise person – refer s.3.31(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
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

2.3 Declare Vehicle is Abandoned Vehicle Wreck

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 2.4 Confiscated or Uncollected Goods or alternatively, referred for Council decision. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated refer Delegated Authority 2.1 Authorise Persons to Perform Specified Functions.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<u><i>Local Government Act 1995:</i></u> Part 3, Division 3, Subdivision 3
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All documentation relating to the disposal of a declared abandoned vehicle wreck is to be recorded in accordance with the Shire of Dowerin Record Keeping Plan.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

2.4 Confiscated or Uncollected Goods

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or s.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. The period after which goods may be sold or otherwise disposed of under subsection (2b) is: <ul style="list-style-type: none"> • for perishable goods — 3 days. • for animals — 7 days. • for prescribed non-perishable goods — one month. • for other non-perishable goods — 2 months.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 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. b. The Delegation can only be used where the Delegate's reasonable efforts to identify and contact an owner have failed. c. If the market value is less than \$500, then the uncollected goods/abandoned vehicles are to be disposed of via a Private Treaty. <p>NOTE - declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated - refer Delegated Authority 2.1 Authorise Persons to Perform Specified Functions</p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Local Government Act 1995</i> 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:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All documentation relating to the disposal of confiscated or uncollected goods is to be recorded in accordance with the Shire of Dowerin Record Keeping Plan.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

GUIDANCE NOTE:

Section 3.47 specifies that Section 3.58 applies to disposal of goods under Section 3.47. Note however that the Section 3.57 tender requirements do not apply to either the disposal of confiscated or uncollected goods OR the Disposal of Property under Section 3.58. (Section 3.57 applies only to “contracts... under which another person is to supply goods or service”).

2.5 Disposal of Sick or Injured Animals

Delegator:	Local Government
Express Power to Delegate:	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:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<i>Local Government Act 1995</i> Part 3, Division 3, Subdivision 3 s.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	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

2.6 Compensation – Damage Incurred when Performing Executive Functions

Delegator:	Local Government
Express Power to Delegate:	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:	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 \$50,000.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3. Works & Engineering

3.1 Close Thoroughfares to Vehicles

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> • 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 close a thoroughfare partially and temporarily 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 [s.3.51].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 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)]. b. Where the closure is required for the conduct of an event, the requirements of the <i>Road Traffic (Events on Roads) Regulations 1991</i> will be applied. c. Limited to temporary road closures only. Permanent closure of roads must be determined by Council and subject to compliance with Land Administration Act 1987, s.58. d. Maintain access to adjoining land [s.3.52(3)] (relevant to the Townsite only).
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation:	<p>The following listed sub-delegates are limited to determining road closures in an emergency, where it is determined that there is reasonable and imminent risk to public safety or property and subject to the road closure being given effect through sufficient and compliant traffic management:</p> <p>Manager of Infrastructure and Projects</p> <p>Conditions on the original delegation also apply to the sub- delegation</p>
Compliance Links:	<i>Local Government Act 1995: Part 3, Division 3, Subdivision 3</i> <i>Road Traffic (Events on Roads) Regulations 1991</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i>

	Activities in Thoroughfares and Public Places and Trading Local Law Local Government Property Local Law Land Administration Act 1987
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3.2 Obstruction of Footpaths and Thoroughfares

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in <i>the <u>Local Government (Uniform Local Provisions) Regulations 1996</u></i>. b. Permission may only be granted where the proponent has: <ol style="list-style-type: none"> 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.

Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation.
Compliance Links:	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> <i>Road Traffic (Events on Roads) Regulations 1991</i> Activities in Thoroughfares and Public Places and Trading Local Law Local Government Property Local Law
Record Keeping	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3.3 Public Thoroughfare – Dangerous Excavations

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	Chief Executive Officer
Function: <i>The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.</i>	<ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <u><i>Local Government (Uniform Local Provisions) Regulations 1996</i></u>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<u><i>Local Government (Uniform Local Provisions) Regulations 1996</i></u> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <u><i>Local Government Act 1995</i></u>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3.4 Crossings – Construction, Repair and Removal

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <u>Local Government (Uniform Local Provisions) Regulations 1996</u>. b. Maintenance and upkeep of the crossing to a safe and useable standard is the responsibility of the property owner.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<u>Local Government (Uniform Local Provisions) Regulations 1996</u> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <u>Local Government Act 1995</u> Activities in Thoroughfares and Public Places and Trading Local Law
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available <u>Here</u>) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3.5 Performing Particular Things on Land which is not the Local Government's Property

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.27 Particular things local governments can do on land that is not local government property Sch.3.2 Particular things local governments can do on land even though it is not local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to carry out things as follows: <ol style="list-style-type: none"> 1. Carry out works for the drainage of land [Sch.3.2(1)]; 2. Do earthworks or other works on land for preventing or reducing flooding [Sch.3.2(2)]; 3. Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate [Sch.3.2(3)]; 4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence or gate do not, in the opinion of the local government, require [Sch.3.2(4)]; 5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare [Sch.3.2(5)]; 6. Place on land signs to indicate the names of public thoroughfares [Sch.3.2(6)]; and 7. Make safe a tree that presents serious and immediate danger, without having to give the owner the notice otherwise required by regulations [Sch.3.2(7)].
Council Conditions on this Delegation:	An effort must have been made to notify the owner(s) and seek approval prior to works being carried out.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3.6 Notices Requiring Things to be done by Owner/Occupier of Land, Additional Powers when Notice is Given

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.25 Notices requiring certain things to be done by owner or occupier of land s.3.1 Powers under notices to owners or occupiers of land s.3.2 Particular things local governments can do on land even though it is not local government property <i>Local Government (Uniform Local Provisions) Regulations 1995</i> r.11 Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl. 6
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to exercise the powers and duties of the local government in relation to notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given.
Council Conditions on this Delegation:	Must comply with relevant Council Policies.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3.7 Restricted Access Vehicle Network Requests

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.53 Control of certain unvested facilities
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve or reject applications to use RAV Network 2, 3 & 4 combinations on all local roads considered suitable for use by that combination.
Council Conditions on this Delegation:	a. All applications must be made in writing and will be subject to assessment against criteria and conditions stipulated in Council Policy 4.3 – Restricted Access Vehicle Policy. b. All applications for Network 5 and above are to be presented to Council for determination.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	Council Policy 4.3 – Restricted Access Vehicle Policy <i>Road Traffic Act 1974</i> <i>MRWA Guidelines</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3.8 Control Reserves and Certain Unvested Facilities

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. 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 <i>Parks and Reserves Act 1895</i> [s.3.54(1)] 2. 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)].
Council Conditions on this Delegation:	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:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> a. Conditions on the original delegation also apply to the sub- delegation b. Must comply with relevant Council Policies
Compliance Links:	<i>Local Government Act 1995</i> : Part 3, Division 3, Subdivision 3 <i>Parks and Reserves Act 1895</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3.9 Give Notice to Prevent Damage to Local Government Property and other Land from Wind Erosion and Sand Drift

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl. 12 (1) (2)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice to an owner/occupier of land if it is considered that clearing the owner/occupier's land might cause local government land having a common boundary to be adversely affected by wind erosion or sand drift [ULP r.21(1)] 2. Authority to give notice to owner/occupier of land to prevent or to minimise sand drifts that is likely to adversely affect other land
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3.10 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	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation: Conditions on the delegation also apply to sub-delegation.	
Compliance Links:	<u><i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i></u> <u><i>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</i></u> <u><i>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</i></u> <u><i>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</i></u>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3.11 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	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Delegate:	Manager of Infrastructure and Projects
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9: <ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> 1. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 3.2 Obstruction of Footpaths and Thoroughfares. 2. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express Power to Sub-Delegate:	<i>Nil</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: Conditions on the delegation also apply to sub-delegation.	<p>This delegated authority is effective only in alignment with Delegated Authority 3.2 Obstructions of Footpaths and Thoroughfares.</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><u>Local Government (Uniform Local Provisions) Regulations 1996</u></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
Compliance Links:	<u>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</u>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

3.12 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 2. Each approval provided must be recorded in the Shire of Dowerin'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: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation: Conditions on the delegation also apply to sub-delegation.	
Compliance Links:	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

4. Administration

4.1 Expressions of Interest for Goods and Services

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer r.24 Person expressing interest to be notified of outcome
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 & r24].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services Manager of Governance and Community Services Manager of Infrastructure and Projects
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<u>Local Government (Functions and General) Regulations 1996</u> - prescribe applicable statutory procedures <u>WALGA Subscription Service</u> - Procurement Toolkit Council Policy 3.11 - Purchasing Policy Council Policy 3.15 - Regional Price Preference Policy
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Details to be recorded in the Tender Register.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

4.2 Tenders for Goods and Services – Call Tenders

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. b. The decision under this delegation cannot be enacted if it falls within the Local Government Caretaker period, unless otherwise prescribed [s.3.73 LGA]. c. Any decision under this delegation cannot be done if it falls within the Local Government Caretaker period, unless otherwise prescribed [s.3.73 LGA].
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects Manager of Governance and Community Services Manager of Corporate Services

Compliance Links:	<p>Conditions on the original delegation also apply to the sub- delegation</p> <p>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.</p>
	<p><u>Local Government Act 1995</u></p> <p><u>Local Government (Functions and General) Regulations 1996</u> – prescribe applicable statutory procedures</p> <p><u>WALGA Subscription Service</u> – Procurement Toolkit</p> <p>Council Policy 3.11 - Purchasing Policy</p> <p>Council Policy 3.15 – Regional Price Preference Policy</p> <p>Council Policy 3.17 - Contract Variations Policy</p>
Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available <u>Here</u>) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>Entry in the Tender Register in accordance with Regulation 17 <i>Local Government (Functions and General) Regulations 1996</i>.</p> <p>Documentation to be recorded in accordance with the Shire of Dowerin Record Keeping Plan.</p>
Reporting Requirements:	<p>The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.</p>

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

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
Express Power or Duty Delegated:	<p>Local Government Act 1995:</p> <p>s.3.57 Tenders for providing goods or services</p> <p>Local Government (Functions and General) Regulations 1996:</p> <p>r.11(2)(j) Exercising contract extension options</p> <p>r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders</p> <p>r.20(1), (2), (3) Variation of requirements before entry into contract</p> <p>r.21A Varying a contract for the supply of goods or services</p>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 \$250,000 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 OR 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 before 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, after it has been entered into, provided the variation/s are necessary for the 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 \$50,000 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:	<ol style="list-style-type: none"> 1. 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. 2. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: <ol style="list-style-type: none"> a. The total consideration under the resulting contract is \$250,000 or less; b. The expense is included in the adopted Annual Budget; and c. The tenderer has complied with requirements under F&G r.18(2) and (4). 3. A decision to vary a tendered contract before 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. 4. 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) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term. 5. Any decision under this delegation cannot be done if it falls within the Local Government Caretaker period, unless otherwise prescribed [s.3.73 LGA].
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects Manager of Governance and Community Services Manager of Corporate Services
Compliance Links:	Conditions on the original delegation also apply to the sub- delegation 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. <u>Local Government Act 1995</u> <u>Local Government (Functions and General) Regulations 1996</u> – prescribe applicable statutory procedures <u>WALGA Subscription Service</u> – Procurement Toolkit Council Policy 3.11 - Purchasing Policy Council Policy 3.15 – Regional Price Preference Policy Council Policy 3.17 - Contract Variations Policy
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Entry in the Tender Register in accordance with Regulation 17 <i>Local Government (Functions and General) Regulations 1996</i> . Documentation to be recorded in accordance with the Shire of Dowerin Record Keeping Plan.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

4.4 Tenders for Goods and Services – Exempt procurement

Delegator:	Local Government	
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> 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)]	\$250,000
	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)]	\$250,000
	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)]	\$250,000
	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000
	Goods or services supplied by a person registered on the Aboriginal Business Directory WA 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)]	\$250,000
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000
	<ol style="list-style-type: none"> b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> 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 \$250,000 delegated above, the decision is to be referred to Council. 	

	d. The decision under this delegation cannot be enacted if it falls within the Local Government Caretaker period, unless otherwise prescribed [s.3.73 LGA].
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects Manager of Governance and Community Services Manager of Corporate Services
	Conditions on the original delegation also apply to the sub- delegation 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:	<u>Local Government Act 1995</u> <u>Local Government (Functions and General) Regulations 1996</u> – prescribe applicable statutory procedures <u>WALGA Subscription Service</u> – Procurement Toolkit Council Policy 3.11 - Purchasing Policy Council Policy 3.15 – Regional Price Preference Policy Council Policy 3.17 - Contract Variations Policy
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Entry in the Tender Register in accordance with Regulation 17 <i>Local Government (Functions and General) Regulations 1996</i> . Documentation to be recorded in accordance with the Shire of Dowerin Record Keeping Plan.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

4.5 Panels of Pre-Qualified Suppliers for Goods and Services

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
Express Power or Duty Delegated:	<p><i>Local Government (Functions and General) Regulation 1996:</i></p> <p>r.24AB Local government may establish panels of pre-qualified suppliers</p> <p>r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers</p> <p>r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers</p> <p>r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers</p>
Delegate:	Chief Executive Officer
Function:	<p><i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p> <ol style="list-style-type: none"> 1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Council Conditions on this Delegation:	<p>a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s:	Manager of Governance and Community Services
Appointed by CEO	
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation
Compliance Links:	<p><u>Local Government (Functions and General) Regulations 1996</u> – prescribe applicable statutory procedures <u>WALGA Subscription Service</u> – Procurement Toolkit Council Policy 3.11 – Purchasing Policy</p> <p>Council Policy 3.15 – Regional Price Preference Policy</p>

Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>Entry in the Tender Register in accordance with Regulation 17 <i>Local Government (Functions and General) Regulations 1996</i>. Documentation to be recorded in accordance with the Shire of Dowerin Record Keeping Plan. Original tender documentation to be kept in the strong room.</p>
Reporting Requirements:	<p>The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.</p>

4.6 Application of Regional Price Preference Policy

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government (Functions and General) Regulations 1996:</i> r.24G Adopted regional price preference policy, effect of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<u>Local Government (Functions & General) Regulations 1996</u> Council Policy 3.11 – Purchasing Policy Council Policy 3.15 - Regional Price Preference Policy
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . The decision on whether a regional price preference is to be applied to a particular tender is to be included in the tender specifications for that tender.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

4.7 Disposing of Property

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
Express Power or Duty Delegated:	<p><i>Local Government Act 1995:</i></p> <p>s.3.58(2) & (3) Disposing of Property</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>R.30 Dispositions of property excluded from Act s.3.58</p>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to dispose of property to: <ol style="list-style-type: none"> to the highest bidder at public auction [s.3.58(2)(a)]. to 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 tenders [s.3.58(2)(b)] 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)]. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> disposal of land to an adjoining owner, where the market value is less than \$5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G.r.30(2)(a)] disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)]. disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G.r.30(2)(e)] disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)]. disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice[F&G.r.(2A)] disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&G.r.30(3)(a)] disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000. [F&G.r.30(3)(b)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 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. 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 \$75,000 or less. When determining the method of disposal: <ul style="list-style-type: none"> Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> Reserve price has been set by independent valuation. 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.

	<ul style="list-style-type: none"> 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, 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: <ul style="list-style-type: none"> Negotiate the sale of the property up to a -10% variance on the valuation; and Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. A disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government. A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in context of disposals to other employees of the Local Government. Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes. <p>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:</p> <ul style="list-style-type: none"> 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 <p>e. is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.</p> <p>f. Where the disposal relates to a lease or sub-lease of a Reserve vested in the Shire, the Power to Lease must be included as a condition on the Management Order with the State.</p> <p>g. Any decision under this delegation cannot be done if it falls within the Local Government Caretaker period, unless otherwise prescribed [s.3.73 LGA].</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<p><i>Local Government Act 1995</i> – s.3.58 Disposal of Property</p> <p><i>Local Government (Functions and General) Regulations 1995</i> – r.30 Dispositions of property excluded from Act s. 3.58</p> <p>Council Policy 3.3 - Disposal of Property Policy</p> <p><i>Land Administration Act 1987</i> – where Ministerial approval is required before Crown Land may be disposed of.</p>
Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>All documentation relating to the disposal of property is to be recorded in accordance with the Shire of Dowerin Record Keeping Plan</p> <p>Executed leases, tenancy agreements etc are to be retained in SharePoint/Legal Services/Agreements.</p>
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

4.8 Legal Matters & Representation

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.9.29
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint an employee to represent the local government in legal proceedings either generally or in a particular case and to obtain legal advice and opinions as are deemed necessary in the exercise and management of the local government. [s.9.29(2)(b)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. The CEO may only appoint the following officers to represent Council in legal proceedings or authorise them to obtain legal advice: <ul style="list-style-type: none"> i. Manager of Corporate Services ii. Manager of Governance and Community Services iii. Manager of Infrastructure and Projects b. Legal proceedings may only be initiated with the prior approval of Council subject to adequate provision in the Budget.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Local Government Act 1995</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.
Note:	The above delegation is in addition to, and not in derogation of, the provisions under Section 358 of the Health Act 1911 which states that an environmental health officer of a local government may, by virtue of his/her office, and without receiving express authority from such local government, institute and carry on proceedings against any person for an alleged offence under this Act or any local law or regulation made thereunder, and he/she shall be reimbursed out of the funds of the local government all costs and expenses which he/she may incur or be put to in or about such proceedings.

4.9 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> 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 <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate:	Manager of Governance and Community Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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.4.32(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)]. 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)].
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	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:	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:

Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available [Here](#)) in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.

4.10 Destruction of Electoral Papers

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>
Express Power or Duty Delegated:	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate:	Manager of Governance and Community Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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 Sub-Delegation:	
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:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .

4.11 Financial Management Systems and Procedures

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>
Express Power or Duty Delegated:	<i>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
Delegate:	Manager of Governance and Community Services Manager of Corporate Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Dowerin's systems and procedures in relation to: <ul style="list-style-type: none"> i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
CEO Conditions on this Sub-Delegation:	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, Risk and Improvement Committee that details the findings, including any identified deficiencies, and actions required
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <u>Local Government (Audit) Regulations 1996</u>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .

4.12 Local laws of the Shire of Dowerin

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>All functions, duties and responsibilities of the local government under the Shire of Dowerin Local Laws:</i> <ul style="list-style-type: none"> • Activities in Thoroughfares and Public Places and Trading Local Law 2022 • Cemeteries Local Law 2022 • Dogs Local Law 2018 • Fencing Local Law 2022 • Local Government Property Local Law 2018 • Meeting Procedures Local Law 2022 • Parking and Parking Facilities Local Law 2018 • Waste Local Law 2018
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects Manager of Governance and Community Services
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

4.13 Determine if an Emergency for Emergency Powers of Entry

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> s.3.34(2) Entry in emergency
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Infrastructure and Projects Manager of Governance and Community Services
CEO Conditions on this Sub-Delegation:	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. When exercising authority to authorise persons under s.3.31(2): a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

5. Finance

5.1 Payments from the Municipal or Trust Funds

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make payments from the municipal funds [r.12(1) (a)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Authority to make payments is subject to annual budget limitations. b. Procedures are to be systematically documented, retained and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. c. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit & Risk Committee at least once each financial year. [Audit r.17] <p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services Manager of Governance and Community Services
CEO Conditions on this Sub-Delegation:	<ul style="list-style-type: none"> 1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by cheque, BPay and EFT transactions must, and can only be approved, jointly by two Delegated Signatory Officers. These are the CEO, MCS and MGCS who are approved signatory officers. 3. The verification of incurring the liability via the purchase order, invoice and evidence of goods/service received must be approved jointly by two Delegated Officers. 4. Conditions on the original delegation also apply to the sub-delegation.
Compliance Links:	<p><i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <i>Local Government (Audit) Regulations 1996</i> Department of Local Government, Sport and Cultural Industries: <i>Operational Guideline No.11 – Use of Corporate Credit Cards</i> Department of Local Government, Sport and Cultural Industries: <i>Accounting Manual</i> Council Policy 3.11 – Purchasing Policy</p>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .

**Reporting
Requirements:**

The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

The List of Payments is to be presented as an Attachment to the Agenda to Council each month.

5.2 Defer, Grant Discounts, Waive or Write Off Debts

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Dowerin [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Dowerin [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of Dowerin [s.6.12(1)(c)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A debt, other than a debt relating to a rate or service charge, may only be waived where the dollar amount does not exceed \$500 per individual debt. b. A debt relating to a rate or service charge may only be written off where the dollar value does not exceed \$500 per individual debt. c. A discount on venue hire fees as listed in the Schedule of Fees & Charges (excluding for the Short Stay Accommodation) may only be granted where the dollar amount does not exceed \$500. d. A discount on the accommodation rate for the Short Stay Accommodation as listed in the Schedule of Fees & Charges relating to the Short Stay Accommodation promotions may only be granted where the dollar amount does not exceed \$500 e. 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 Dowerin, or where the value of the debt makes recovery attempts uneconomical. f. Write off of debts greater than these values must be referred to Council for a decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation except that the dollar amount per rates notice cannot exceed \$20 for rates, sewerage and other charges, and \$10 for ESL.
Compliance Links:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Collection of Rates Debts – refer Delegations: Delegation 5.5 - Agreement as to Payment of Rates and Service Charges Delegation 5.7 - Recovery of Rates or Service Charges Delegation 5.8 - Recovery of Rates Debts – Require Lessee to Pay Rent

Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the Local Government (Administration) Regulations 1996.</p> <p>Where the write off relates to rates, relevant notes are to be kept on the property file within Synergysoft and the hard copy file in the Compactus.</p> <p>In accordance with Regulation 42 of the Local Government (Financial Management) Regulations 1996, the total amount of money written off is to be reported in the Annual Report.</p>
Reporting Requirements:	<p>The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.</p>

5.3 Power to Invest and Manage Investments

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 3.2 – Investment Policy. 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:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> 1. A decision to invest must be jointly confirmed by two Delegates. 2. Conditions on the original delegation also apply to the sub- delegation.
Compliance Links:	<u>Local Government Act 1995 Banking Act 1959</u> <u>Local Government (Financial Management) Regulations 1996</u> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy 3.2 – Investment Policy
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report. A report detailing the investment portfolio is to be presented to Council each month.

5.4 Rate Record Amendment

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record s.6.40 Effect of amendment of rate record
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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:	Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	
Compliance Links:	<u>Local Government Act 1995</u> – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. <u>Rates & Charges (Rebates & Deferments) Act 1995</u> <u>Valuation of Land Act 1978</u> <u>Fire & Emergency Services Act 1998</u> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Relevant notes to be kept on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

5.5 Agreement as to Payment of Rates and Service Charges

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	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. Decisions under this delegation must comply with Council's Financial Hardship Policy for Water Services (March 2021)
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	
Compliance Links:	<u>Local Government Act 1995</u> <u>Rates & Charges (Rebates & Deferments) Act 1995</u> <u>Valuation of Land Act 1978</u> <u>Fire & Emergency Services Act 1998</u> Council Policy – Financial Hardship Policy for Water Services Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Documentation is to be recorded in accordance with the Shire of Dowerin Record Keeping Plan Relevant notes are to be kept on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report. The full details of the arrangements made under this delegation is to be recorded in the rate record.

5.6 Determine Due Date for Rates or Service Charges

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine the date on which rates or service charges become due and payable to the Shire of Dowerin [s.6.50].
Council Conditions on this Delegation:	a. Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget. <u>NOTE</u> - Financial Management Reg.64 specifies that instalment due dates are to be determined when adopting the annual budget. b. Decisions under this delegation are limited to determining due date and instalment due dates applicable to interim rating only.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	
Compliance Links:	<u><i>Local Government Act 1995</i></u> <u><i>Rates & Charges (Rebates & Deferments) Act 1995</i></u> <u><i>Valuation of Land Act 1978</i></u> <u><i>Fire & Emergency Services Act 1998</i></u> Note - Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Relevant notes are to be kept on the property file within Synergyssoft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report. The full details of the arrangements made under this delegation is to be recorded in the rate record.

5.7 Recovery of Rates or Service Charges

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	Decisions under this delegation must comply with Council's Financial Hardship Policy for Water Services
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	The sub-delegation does not include the authority to lodge and withdraw caveats.
Compliance Links:	<u>Local Government Act 1995</u> <u>Rates & Charges (Rebates & Deferments) Act 1995</u> <u>Valuation of Land Act 1978</u> <u>Fire & Emergency Services Act 1998</u> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Documentation to be recorded in accordance with the Shire of Dowerin Record Keeping Plan Relevant notes to be kept on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report. The full details of the decision and actions taken under this delegation is to be recorded in the rate record.

5.8 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 Dowerin [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:	Decisions under this delegation must comply with Council's Financial Hardship Policy for Water Services
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	
Compliance Links:	<p><i>Local Government Act 1995</i> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.</p> <p><i>Rates & Charges (Rebates & Deferments) Act 1995</i></p> <p><i>Valuation of Land Act 1978</i></p> <p><i>Fire & Emergency Services Act 1998</i></p>
Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>Documentation to be recorded in accordance with the Shire of Dowerin Record Keeping Plan Relevant notes to be kept on the property file within Synergysoft and the hard copy file in the Compactus.</p> <p>The full details of the decision and actions taken under this delegation is to be recorded in the rate record.</p>
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

5.9 Rate Record - Objections

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 who made the objection [s.6.76(5)].
Council Conditions on this Delegation:	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:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<u><i>Local Government Act 1995</i></u> <u><i>Rates & Charges (Rebates & Deferments) Act 1992</i></u> <u><i>Valuation of Land Act 1978</i></u> <u><i>Fire & Emergency Services Act 1998</i></u> Notes – Decisions under this delegation may be referred for review by the State Administrative Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Documentation to be recorded in SharePoint at Rates & Valuations/ Enquiries and Complaints. Relevant notes to be kept on the property file within Synergysoft and the hard copy file in the Compactus. The full details of the decision and actions taken under this delegation is to be recorded in the rate record.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

5.10 Community Funding

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.6.7(2) Municipal Fund <i>Local Government (Financial Management) Regulations 1996</i> r.12(1)(a) Payment from municipal or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine community funding requests including the waiver of hire fees or cash donations to a maximum of \$1000 per application.
Council Conditions on this Delegation:	a. The total of all cash donations made under this delegation shall not exceed the amount provided for that purpose in Council's Budget without a resolution of Council. b. Applications for community funding above \$1000 are to be referred to Council for determination.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report. All donations made under this delegation are to be reported to Council monthly in the List of Accounts Paid and in the Information Report under Community Donations.

5.11 Recovery of Rates Debts – Action to Take Possession of the Land

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. lease the land, or b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> 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 Dowerin [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:	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council's Financial Hardship Policy for Water Services. 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 <i>Local Government Act 1995</i>.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
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's Financial Hardship Policy for Water Services
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .

Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.
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5.12 Renewal or Extension of Contracts during a State of Emergency

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under sub regulation 11(2) (ja)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation..</i>	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: <ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ol style="list-style-type: none"> It is exercised at the sole discretion of the Local Government; It is in the best interests of the Local Government; It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; It has potential to promote local and/or regional economic benefits. This authority may only be exercised where the total consideration for the renewal or extension is \$100,000 or less. 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). The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy. This authority may only be exercised where the total consideration under the resulting contract is \$350,000 or less.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Governance and Community Services Manager of Infrastructure and Projects Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy 3.11 - Purchasing Policy Council Policy 3.15 – Regional Price Preference Policy Council Policy 3.17 – Contract Variation Policy

Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

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

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(ja) Associated definition under subregulation 11(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> 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 the 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 President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council 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.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Governance and Community Services Manager of Infrastructure and Projects Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service - Procurement Toolkit Council Policy 3.11 - Purchasing Policy Council Policy 3.15 – Regional Price Preference Policy Council Policy 3.17 – Contract Variation Policy
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

5.14 Acquisition of Interest in Land by Lease or another Short-Term Instrument

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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.3.59 Commercial enterprises by local governments Local Government (Functions and General) Regulations 1996: r.8A Amount prescribed for major land transactions; exempt land transactions prescribed r.8 Exempt land transactions prescribed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to acquire an interest in land (includes buildings), by lease or other short-term instrument ONLY, where the total value of the consideration and anything done by the Shire of Dowerin is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)]. 2. Authority to acquire an interest in land by lease or other short term instrument ONLY through an exempt land transaction [s.3.59(1), r.8(1)]: a. without intending to produce a profit to the Local Government; and b. without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than 12 months. b. Delegation is limited to acquisitions that are necessary to achieve an objective determined by Council resolution, including objectives identified in the adopted Corporate Business Plan, a Policy or Strategy and for which an associated budget allocation has been included, and is available, in the Annual Budget. <p><u>NOTE - Examples of acquisitions necessary to achieve an approved objective may include hire a venue for a community event or short-term lease of storage space for equipment while a refurbishment is completed.</u></p> <ol style="list-style-type: none"> c. Where the acquisition total consideration value is greater than \$50,000, the value is to be verified by at least one written valuation obtained from a suitably licensed valuer not more than 3-months prior to the execution of the associated acquisition contract. d. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$50,000 or less. e. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s.9.49A
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has determined not to sub delegate this matter.
CEO Conditions on this Sub-Delegation:	Nil

Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service - Procurement Toolkit Council Policy 3.11 - Purchasing Policy
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

6. Building Act 2011 Delegations

6.1 Grant a Building Permit

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> 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 <i>Building Regulations 2012:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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]. <ol style="list-style-type: none"> 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:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Authorised Regulatory Officer
CEO Conditions on this Sub-Delegation:	

Compliance Links:	<p><u>Building Act 2011</u></p> <p>s.119 Building and demolition permits – application for review by SAT</p> <p>s.23 Time for deciding application for building or demolition permit</p> <p>s.17 Uncertified application to be considered by building surveyor</p> <p>Building Regulations 2012 –</p> <p>r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p>Building Services (Registration Act) 2011 –</p> <p>Section 7</p> <p>Home Building Contracts Act 1991 –</p> <p>Part 3A, Division 2 – Part 7, Division 2</p> <p>Building and Construction Industry Training Levy Act 1990</p> <p>Heritage of Western Australia Act 1990</p> <p>Caravan & Camping Grounds Act 1995</p> <p>Caravan & Camping Grounds Regulations 1997</p>
Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>Applications, plans and permits are to be recorded in accordance with the Shire of Dowerin Record Keeping Plan and a copy kept on the property file in the Compactus.</p>
Reporting Requirements:	<p>The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.</p> <p>The List of Payments is to be presented as an Attachment to the Agenda to Council each month.</p>

6.2 Demolition Permits

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> 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 <i>Building Regulations 2012</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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]. <ol style="list-style-type: none"> 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:	The granting of a permit excludes those properties contained in the Shire of Dowerin Municipal Heritage Inventory.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Authorised Regulatory Officer
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> a. Conditions on the original delegation also apply to the sub- delegation b. The CEO is to be advised of the intention to issue a demolition licence prior to the final licence being issued.
Compliance Links:	<u><i>Building Act 2011</i></u> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit <u><i>Building Services (Complaint Resolution and Administration) Act 2011</i></u> – Part 7, Division 2 <u><i>Building and Construction Industry Training Levy Act 1990</i></u> <u><i>Heritage of Western Australia Act 1990</i></u>

Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>Applications, plans and permits are to be recorded in accordance with the Shire of Dowerin Record Keeping Plan and a copy kept on the property file in the Compactus.</p>
Reporting Requirements:	<p>The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.</p>

6.3 Occupancy Permits or Building Approval Certificates

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Authorised Regulatory Officer
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<u><i>Building Act 2011</i></u> 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 <u><i>Building Services (Complaint Resolution and Administration) Act 2011</i></u> – Part 7, Division 2 <u><i>Building and Construction Industry Training Levy Act 1990</i></u> <u><i>Heritage of Western Australia Act 1990</i></u> <u><i>Caravan & Camping Grounds Act 1995</i></u> <u><i>Caravan & Camping Grounds Regulations 1997</i></u>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Applications, plans and permits are to be recorded in accordance with the Shire of Dowerin Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

6.4 Designate Employees as Authorised Persons

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegated authority must be consistent with r.5 of the <i>Building Regulations 2012</i>. b. NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Building Act 2011:</i> s.97 requires each person designated as an authorised person must have an identity card. r.5A Authorised persons (s.3) – definition <i>Building Regulations 2012</i> Authorised Persons Identity Card and Certificate of Authorisation.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Copies of Instruments or Certificates of Authorisation are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

6.5 Building Orders

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to make Building Orders in relation to: <ol style="list-style-type: none"> Building work; or Demolition work; or An existing building or incidental structure [s.110(1)]. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. Authority to revoke a building order [s.117]. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> take any action specified in the order; or commence or complete any work specified in the order; or 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)]. 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)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation:	Sub-delegation does not include the: <ol style="list-style-type: none"> 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)];

Compliance Links:	<p><u><i>Building Act 2011:</i></u></p> <p>Section 111 Notice of proposed building order other than building order (emergency)</p> <p>Section 112 Content of building order</p> <p>Section 113 Limitation on effect of building order Section 114 Service of building order</p> <p>Part 9 Review - s.122 Building orders – application for review by SAT</p>
Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>Applications, plans and permits are to be recorded in accordance with the Shire of Dowerin Record Keeping Plan and a copy kept on the property file in the Compactus.</p>
Reporting Requirements:	<p>The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.</p>

6.6 Inspection and Copies of Building Records

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Authorised Regulatory Officer
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Building Act 2011</i> – s.146 Confidentiality Code of Conduct <i>Freedom of Information Act 1992</i> <i>State Records Act 2000</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

6.7 Referrals and Issuing Certificates

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 of Dowerin's District [s.145A(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation.
Compliance Links:	<u><i>Building Act 2011</i></u> <u><i>Building Regulations 2012</i></u>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Applications, plans and permits are to be recorded in accordance with the Shire of Dowerin Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

6.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.15B Modifications to AS 1926.1-2012 (s.150) r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	Decisions under this delegation must be consistent with modifications to AS 1926.1-2012 prescribed in Building Regulation 15B.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> a. Conditions on the original delegation also apply to the sub- delegation b. Any variation requested is to be discussed with the CEO prior to approval
Compliance Links:	<i>Building Act 2011 Building Regulations 2012</i> Swimming Pool Provisions – AS1926.1 Standards (as amended)
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Applications, plans and permits are to be recorded in accordance with the Shire of Dowerin Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

6.9 Designate Employees of Contracted Service Provider as Authorised Persons (Inspectors)

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.4A Authorised persons
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate a person contracted, or employed by an entity contracted, by the Shire of Dowerin as an authorised person [r.4A(2)] for the purposes of monitoring whether Part 8 provisions are being complied with. 2. Authority to revoke designation as an authorised person [r.4A(4)].
Council Conditions on this Delegation:	Designation of authorised persons under this delegation is limited to performing Authorised Person functions under s.93(2)(d).
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	NIL
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Building Act 2011:</i> s.97 each designated authorised person must have an identity card. r.4B Identity cards
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Applications, plans and permits are to be recorded in accordance with the Shire of Dowerin Record Keeping Plan and a copy kept on the property file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

6.10 Authorise Person to Commence Proceedings

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].
Council Conditions on this Delegation:	Designation of authorised persons under this delegation is limited to performing Authorised Person functions under s.93(2)(d).
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	NIL
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<u><i>Building Act 2011</i></u> - s.146 Confidentiality
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

7. Bush Fires Act 1954 Delegations

7.1 Make Request to DFES Commissioner – Control of Fire

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to request on behalf of the Shire of Dowerin that the DFES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	Subject to liaison with the Chief Bush Fire Control Officer and/or Deputy Bush Fire Control Officer and at least one Bushfire Brigade Captain.
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	<u>Bush Fires Act 1954</u> <u>Work Health and Safety Act 2020</u> Council Policy 2.2 – Risk Management Policy Council Policy 7.9 – Work Health Safety and Environment Policy Council Policy 7.20 -Management of Bushfire Volunteers Policy
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

7.2 Prohibited Burning Times - Vary

Delegator:	Local Government
Express Power to Delegate:	<p><i>Bush Fires Act 1954:</i></p> <p>s.48 Delegation by local government</p> <p>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))</p>
Express Power or Duty Delegated:	<p><i>Bush Fires Act 1954:</i></p> <p>s.17(7) Prohibited burning times may be declared by Minister</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
Delegate:	Shire President and Chief Bush Fire Control Officer (jointly)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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:	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:	<p>Nil.</p> <p>Sub-delegation is prohibited by s.48(3)</p>
Compliance Links:	<p><i>Bush Fires Act 1954</i></p> <p><i>Bush Fires Regulations 1954</i></p> <p>Council Policy 2.2 – Risk Management Policy</p> <p>Shire of Dowerin Fire Order</p>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

7.3 Prohibited Burning Times – Control Activities

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister 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 <i>Bush Fire Regulations 1954:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 harvesters 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 Dowerin 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:	Decisions under s.17(7) must be undertake 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:	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> Council Policy 2.2 – Risk Management Policy Shire of Dowerin Fire Order
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

7.4 Restricted Burning Times – Vary and Control Activities

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<p><i>Bush Fires Act 1954:</i></p> <p>s.18(5), (11) Restricted burning times may be declared by FES Commissioner</p> <p>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.15C Local Government may prohibit burning on certain days</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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)]. <ol style="list-style-type: none"> 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 firebreaks 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 harvesters, 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 Dowerin 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:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> Council Policy 2.2 – Risk Management Policy Shire of Dowerin Fire Order
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

7.5 Control of Operations Likely to Create Bush Fire Danger

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a person operating a bee smoker device during a prescribed period [r.39CA(5)]. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. a person using explosives [r.39D(2)]. a person using fireworks [r.39E(3)] 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]. <p><i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i></p>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> Council Policy 2.2 – Risk Management Policy
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

7.6 Firebreaks

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear firebreaks
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 Dowerin: <ol style="list-style-type: none"> clearing of firebreaks as determined necessary and specified in the notice; and 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 as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. determine that these matters have been acted upon to the satisfaction of the Shire of Dowerin. 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)]. <ol style="list-style-type: none"> 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)]. Authority to consider and determine a written request to vary the requirements of a Notice issued in accordance with s.33.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> Shire's Annual Fire Break Notice Council Policy 2.2 – Risk Management Policy
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Firebreak notices are to be included with the annual rates notice, published on the Shire's website and a copy recorded in accordance with the Shire of Dowerin Record Keeping Plan.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

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

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and <ol style="list-style-type: none"> Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 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 Dowerin [s.38(5A)] 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)]. <ol style="list-style-type: none"> 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:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> Shire's Fire Break Notice Fire Break advertising of Officers – Gazettal and Despatch
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . A record of each Appointment is to be retained in the Authorised Persons Register, retained as a Local Government Record.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

7.8 Recovery of Expenses Incurred through Contraventions of this Act

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to recover expenses incurred as a result of an offence against the <i>Bush Fires Act 1954</i> , being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Dowerin or those on behalf of the Shire of Dowerin to do [s.58].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> Council Policy 2.2 – Risk Management Policy
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Where the contravention relates to property relevant notes are to be kept on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

7.9 Prosecution of Offences and Infringement Notices

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	<u><i>Bush Fires Act 1954:</i></u> s.65 Proof of certain matters s.66 Proof of ownership or occupancy <u><i>Bush Fires Regulations 1954</i></u> List of First Schedule penalties Form 2 – Withdrawal of Bush Fire Infringement Notice Council Policy 2.2 – Risk Management Shire of Dowerin Fire Order
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Relevant notes are to be kept on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

7.10 Control and Extinguishment of Bush Fires

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
	Nil
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.48(3)
Compliance Links:	<i><u>Bush Fires Act 1954:</u></i> <i><u>Bush Fires Regulations 1954</u></i> Form 2 – Withdrawal of Bush Fire Infringement Notice Council Policy 2.2 – Risk Management Policy Shire of Dowerin Fire Order
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Relevant notes are to be kept on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

8. Cat Act 2011 Delegations

8.1 Cat Registrations

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 Dowerin's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Ranger
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> a. Conditions on the original delegation also apply to the sub- delegation. b. The sub-delegation does not contain the authority to reduce or waive a registration or approval to breed fee.
Compliance Links:	<u><i>Cat Act 2011</i></u> <u><i>Cat Regulations 2012:</i></u> 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 <i>Cat Act 2011</i> .
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Registrations and amendments to Registrations are to be recorded in SharePoint/Compliance/Ranger/Animal Registrations/Cat.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

8.2 Cat Control Notices

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Dowerin's District [s.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Ranger
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i> – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Notices and relevant documentation are to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

8.3 Approval to Breed Cats

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<u><i>Cat Act 2011</i></u> <u><i>Cat Regulations 2012:</i></u> 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 is not 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:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . Notices and relevant documentation are to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

8.4 Recovery of Costs – Destruction of Cats

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Ranger
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i> <i>Cat (Uniform Local Provisions) Regulations 2013</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

8.5 Application to Keep Additional Cats

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i>. b. Where a complaint is made relating to an application to keep additional cats the matter is to be referred to Council for determination.
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

8.6 Authorise a Person to Perform Specified Functions under the Cat Act 2011

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.73 Prosecutions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to authorise a person to commence a prosecution for an offence against the Cat Act 2011 [s.73(1)(b) & (2)(b)]
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

8.7 Reduce or Waive Registration Fee

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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:	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:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

9. Dog Act 1976 Delegations

9.1 Refuse or Cancel Registration

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to determine to refuse a dog registration and refund the fee, if any [s.16(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: <ol style="list-style-type: none"> 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 <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>, or the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept the dog is required to be microchipped but is not microchipped; or the dog is a dangerous dog [s.16(3) and s.17A(2)]. 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 Dowerin's District [s.15(4A)]. 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)]. <ol style="list-style-type: none"> Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> 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: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

Compliance Links:	<p><u>Dog Act 1976</u></p> <p>s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</p> <p>Dogs Local Law</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p>
Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>All relevant documentation is to be recorded in SharePoint/Compliance/Ranger/Animal Control.</p>
Reporting Requirements:	<p>The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.</p>

9.2 Recovery of Moneys Due Under this Act

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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:	The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> 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: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<u><i>Dog Act 1976</i></u> Dogs Local Law 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:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

9.3 Dispose of or Sell Dogs Liable to be Destroyed

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> 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: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<u>Dogs Act 1976</u> Dogs Local Law
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

9.4 Declare Dangerous Dog

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> 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: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<u>Dogs Act 1976</u> <u>Dog Regulations 2013</u> Dogs Local Law Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

9.5 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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 any maximum amount prescribed, having regard to the 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:	The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> 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: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<u><i>Dogs Act 1976</i></u> <u><i>Dog Regulations 2013</i></u> Dogs Local Law Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

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

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> <i>s.33F(6) Owners to be notified of making of declaration</i> <i>s.33G(4) Seizure and destruction</i> <i>s.33H(1) and (2) Local government may revoke declaration or proposal to destroy</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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)] <ol style="list-style-type: none"> 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:	The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> 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: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Dogs Act 1976</i> <i>Dog Regulations 2013</i> Dogs Local Law Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

9.7 Appoint Registration Officer

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.3 Terms Used (<i>Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act</i>)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to authorise a person for the purposes of performing the prescribed office of Registration Officer under the Dog Act 1976 [s.3].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. A register of Authorisations is to be maintained as a Local Government Record. c. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. d. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> 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: <i>Appointed by CEO</i>	Ranger
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<u>Dogs Act 1976</u> <u>Dog Regulations 2013</u> Dogs Local Law Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Ranger/Animal Control.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

10. Food Act 2008 Delegations

10.1 Prohibition Orders

Delegator:	Local Government
Express Power to Delegate:	<i>Food Act 2008:</i> s.118 Functions 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:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [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:	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. <i>Food Regulations 2009</i> do not provide for sub-delegation.
Compliance Links:	<i>Food Act 2008</i> Guide to Regulatory Guideline Number 1: Introduction of Regulatory Auditing in Western Australia Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Health/Health Orders.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

10.2 Food Business Registrations

Delegator:	Local Government
Express Power to Delegate:	<i>Food Act 2008:</i> s.118 Functions 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:	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	Chief Executive Officer Environmental Health and Regulatory Advisor
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	<p>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:</p> <ul style="list-style-type: none"> • 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:	<p>Nil.</p> <p><i>Food Regulations 2009</i> do not provide for sub-delegation.</p>
Compliance Links:	<p>Food Act 2008</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p>
Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>All relevant documentation is to be recorded in SharePoint/Compliance/Health/Food Premises.</p>
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

10.3 Appoint Authorised Officers and Designated Officers

Delegator:	Local Government
Express Power to Delegate:	<p><i>Food Act 2008:</i></p> <p>s.118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p>
Express Power or Duty Delegated:	<p><i>Food Act 2008:</i></p> <p>s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers</p>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons to undertake the functions of an enforcement agency under this Act. [s.118(1)]. 2. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)]. 3. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 4. 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:	<p>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:</p> <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors; • Appointment of Authorised Officers; • Appointment of Authorised Officers – Designated Officers only; and • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer.
Express Power to Sub-Delegate:	<p>Nil.</p> <p><i>Food Regulations 2009</i> do not provide for sub-delegation.</p>
Compliance Links:	<p>Food Act 2008</p> <p>s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers</p> <p>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed</p>
Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>Copies of Instruments or Certificates of Authorisation are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p>
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

11. Graffiti Vandalism Act 2016 Delegations

11.1 Give Notice Requiring Obliteration of Graffiti

Delegator:	Local Government
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> a. Sub-delegation excludes the authority to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)]. b. Conditions on the original delegation also apply to the sub- delegation.
Compliance Links:	<u><i>Graffiti Vandalism Act 2016</i></u> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

11.2 Notices – Deal with Objections and Give Effect to Notices

Delegator:	Local Government
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> 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:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	Graffiti Vandalism Act 2016 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

11.3 Powers of Entry

Delegator: <i>Power / Duty assigned in</i>	Local Government
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Graffiti Vandalism Act 2016</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

12. Public Health Act 2016 Delegations

12.1 Appoint Authorised Officer or Approved Officer

Delegator:	Local Government
Express Power to Delegate:	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate <i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Public Health Act 2016:</i> s.24(1) and (3) Designation of authorised officers <i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices Shire of Dowerin Town Planning Scheme No. 2
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to designate a person or class of persons as authorised officers for the purpose of: <ol style="list-style-type: none"> The <i>Public Health Act 2016</i> or other specified Act; Specified provisions of the <i>Public Health Act 2016</i> or other specified Act; Provisions of the <i>Public Health Act 2016</i> or other specified Act, other than the specified provisions of that Act; Including: <ul style="list-style-type: none"> An environmental health officer or environmental health officers as a class; or A person who is not an environmental health officer or a class of persons who are not environmental health officers; or A mixture of the two. [s24(3)] Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> Persons to be appointed as authorised environmental health officers must satisfy the criteria published in Government Gazette No 22 of 24 January 2017 - Public Health Act 2016 – Guidelines on the Designation of Authorised Officer. Appropriately qualified and experienced [s.25(1)(a)]; and A register (list) of authorised officers is to be maintained in accordance with s27. 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 <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
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 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.

Record Keeping:	<p>s.136 Authorised officer to produce evidence of authority <u>Health (Asbestos) Regulations 1992</u> Authorisation certificate <i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s245 of the Public Health Act 2016</i> <i>The Criminal Code, Chapter XXVI – refer s252 of the Public Health Act 2016</i> <i>Criminal Procedure Act 2004 – Part 2</i></p>
	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>. Copies of Instruments or Certificates of Authorisation are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p>
Reporting Requirements:	<p>The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.</p>

12.2 Enforcement Agency Reports to the Chief Health Officer

Delegator:	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate:	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 Dowerin [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:	Nil
Express Power to Sub-Delegate:	Nil, unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Health/Reporting.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

12.3 Give Enforcement Orders and Issue Clearance Certificates

Delegator:	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate:	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.216 Issue of Enforcement Orders s.218 Extension of period of compliance with enforcement order s.223 Certificate of clearance to be given in certain circumstances s.224 Request for assessment
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to: <ol style="list-style-type: none"> 1. Give an enforcement order in accordance [s.216]. 2. Extend the period for compliance specified in the order [s.218]. 3. Give a certificate of clearance (in the Department of Health approved form) where an assessment report of an authorised officer finds the enforcement order has been complied with and there is no longer a serious public health risk to be prevented or mitigated [s.223]. 3. Where requested under s.224, cause an assessment by another authorised officer to be made for the purposes of s.233 (clearance certificate) and give notice of a decision to not give a clearance certificate after assessment [s.224(2)].
Council Conditions on this Delegation:	Content of enforcement order must comply with s.217 provisions.
Express Power to Sub-Delegate:	Nil, unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<i>Public Health Act 2016</i> 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 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 s.217 Contents of enforcement order <i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i> <i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Health/Reporting.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

12.4 Enforcement Orders – Implement and Recover Costs

Delegator:	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate:	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.219 Enforcement agency may implement enforcement order s.221 Recovery of costs incurred by or on behalf of enforcement agency
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to take any action reasonably necessary to implement sufficient compliance with an enforcement order that has not been complied with [s.219(2)]. 2. Authority to sign a certificate stating the amount of any costs and the manner in which they were incurred as evidence of the matters certified [s.221(2)].
Council Conditions on this Delegation:	Costs incurred in taking action under s.219 are to be recovered, including recovery in a court of competent jurisdiction [s.221(1)].
Express Power to Sub-Delegate:	Nil, unless a Regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<i>Public Health Act 2016</i> 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 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 s.220 Application of Criminal and Found Property Disposal Act 2006 <i>Criminal Investigation Act 2006</i> , Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i> <i>The Criminal Code</i> , Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . All relevant documentation is to be recorded in SharePoint/Compliance/Health/Reporting.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

13. Planning and Development Act 2005 Delegations

13.1 Illegal/Unauthorised Development

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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:	Nil
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: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> a. A certificate of authority as an authorised officer must be issued [s.30] b. All prosecutions are to be authorised by the Chief Executive Officer
Compliance Links:	Part 13 of the <i>Planning and Development Act 2005</i> Shire of Dowerin Town Planning Scheme No. 2
Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>The full details of any decisions and actions taken under this delegation is to be recorded on the property file within Synergysoft and the hard copy file in the Compactus.</p>
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

13.2 Determination of Applications for Development Approval

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2, Part 10, Clause 82 Shire of Dowerin Town Planning Scheme No, 2
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve or refuse applications for development approval, with or without conditions, is extended to the Chief Executive Officer, subject to consistency with the <i>Shire of Dowerin Town Planning Scheme No. 2</i> (the Scheme), including giving due regard to relevant Local Planning Policies, and/or WAPC/State Planning Policies, and the exclusions/conditions set out below.
Council Conditions on this Delegation:	<p>1.1 General Exclusions Applications for development approval for development exceeding \$1M in value and/or a net increase of in excess of 1 dwelling and/or a net increase of over 300m² in building floor area may not be determined under delegated authority.</p> <p>1.2 Specific Exclusions and Exceptions for Minor Works, etc.</p> <ol style="list-style-type: none"> Subject to f) below, with respect to applications for development approval for development other than advertising signage, domestic outbuildings, sea containers and/or other similar storage containers, fencing and residential additions/alterations, any delegated decision must be consistent with, rather than giving due regard to, relevant Local Planning Policies. Subject to f) below, applications for development approval for development of land within a Local Reserve may only be approved under delegated authority where it is consistent with the purpose of the Reserve. Subject to f) below, applications for development approval for the types of land-use or development listed below may only be refused under delegated authority: <ol style="list-style-type: none"> Abattoir; Hotel; Industry - Extractive; Liquor Store; Motel; Piggeries; Restricted Premises (adult shop); Tavern; Telecommunication Infrastructure; and Any other development associated with racing, gaming or the sale of liquor, other than where development is of a temporary nature (no more than 48 hours duration). <p><i>(Note: Should the Chief Executive Officer feels that the application may warrant approval, the application shall be reported to Council for consideration)</i></p>

- d. Subject to f) below, unless specifically provided for in a Local Planning Policy or Policies, applications for development approval that must be assessed under the provisions of Clause 3.2.5 of the Scheme ('uses not mentioned' in the Zoning Table of the Scheme) may only be refused under delegated authority.
(Note: Should the Chief Executive Officer feels that the application may warrant approval, the application shall be reported to Council for consideration)
- e. Subject to f) below, applications for development approval that must be assessed under the provisions of Part IV, clauses 4.1 up to and including 4.6 of the Scheme (the 'non- conforming uses' provisions) may only be refused under delegated authority.
(Note: Should the Chief Executive Officer feels that the application may warrant approval, the application shall be reported to Council for consideration)
- f. Subject to g) below, the provisions of a) – e) above do not apply to applications to:
 - amend the approval so as to extend the period within which the approval must be substantially commenced; and
 - alterations and/or expansions affecting a maximum area of 10% of the existing development or 100m² (in terms of floor space or land area in use, as appropriate), whichever is the lesser, and which are associated with existing, lawful land-uses, wherein the application may be refused or approved, with or without conditions, under delegated authority.
- g. Where an application to extend the period within which the approved development must be substantially commenced is issued pursuant to f) above, the term of any extension shall not exceed 12 months, however, an unlimited number of extensions may be granted under delegated authority.

AMENDED PLANS

Notwithstanding 1.2 a) and 1.2 b) above, amended plans relating to applications determined by Council, may be determined under delegated authority where:

- a. The amended plan, if submitted as a new application, could have been determined under delegated authority; and/or
- b. The amended plans do not differ from the determined plans in any respect which generates a need to undertake consultation pursuant to clause 64 of the *deemed provisions for local planning schemes* (advertising applications) and/or Part 4 (Consultation) of the R-Codes; and/or
- c. The amended plans do not differ from the determined plans in respect of the number of residential units or an increase in floor space of more than 10% or 100m² (in terms of floor space or land area in use, as appropriate), whichever is the lesser.

CONDITIONS RELATED TO CONSULTATION

Applications for development approval that have been advertised for consultation purposes in accordance with the provisions of clause 64 (advertising applications) of the *deemed provisions for local planning schemes* and/or Part 4 of the R-Codes (consultation), may only be approved under delegated authority if:

- a. No submissions were received, or only supportive submissions that do not request any change to the development were received; or
- b. Submissions that raise concerns with the proposed development were received, and those concerns are, in the opinion of the Chief Executive Officer, clearly not material planning considerations;
- c. Submissions that raise concerns with the proposed development were received, and those concerns are material planning considerations, but;
 - i. Through liaison with the party or parties that lodged the submissions and/or amendments to the application and/or the application of conditions, the matters raised in the submissions can be resolved to the satisfaction of the Chief Executive Officer, the applicant, and the party or parties

	<p>that lodged the submissions (the Chief Executive Officer must also ensure that the interests of fourth parties are protected and undertake further consultation if considered necessary), and</p> <p>ii. Prior to approval of the application, the applicant and/or party or parties who lodged the submissions have provided written (including via email) confirmation of their acceptance of the terms of the proposed delegated decision.</p> <p><i>(Note: Should (a), (b) or (c) above not apply, or the Chief Executive Officer feels that the application should be refused, the application shall be reported to Council for consideration)</i></p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p> <p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i></p> <p>Schedule.2, Part 10, cl.83</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<p><u><i>Local Government Act 1995</i></u></p> <p><u><i>Planning and Development (Local Planning Scheme) Regulations 2015</i></u> Part 10 of Schedule 2</p> <p>Shire of Dowerin Town Planning Scheme No. 2</p>
Record Keeping:	<p>Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>The full details of any decisions and actions taken under this delegation is to be recorded on the property file within Synergysoft and the hard copy file in the Compactus.</p>
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

13.3 Recommendations to the Western Australian Planning Commission (WAPC) regarding Applications for Subdivision/Amalgamation or Strata Title

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2, Part 10, Clause 82 Shire of Dowerin Town Planning Scheme No. 2
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make recommendations to the WAPC with regards to applications referred to Council pursuant to Part 10 (Subdivision and development control) of the <i>Planning and Development Act 2005</i> , subject to consistency with the Scheme, relevant Local Planning Policies, and/or WAPC/State Planning Policies, and the exclusions/conditions set out below.
Council Conditions on this Delegation:	Applications that, were they approved by the WAPC, might result in a net increase of more than 2 lots, a recommendation to the WAPC may only be made under delegated authority if: <ul style="list-style-type: none"> a. The application is consistent with a strategy, structure plan approved by the WAPC, local development or other plan endorsed by Council, or which forms part of the Scheme and/or a Local Planning Policy; and/or b. The application is for amended plans for an application that has been considered by Council within the last two years and the amendments are, in the opinion of the Chief Executive Officer, of a minor nature.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule.2, Part 10, cl.83
Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub- delegation
Compliance Links:	<u>Local Government Act 1995</u> <u>Planning and Development (Local Planning Scheme) Regulations 2015</u> Part 10 of Schedule 2 Shire of Dowerin Town Planning Scheme No. 2
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . The full details of any decisions and actions taken under this delegation is to be recorded on the property file within Synergy soft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

13.4 Clearance of Conditions of Development Approval, or Conditions of Subdivision/Amalgamation or Strata Title Approval

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2, Part 10, Clause 82 Shire of Dowerin Town Planning Scheme No, 2
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to advise regarding clearance of conditions of development approval, and to advise the WAPC with regards to the clearance of conditions set pursuant to Part 10 (Subdivision and development control) of the <i>Planning and Development Act 2005</i> and for which Council is nominated as a clearance agency, subject to consistency with the Scheme, Local Planning Policies, and the exclusions/conditions set out below.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule.2, Part 10, cl.83
Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<u><i>Local Government Act 1995</i></u> <u><i>Planning and Development (Local Planning Scheme) Regulations 2015</i></u> Part 10 of Schedule 2 Shire of Dowerin Town Planning Scheme No. 2
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . The full details of any decisions and actions taken under this delegation is to be recorded on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

13.5 Advising other Regulatory Authorities on Planning Matters

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2, Part 10, Clause 82 Shire of Dowerin Town Planning Scheme No, 2
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to advise other regulatory authorities (other than the WAPC) with respect to applications for subdivision) with respect to matters where planning-related advice is required, subject to consistency with existing planning or other local government approvals, as appropriate, and the Scheme, relevant Local Planning Policies and/or WAPC/State Planning Policies, and the exclusions/conditions set out below.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule.2, Part 10, cl.83
Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation:	
Compliance Links:	<u><i>Local Government Act 1995</i></u> <u><i>Planning and Development (Local Planning Scheme) Regulations 2015</i></u> Part 10 of Schedule 2 Shire of Dowerin Town Planning Scheme No. 2
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . The full details of any decisions and actions taken under this delegation is to be recorded on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

13.6 Planning Appeals, Requests for Reconsideration

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2, Part 10, Clause 82 Shire of Dowerin Town Planning Scheme No, 2
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to respond to appeals made to the State Administrative Tribunal (including appointment of Counsel), or requests for reconsideration lodged with the WAPC, subject to consistency with any resolution of Council relating to the matter subject of an appeal or request for reconsideration, the Scheme, Local Planning Policies (in the event of any inconsistency between the Scheme, Local Planning Policies and any resolution of Council relating to the matter subject of an appeal or request for reconsideration, then the resolution of Council shall prevail), and the exclusions/conditions set out below.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule.2, Part 10, cl.83
Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Local Government Act 1995</i> <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Part 10 of Schedule 2 Shire of Dowerin Town Planning Scheme No. 2
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . The full details of any decisions and actions taken under this delegation is to be recorded on the property file within Synergy soft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

13.7 Planning Enforcement

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> 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:	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2, Part 10, Clause 82 Shire of Dowerin Town Planning Scheme No, 2
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint and direct Counsel where Council has resolved to issue an enforcement notice under Part 13 of the <i>Planning and Development Act 2005</i> , subject to consistency with the resolution of Council and the exclusions/conditions set out below
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule.2, Part 10, cl.83
Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<u><i>Local Government Act 1995</i></u> <u><i>Planning and Development (Local Planning Scheme) Regulations 2015</i></u> Part 10 of Schedule 2 Shire of Dowerin Town Planning Scheme No. 2
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> . The full details of any decisions and actions taken under this delegation is to be recorded on the property file within Synergysoft and the hard copy file in the Compactus.
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

14. Health (Miscellaneous Provisions) Act 1911 Delegations

14.1 Appointment of Deputy

Delegator:	Local Government
Express Power to Delegate:	
Express Power or Duty Delegated:	<i>Health (Miscellaneous Provisions) Act 1911</i> Section 26
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer is appointed as deputy in accordance with Section 26 of the <i>Health (Miscellaneous Provisions) Act 1911</i> and in that capacity delegated authority to perform any or all of the powers/duties of the local government contained within the <i>Health (Miscellaneous Provisions) Act 1911</i> and its subsidiary legislation.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil
Compliance Links:	<i>Health (Miscellaneous Provisions) Act 1911</i>
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the SharePoint Delegations Register (available Here) in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The exercise of delegations is to be reported to Council monthly as an attachment to the Information Report.

Environmental Protection Act 1986 - Noise Control – Environmental Protection Notices [Reg.65(1)]

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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.

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.

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.

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 Baywater
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 Cannington
Shire of Capel
Shire of Carnamah
Shire of Carnarvon
Shire of Chapman Valley
Shire of Chittaring
Shire of Christmas Island
Town of Claremont
City of Cockburn
Shire of Cocos (Keeling) Islands
Shire of Collie
Shire of Coolgardie
Shire of Coorow
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

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 Gingin
Shire of Gnowangerup
Shire of Goomalling
City of Goswells
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 Korinna
Shire of Lake Grace
Shire of Laverton
Shire of Leonora
City of Mandurah
Shire of Manjimup
Shire of Maelathana
City of Manville
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

Shire of Nannup
 Shire of Narrogin
 Shire of Narrogin
 Town of Narrogin
 City of Nedlands
 Shire of Ngaanyatjaraku
 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 Qualtrading
 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 Warmeroo
 Shire of Waroona
 Shire of West Arthur
 Shire of Westonia
 Shire of Wickiepin
 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

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.

Main Roads Act 1930 - 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*.

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)

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



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