



SHIRE OF
DOWERIN
TIN DOG TERRITORY

DELEGATIONS REGISTER

As adopted by Council June 2019



FOREWORD

POWERS OF DELEGATION – LOCAL GOVERNMENT ACT 1995

DELEGATION OF SOME POWERS AND DUTIES TO CERTAIN COMMITTEES

Local Government Act 1995 – Sections 5.16 and 5.17

5.16. Delegation of some powers and duties to certain committees

- (1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.
* Absolute majority required.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
(a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
(b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.*
- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

5.17. Limits on delegation of powers and duties to certain committees

(1) A local government can delegate —

(a) to a committee comprising council members only, any of the council's powers or duties under this Act except —

- (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
- (ii) any other power or duty that is prescribed; and*

(b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and

(c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —

- (i) the local government's property; or*
- (ii) an event in which the local government is involved.*

Shire of Dowerin – Delegations Register

(2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

DELEGATION OF SOME POWERS AND DUTIES TO CHIEF EXECUTIVE OFFICER

Local Government Act 1995 – Section 5.42

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43 and this power of delegation.

* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

It is important to note that not all delegations in this Register are delegations made under the *Local Government Act 1995*. Although the *Local Government Act 1995* allows delegation only to the CEO other Acts allow delegations to be made direct to other employees, for example, the *Health Act 1911* and the *Dog Act 1976*. In some instances, other Acts do not give authority for the person delegated the power to sub-delegate that power. In those instances, if the delegation is made to the CEO, the CEO therefore cannot sub-delegate. This Register attempts to ensure delegations are made to the employee whose task it is to enforce the Act concerned.

LIMITS ON DELEGATIONS TO CHIEF EXECUTIVE OFFICERS

Local Government Act 1995 – Section 5.43

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.99 or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

**CHIEF EXECUTIVE OFFICER MAY DELEGATE
POWERS AND DUTIES TO OTHER EMPLOYEES**

Local Government Act 1995 – Section 5.44

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

ACTING THROUGH ANOTHER PERSON

Local Government Act 1995 – Section 5.45(2)

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 CEO; or*
- (b) a CEO 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 their own right. 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.

The functions of a local government are spelt out in Section 3.1, “General Function” and Division 2 and Division 3 of Part 3 of the *Local Government Act 1995*.

The functions of the CEO are set out in Section 5.41 of the *Local Government Act 1995*. The CEO can act through another person by giving instructions to that person to undertake one or more of those functions.

Acting Through Example:

Function of the CEO – Section 5.41(g) of the *Local Government Act 1995*:

The CEO includes in the job description of the Deputy Chief Executive Officer that they shall “*Review the performance of each employee under their supervision who is employed for a term of more than one year at least once in relation to every year of the employment*”.

Records Management: In accordance with Regulation 19 of the *Local Government (Administration) Regulations 1996* delegates are to ensure that evidentiary documents and registers of the use of the delegated authority are retained in Sharepoint.

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PART 1 - ADMINISTRATION

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|---|---|
| 1.1 Appointment of Authorised Persons | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995:</i> Section 9.10(1) Appointment of Authorised Persons; Section 3.24 Authorising persons under this subdivision (Part 3, Division 3, Subdivision 2 – Certain provisions about land) |
| Delegation to: | 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. The Chief Executive Officer is delegated authority to appoint and authorise persons to exercise the powers and duties of an authorised person as set out in the <i>Local Government Act 1995</i>: <ol style="list-style-type: none"> a. Section 3.25 – Notices requiring certain things to be done by owner or occupier of land; b. Section 3.31 – Power to enter property; c. Sections 3.39 to 3.48 – Power to remove, impound and dispose; d. Section 9.10 – Power to appoint authorised persons to perform particular functions; e. Section 9.11 – Persons committing breach of Act to give name, address and date of birth; f. Section 9.13 – Onus of proof in vehicle offences; g. Section 9.16 – Issue infringement notices; h. Section 9.24 – Commencing prosecutions. 2. The Chief Executive Officer is delegated authority to appoint and authorise persons to exercise the powers and duties of an authorised person under the Shire’s Local Laws. |
| Conditions: | The CEO is to be satisfied that any person the subject of an authorisation appointment is appropriately trained and, where necessary, qualified. |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO’s Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | |

Shire of Dowerin – Delegations Register

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| Record Keeping: | All authorisations will be retained in the Shire’s record-management system in accordance with the Record Management Plan and associated legislation. |
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Shire of Dowerin – Delegations Register

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| 1.2 Payments from Municipal, Reserve and Trust Funds | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995</i> Section 6.7(2) & 6.9(2)&(3) <i>Local Government (Financial Management) Regulations 1996,</i> Regulations 12(1)(a) & 13. |
| Delegation to: | 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 delegated authority to make payments from the Shire's Municipal, Reserve and Trust Funds for purposes duly authorised by the <i>Local Government Act 1995</i> and for which provision has been made in the Council Budget. Payments made from the: <ol style="list-style-type: none"> 1. Municipal Fund must be authorised by two (2) authorised signatories; 2. Trust Fund must be authorised by two (2) authorised signatories; and the 3. Reserve Fund must be authorised by two (2) authorised signatories |
| Conditions: | <ol style="list-style-type: none"> 1. Payments must be made in accordance with Council's Policies and approved Budget for the financial year. 2. Positions entitled to be authorised signatories include the Chief Executive Officer, Manager Corporate & Community Services, Manager Works & Assets and Senior Finance Officer |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Conditions on the original delegation also apply to the sub-delegations. |
| Record Keeping: | <ol style="list-style-type: none"> 1. All payments are reported to Council in the monthly List of Accounts Paid. 2. All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

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| 1.3 Property Disposal | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995 Section 3.58</i> <i>Local Government (Functions and General) Regulations 1996,</i> Regulation 30 'Exemptions' |
| Delegation to: | 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 delegated authority to dispose of property, up to a value of \$50,000, that is surplus to the requirements of the Local Government either: <ol style="list-style-type: none"> 1. at public auction; 2. by public tender; or 3. by private treaty; in accordance with the provisions of Section 3.58, unless the disposal is exempt under Regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i> . |
| Conditions: | <ol style="list-style-type: none"> 1. Any disposal is to be recorded and reported to Council in the Monthly Financial Statements. 2. All disposal of property must be as per Council's Disposal of Council Property Policy. 3. "Property" includes the whole or any part of the interest of a local government in property but does not include money. |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | <ol style="list-style-type: none"> 1. All disposals are reported to Council in the monthly statements of accounts paid under delegation. 2. All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

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| 1.4 Minor Contract Variation | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995</i> Section 9.49B |
| Delegation to: | 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 delegated authority to make, vary or discharge all written contracts and agreements. |
| Conditions: | <ol style="list-style-type: none"> 1. New contracts/agreements and variations to existing contracts/agreements: <ol style="list-style-type: none"> a. Less than \$20,000 – no conditions; b. \$20,000 - \$99,999.99 – written evaluation must be conducted of new or varied contracts prior to signing; c. Over \$100,000 and over (\$250,000 for period supply contracts). 2. Council is to approve new contracts or variations to existing contracts where the total contract value (including any varied amounts) exceeds \$150,000 (\$250,000 for period supply contracts). 3. Any contract variation is to be recorded and reported to Council in the Monthly Financial Statements. |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | <ol style="list-style-type: none"> 1. Any contract variation is to be recorded and reported to Council in the Monthly Financial Statement. 2. All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

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| 1.5 Inviting Tenders for Providing Goods and Services and Determining the Criteria for Assessing Tenders | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995</i> Section 3.57, Section 3.47 <i>Local Government (Functions and General) Regulations 1996:</i> Regulations 11, 13, 14(2a) and (5), 18(2), (4), (4a), (5), (6) and (7), 20, 21, 23 |
| Delegation to: | 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 delegated authority to: <ol style="list-style-type: none"> 1. call tenders [F&G Reg 11]; 2. call tenders for the disposal of impounded goods in accordance with Section 3.58 [s.3.47]; 3. invite tenders though not required to do so [F&G Reg 13]; 4. approve the criteria for accepted tenders [F&G Reg 14(2a)]; 5. vary tender information after public notice of invitation to tender and before the close of tenders [F&G Reg.14(5)]; 6. seek clarification from tenderers in relation to information contained in their tender submission [F&G Reg.18(4a)]; 7. evaluate tenders and decide which is the most advantageous [F&G Reg.18(4)]; 8. accept or reject tenders [F&G Reg18(2) and (4)]; 9. decline any tender [F&G Reg.18(5)]; 10. accept another tender where within 6-months of either accepting a tender a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G Reg.18 (6) and (7)]; 11. make minor variations before entering into a contract [F&G Reg 20]; 12. seek Expressions of Interest and to invite Expressions of Interest to supply goods or services [F&G Reg 21]; 13. 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 [Reg.23]. |
| Conditions: | <ol style="list-style-type: none"> 1. This delegation applies to the procurement of goods and services that have been considered by Council and included in the Shire’s Annual Budget. 2. The invitation will be in accordance with legislative requirements and subject to Council’s Purchasing Policy. 3. All tenders and tender evaluation reports will be formally presented to Council for final determination on awarding the tender. |

Shire of Dowerin – Delegations Register

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| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | <ol style="list-style-type: none">1. All purchases are reported to Council in the monthly statements of Accounts paid under delegation.2. All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 1.6 Certain Things to be Done in Respect of Land | |
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| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995</i> Section 3.25(1) |
| Delegation to: | 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 delegated authority to exercise the powers under Section 3.25(1) of the <i>Local Government Act 1995</i> . |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Manager Works & Assets |
| Sub-Delegation Conditions: | Conditions on the original delegation also apply to the sub-delegation. |
| Record Keeping: | All documents relating to actions will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

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| 1.7 Additional powers when notice is given to the owner or occupier of land under Section 3.25 | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995</i> Section 3.26(2) |
| Delegation to: | 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 delegated authority to do anything necessary to achieve the purpose for which a notice has been given. |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

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| 1.8 Powers of Entry | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995</i> Section 3.34(1) |
| Delegation to: | 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 delegated authority to exercise all of the powers and duties of the local government in respect to the powers of entry upon land as contained in Sections 3.28 to 3.36 inclusive of the <i>Local Government Act 1995</i> . |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Manager Works & Assets Shire Ranger |
| Sub-Delegation Conditions: | Conditions on the original delegation also apply to the sub-delegation. |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 1.9 Administer the Shire's Local Laws | |
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| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | Shire of Dowerin Local Laws |
| Delegation to: | 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 delegated authority to administer the Shire's Local Laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the Shire under the Shire's Local Laws. |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Manager Works & Assets Shire Ranger |
| Sub-Delegation Conditions: | Conditions on the original delegation also apply to the sub-delegation. |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 1.11 Power to Enter into Lease Agreements with Charitable/Benevolent Organisations | |
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| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995, Section 3.58</i> Disposing of Property |
| Delegation to: | 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 delegated authority to negotiate and enter into new or renewed lease agreements with charitable, benevolent, religious, cultural, educational, recreational, sporting or other like-nature groups for properties that are under the care and control of the Shire, either by management order, lease, sub-lease, licence, sub-licence or freehold. |
| Conditions: | <ol style="list-style-type: none"> 1. All leases must ensure the application of transparent and equitable processes. 2. Section 3.58 of the Local Government Act 1995 must be complied with. 3. Land upon which a lease is applicable must have the ability to be leased and/or sub-leased by the Shire (i.e. with Power to Lease on a Management Order or some other such arrangement) |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

PART 2 - FINANCE

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| 2.1 Rates | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995</i> Sections 6.39(2), 6.49, 6.50(1)&(2), 6.56(1), 6.60(2), 6.60(4), 6.64, and 6.76(4), (5), (6). |
| Delegation to: | 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 delegated authority to: <ol style="list-style-type: none"> 1. Amend the rate record as specified in Section 6.39(2); 2. Enter into an agreement with a person for the payment of rates or service charges in accordance with Section 6.49; 3. Determine the date on which rates or service charges become due and payable under Section 6.50(1) & (2); 4. Recover a rate or service, as well as the costs of proceedings, where it remains unpaid after it becomes due under Section 6.56(1); 5. Grant an extension of time for a person to make an objection to the rate record under Section 6.76(4); 6. Consider an objection to a rate record, either allowing or disallowing it, wholly or in part. In accordance with Section 6.76(5), and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with Section 6.76(6); 7. Give notice to a lessee of land in respect of which there is an unpaid rate or service charge to require the lessee to pay the rent to the local government in accordance with Section 6.60(2); 8. Recover the amount of the rate or service charge as a debt from the lessee if the rent is not paid in accordance with the notice (Section 6.60(4)); and 9. Commence proceedings under Section 6.64 to recover rates owing to the Shire. |
| Conditions: | Recovery or rates of must be in accordance with the Sundry Debt Collection Policy. |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Manager Corporate & Community Services |
| Sub-Delegation Conditions: | Conditions on the original delegation also apply to the sub-delegation. |

Shire of Dowerin – Delegations Register

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| Record Keeping: | <ol style="list-style-type: none">1. Ensure full record of each decision is lodged on the Shire Rates Database in Synergy.2. All records will be retained in the Shire’s record-management system in accordance with the Record Management Plan and associated legislation. |
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Shire of Dowerin – Delegations Register

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| 2.2 Investments | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995</i> Section 6.14(1) |
| Delegation to: | 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 delegated authority to invest funds held in the Municipal Fund or the Trust Fund of the local government that is not, for the time being, required by the local government for any other purpose, in accordance with Part III of the <i>Trustees Act 1962</i> . |
| Conditions: | <ol style="list-style-type: none"> 1. All investments are to be reported to the Finance Committee and Council. 2. All investments will be in accordance with Council Policy |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Manager Corporate & Community Services |
| Sub-Delegation Conditions: | Conditions on the original delegation also apply to the sub-delegation. |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

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| 2.3 Community Funding | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995 Section 6.7(2) Local Government (Financial Management) Regulations 1996, Regulation 12(1)(a)</i> |
| Delegation to: | 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 delegated authority to approve community funding subject to the annual Budget to a maximum value of \$500 per application. |
| Conditions: | <ol style="list-style-type: none"> 1. Subject to budgetary availability. 2. The total of any cash donations made under this delegated authority in any one year shall not exceed the amount provided for that purpose in Council's Budget without Council approval. |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | <ol style="list-style-type: none"> 1. All donations are reported to Council in the monthly statements of accounts paid under delegation. 2. All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 2.4 Write-Off of Money Owing | |
|---|---|
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power / Duty Delegated: | <i>Local Government Act 1995</i> Section 6.12(1)(b)&(c) |
| Delegation to: | 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 delegated authority to waive or grant concessions in relation to any amount of money or write off any amount of money (except rates and service charges) that is owed to the Shire to a maximum of \$500. |
| Conditions: | <ol style="list-style-type: none"> 1. This delegation does not apply to waiving or granting concessions on any amount of money owing in respect of rates and service charges. 2. The maximum amount is \$500 for any one transaction. |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

PART 3 - ENGINEERING

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|---|---|
| 3.1 Temporary Road Closure | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995</i> Section 5.42 |
| Power / Duty Delegated: | <i>Local Government Act 1995:</i> Section 3.50 Closing certain thoroughfares to vehicles; Section 3.50A Partial closure of thoroughfares for repairs or maintenance; Section 3.51 Affected owners to be notified of certain proposals. |
| Delegation to: | 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 granted delegated authority granted to: <ol style="list-style-type: none"> 1. To close a thoroughfare managed by the Shire (wholly or partially) to vehicles for a period of less than 4-weeks, after giving local public notice of the intention to do so (Section 3.50(1)); 2. To close a thoroughfare managed by the Shire (wholly or partially) to vehicles for a period of more than 4-weeks, after giving local public notice of the intention to do so and allowing submissions to be made and considered in accordance with Sections 3.50(4)&(5), and 3.50(1a)); and 3. To partially and temporarily close a thoroughfare for repairs or maintenance without giving local public notice if it is unlikely to have an adverse impact on users of the thoroughfare (Section 3.50A). |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Local Government Act 1995</i> Section 5.44 CEO may delegate some powers and duties to other employees. |
| CEO's Sub-Delegation to: | Manager Works & Assets |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 3.2 Temporary Closure of Thoroughfares Events | |
|---|--|
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995</i> Section 5.42 |
| Power / Duty Delegated: | <i>Local Government Act 1995</i> Section 3.50 |
| Delegation to: | 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 delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the <i>Road Traffic (Events on Roads) Regulations 1991</i> . |
| Conditions: | The Chief Executive Officer shall have regard to Section 3.50 of the <i>Local Government Act 1995</i> . |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees. |
| CEO's Sub-Delegation to: | Manager Assets & Works |
| Sub-Delegation Conditions: | Conditions on the original delegation also apply to the sub-delegation. |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

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| 3.3 Performing particular things on land which is not the Local Government's property | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995</i> Section 5.42 |
| Power / Duty Delegated: | <i>Local Government Act 1995:</i> Section 3.27 Particular things local governments can do on land that is not the local government's property. |
| Delegation to: | 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 delegated authority to carry out things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> even though the land is not local government property and the local government does not have consent to do it, as follows: <ol style="list-style-type: none"> 1. Carry out works for the drainage of land; 2. Do earthworks or other works on land for preventing or reducing flooding; 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; 4. Or repairing a thoroughfare, bridge, culvert, fence or gate; 5. Deposit and leave on land; 6. 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; 7. Make a temporary thoroughfare; 8. through land for use by the public as a detour while work is being done on a public thoroughfare; 9. Place on land signs to indicate the names of public thoroughfares; 10. Make safe a tree that presents serious and immediate danger, without having to give the owner the notice otherwise required by regulations; and 11. Obliterate graffiti that is visible from a public place and that has been applied without the consent of the owner or occupier. |
| Conditions: | An effort must have been made to notify the owner and seek approval prior to works being carried out. |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees. |
| CEO's Sub-Delegation to: | Manager Works & Assets |
| Sub-Delegation Conditions: | Conditions on the original delegation also apply to the sub-delegation. |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 3.4 RAV Network Requests | |
|---|---|
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Local Government Act 1995</i> Section 5.42 |
| Power / Duty Delegated: | <i>Local Government Act 1995:</i> Section 3.53(2) Control of certain unvested facilities |
| Delegation to: | 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 delegated authority to approve or reject applications to use RAV Network 2, 3 and 4 combinations on all local roads considered suitable for usage by that combination. |
| Conditions: | All applications must be made in writing and will be subject to assessment against criteria and conditions as stipulated in Council Policy. |
| Power of Sub-Delegation: | <i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees. |
| CEO's Sub-Delegation to: | Manager Works & Assets |
| Sub-Delegation Conditions: | Conditions on the original delegation also apply to the sub-delegation. |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

PART 4 – BUILDING, HEALTH AND ENVIRONMENT

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|---|---|
| 4.1 Grant of Building Permit | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Building Act 2011:</i> Section 127 Delegation: special permit authorities and local governments |
| Power / Duty Delegated: | <i>Building Act 2011:</i> Section 20 Grant of Building Permit Section 27(1)&(3) Impose Conditions on Permit |
| Delegation to: | 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 delegated authority to: <ol style="list-style-type: none"> 1. grant a building permit (Section 20(1)); 2. refuse a building permit (Section 20(2)); 3. impose, vary or revoke conditions on a building permit (Sections 27(1)&(3)). |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Building Act 2011:</i> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| CEO's Sub-Delegation to: | Building Surveyor |
| Sub-Delegation Conditions: | Conditions on the original delegation also apply to the sub-delegation. |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 4.2 Grant of Demolition Permit | |
|---|---|
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Building Act 2011:</i> Section 127 Delegation: special permit authorities and local governments |
| Power / Duty Delegated: | <i>Building Act 2011:</i> Section 21 Grant of Demolition Permit Section 27 (1) and (3) Impose Conditions on Permit |
| Delegation to: | 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 delegated authority to: <ol style="list-style-type: none"> 1. grant a demolition permit (Section 21(1)); 2. refuse a demolition permit (Section 21(2)); and 3. impose, vary or revoke conditions on a demolition permit (Sections 27(1)&(3)). |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Building Act 2011:</i> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| CEO's Sub-Delegation to: | Building Surveyor |
| Sub-Delegation Conditions: | <ol style="list-style-type: none"> 1. Delegated Authority applies only to the approval of a demolition licence; and 2. The Chief Executive Officer is to be advised of the intention to issue a demolition licence prior to the final license being issued. |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 4.3 Grant Occupancy Permit and Building Approval Certificate | |
|---|---|
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Building Act 2011:</i> Section 127 Delegation: special permit authorities and local governments |
| Power / Duty Delegated: | <i>Building Act 2011:</i> Section 58 Grant of Occupancy Permit, Building Approval Certificate Section 62(1)&(3) Conditions Imposed by Permit Authority Section 65(4) Extension of Period of Duration |
| Delegation to: | 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 delegated authority to: <ol style="list-style-type: none"> 1. grant or modify or refuse an occupancy permit or building approval certificate (Section 58); 2. impose, add, vary or revoke conditions on an occupancy permit or building approval certificate (Section 62(1)&(3)); and 3. extend the period in which an occupancy permit or modification, or building approval certificate has effect (Section 65(4)). |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Building Act 2011:</i> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| CEO's Sub-Delegation to: | Building Surveyor |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 4.4 Appoint Authorised Persons | |
|---|---|
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Building Act 2011:</i> Section 127 Delegation: special permit authorities and local governments |
| Power / Duty Delegated: | <i>Building Act 2011</i> Section 96(3) |
| Delegation to: | 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 delegated authority to appoint authorised persons for the purposes of the <i>Building Act 2011</i> and <i>Building Regulations 2012</i> (Section 96(3)). |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Building Act 2011:</i> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

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| 4.5 Building Orders | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Building Act 2011:</i> Section 127 Delegation: special permit authorities and local governments |
| Power / Duty Delegated: | <i>Building Act 2011:</i> Section 110(1), Section 111(1), Section 114, Section 117(1)&(2), Section 118(2)&(3), Section 133(1) |
| Delegation to: | 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 delegated authority to: <ol style="list-style-type: none"> 1. make Building Orders in relation to: <ol style="list-style-type: none"> a. building work; b. demolition Work; and/or c. an existing building or incidental structure whether completed before or after commencement day; 2. Give notice of a proposed building order and consider submissions received in response and determine actions (Section 111(1)(c)); 3. Serve a building order (Section 114); 4. revoke a Building Order (Section 117); 5. if there is non-compliance with a building order, cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease (Section 118(2)); 6. take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in relation to the building order (Section 118(3)); and 7. initiate a prosecution pursuant to Section 133(1) for non-compliance with a Building Order made pursuant to Section 110. |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Building Act 2011:</i> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| CEO's Sub-Delegation to: | Building Surveyor |
| Sub-Delegation Conditions: | Nil |

Shire of Dowerin – Delegations Register

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| Record Keeping: | All records will be retained in the Shire’s record-management system in accordance with the Record Management Plan and associated legislation. |
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Shire of Dowerin – Delegations Register

| 4.6 Food Act 2008 - Prohibition Orders | |
|---|--|
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Food Act 2008</i> Section 118(2)(b) |
| Power / Duty Delegated: | <i>Food Act 2008:</i> Section 65(1) Prohibition Order Section 66 Certificate of Clearance Section 67(4) Request for Re-Inspection |
| Delegation to: | 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 delegated authority to: <ol style="list-style-type: none"> 1. Serve a Prohibition Order on the proprietor of a food business in accordance with Section 65; 2. Issue a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices (Section 66); and 3. Give written notice to a 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 under Section 66 and Section 67 of the <i>Food Act 2008</i> (Section 67(4)). |
| Conditions: | Nil |
| Power of Sub-Delegation: | Nil |
| CEO's Sub-Delegation to: | Environmental Health Officer |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 4.7 Registration of Food Businesses | |
|---|--|
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Food Act 2008</i> Section 118(2)(b) |
| Power / Duty Delegated: | <i>Food Act 2008</i> Section 110(1)&(5) Registration of food business; Section 112 Variation of conditions or cancellation of registration of food businesses |
| Delegation to: | 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 is granted to grant, apply conditions, refuse or vary or cancel the registration of food business in accordance with Section 110 and Section 112 of the <i>Food Act 2008</i> . |
| Conditions: | Nil |
| Power of Sub-Delegation: | Nil |
| CEO's Sub-Delegation to: | Environmental Health Officer |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 4.8 Appoint Authorised Officers | |
|---|---|
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Food Act 2008</i> Section 118(2)(b) |
| Power / Duty Delegated: | <i>Food Act 2008</i> Section 122(1) Appointment of authorised officers; Section 126 – Infringement notices |
| Delegation to: | 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 delegated authority to: <ol style="list-style-type: none"> 1. Appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> (Section 122(1)). 2. Appoint a person to be a designated officer for the purposes of the <i>Food Act 2008</i> (Section 126(13)). |
| Conditions: | Nil |
| Power of Sub-Delegation: | Nil |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

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| 4.9 Prosecutions | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Food Act 2008</i> Section 118(2)(b) |
| Power / Duty Delegated: | <i>Food Act 2008</i> Section 125 Institution of proceedings |
| Delegation to: | 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 delegated authority to institute proceedings under Section 125 for an offence under the <i>Food Act 2008</i> . |
| Conditions: | Nil |
| Power of Sub-Delegation: | Nil. The <i>Food Regulations 2009</i> do not provide for sub-delegation. |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

| 4.10 Appointment of Officers | |
|---|---|
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Public Health Act 2016</i> Section 21 |
| Power / Duty Delegated: | <i>Public Health Act 2016</i> Section 24 |
| Delegation to: | 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 delegated authority to: <ol style="list-style-type: none"> 1. designate a person or class of persons as authorised officers for the purposes of the <i>Public Health Act 2016</i>; and 2. designate a person or class of persons as authorised officers or approved officers for the purposes of Part 2 of the <i>Criminal Procedure Act 2004</i>. |
| Conditions: | Nil |
| Power of Sub-Delegation: | Nil |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

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| 4.11 Cat Act 2011 | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Cat Act 2011</i> Section 44 |
| Power / Duty Delegated: | <i>Cat Act 2011</i> |
| Delegation to: | 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. The Chief Executive Officer is delegated authority to perform any or all of the powers/duties of the local government contained within the <i>Cat Act 2011</i> and subsidiary legislation. 2. The Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the <i>Cat Act 2011</i> and its subsidiary legislation, and to issue to each authorised person a certificate stating that the person is an authorised person for the purpose of the <i>Cat Act 2011</i>. |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Cat Act 2011</i> Section 45 |
| CEO's Sub-Delegation to: | Ranger |
| Sub-Delegation Conditions: | <p>The sub-delegation to the Ranger does not include:</p> <ol style="list-style-type: none"> 1. The authority to withdraw notices and/or infringements; 2. The authority to appoint Authorised persons; or 3. The authority to commence legal proceedings. |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

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| 4.14 Dog Act 1976 | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Dog Act 1976</i> Section 10AA |
| Power / Duty Delegated: | <i>Dog Act 1976</i> |
| Delegation to: | 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. The Chief Executive Officer is delegated authority to perform any or all of the powers/duties of the local government contained within the <i>Dog Act 1976</i> and subsidiary legislation, except where an Absolute Majority of Council is required. 2. The Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the <i>Dog Act 1976</i> and its subsidiary legislation, and to issue to each authorised person a certificate stating that the person is an authorised person for the purpose of the <i>Dog Act 1976</i>. |
| Conditions: | Nil |
| Power of Sub-Delegation: | <i>Dog Act 1976</i> – Section 10AA(3) |
| CEO's Sub-Delegation to: | Ranger |
| Sub-Delegation Conditions: | <p>The sub-delegation to the Ranger does not include:</p> <ol style="list-style-type: none"> 1. The authority to withdraw notices and/or infringements; 2. The authority to appoint Authorised persons; or 3. The authority to commence legal proceedings. |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |

Shire of Dowerin – Delegations Register

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| 4.15 Bush Fires Act 1954 | |
| Power / Duty Assigned in legislation to: | Local Government |
| Power of Delegation: | <i>Bush Fires Act 1954</i> Section 48 |
| Power / Duty Delegated: | <i>Bush Fires Act 1954</i> |
| Delegation to: | 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 perform the functions of the local government under the <i>Bush Fires Act 1954</i> . |
| Conditions: | Authority excludes powers and duties that: <ol style="list-style-type: none"> 1. Are prescribed in the Act with a requirement for a resolution of the local government; or 2. Are prescribed by the Act for performance by other designated officers. |
| Power of Sub-Delegation: | Nil – There is no statutory power to sub-delegate is provided in the <i>Bush Fires Act 1954</i> . |
| CEO's Sub-Delegation to: | Nil |
| Sub-Delegation Conditions: | Nil |
| Record Keeping: | All records will be retained in the Shire's record-management system in accordance with the Record Management Plan and associated legislation. |