



DELEGATION REGISTER

Table of Contents

INTRODUCTION	VI
Introduction	vi
Delegations and authorisations under other Legislation	vii
1 LOCAL GOVERNMENT ACT.....	8
1.1 Council to Committees of Council	8
1.2 Council to CEO	8
1.2.1 Authorise a Person to Perform Specified Function under the Local Government Act 1995	8
1.2.2 Performing Functions Outside the District	10
1.2.3 Compensation - Damage Incurred when Performing Executive Functions	11
1.2.4 Powers of Entry	12
1.2.5 Declare Vehicle is Abandoned Vehicle Wreck.....	14
1.2.6 Confiscated or Uncollected Goods.....	15
1.2.7 Disposal of Sick or Injured Animals.....	17
1.2.8 Close Thoroughfares to Vehicles	18
1.2.9 Control Reserves and Certain Unvested Facilities	20
1.2.10 Obstruction of Footpaths and Thoroughfares	21
1.2.11 Gates Across Public Thoroughfares.....	23
1.2.12 Public Thoroughfare – Dangerous Excavations	25
1.2.13 Crossing – Construction, Repair and Removal.....	27
1.2.14 Private Works on, over or under Public Places	29
1.2.15 Expressions of Interest for Goods and Services.....	31
1.2.16 Tenders for Goods and Services – Call Tenders.....	32
1.2.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options.....	34
1.2.18 Tenders for Goods and Services - Exempt Procurement	37
1.2.19 Disposing of Property.....	39
1.2.20 Acquisition of Interest in Land by Lease or other Short-Term Instrument	42



1.2.21	Payments from the Municipal or Trust Funds	44
1.2.22	Defer, Grant Discounts, Waive or Write Off Debts	46
1.2.23	Power to Invest and Manage Investments	48
1.2.24	Rate Record Amendment.....	50
1.2.25	Agreement as to Payment of Rates and Service Charges.....	51
1.2.26	Determine Due Date for Rates or Service Charges.....	52
1.2.27	Recovery of Rates or Service Charges	53
1.2.28	Recovery of Rates Debts – Require Lessee to Pay Rent.....	54
1.2.29	Recovery of Rates Debts - Actions to Take Possession of the Land	55
1.2.30	Rate Record – Objections	57
1.2.31	Extend Time for Lodging an Objection	58
1.2.32	Payments to Employees in Addition to Contract or Award.....	59
1.3	CEO to Employees.....	60
1.3.1	Determine if an Emergency for Emergency Powers of Entry	60
1.3.2	Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare.....	61
1.3.3	Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares.....	63
1.3.4	Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places.....	65
1.3.5	Electoral Enrolment Eligibility Claims and Electoral Roll	66
1.3.6	Destruction of Electoral Papers.....	68
1.3.7	Appoint Authorised Persons.....	69
1.3.8	Information to be Available to the Public	71
1.3.9	Financial Management Systems and Procedures	72
1.3.10	Audit – CEO Review of Systems and Procedures	74
1.3.11	Infringement Notices	75
1.4	Local Law Delegations	77
1.4.1	Health Local Law	77
1.4.2	Local Law Administration	80
2	BUILDING ACT 2011 DELEGATIONS	81
2.1	Council to CEO	81
2.1.1	Grant a Building Permit.....	81
2.1.2	Demolition Permits.....	83
2.1.3	Occupancy Permits or Building Approval Certificates.....	85
2.1.4	Designate Employees as Authorised Persons.....	87
2.1.5	Designate Contractors as Authorised Persons (Inspectors)	88
2.1.6	Building Orders	89
2.1.7	Inspection and Copies of Building Records.....	91
2.1.8	Authorise persons to commence proceedings.....	92



2.1.9	Referrals and Issuing Certificates	93
2.1.10	Private Pool Barrier – Alternative and Performance Solutions.....	94
2.1.11	Smoke Alarms – Alternative Solutions	96
2.1.12	Appointment of approved officers and authorised officers	97
3	BUSH FIRES ACT 1954 DELEGATIONS	98
3.1	Council to CEO, Shire President and Bush Fire Control Officer	98
3.1.1	Make Request to FES Commissioner – Control of Fire	98
3.1.2	Prohibited Burning Times - Vary	99
3.1.3	Prohibited Burning Times – Control Activities.....	100
3.1.4	Restricted Burning Times – Vary and Control Activities	102
3.1.5	Control of Operations Likely to Create Bush Fire Danger.....	104
3.1.6	Burning Garden Refuse / Open Air Fires.....	105
3.1.7	Firebreaks.....	107
3.1.8	Appoint Bush Fire Control Officer/s and Fire Weather Officer	108
3.1.9	Control and Extinguishment of Bush Fires	109
3.1.10	Recovery of Expenses Incurred through Contraventions of this Act	110
3.1.11	Prosecution of Offences.....	111
4	CAT ACT 2011 DELEGATIONS.....	112
4.1	Council to CEO	112
4.1.1	Cat Registrations	112
4.1.2	Cat Control Notices.....	114
4.1.3	Approval to Breed Cats.....	115
4.1.4	Recovery of Costs – Destruction of Cats.....	116
4.1.5	Authorise a person to perform Specified functions under the Cat Act 2011..	117
4.1.6	Applications to Keep Additional Cats	118
4.1.7	Reduce or Waiver Registration Fee	119
4.2	Cat Act Delegations - CEO to Employees	120
4.2.1	Infringement Notices – Extensions and Withdrawals.....	120
5	DOG ACT 1974 DELEGATIONS	121
5.1	Council to CEO	121
5.1.1	Refuse or Cancel Registration	121
5.1.2	Kennel Establishments	123
5.1.3	Recovery of Moneys Due Under this Act.....	124
5.1.4	Dispose of or Sell Dogs Liable to be Destroyed	125
5.1.5	Declare Dangerous Dog	126
5.1.6	Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke.....	127



5.1.7	Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice	129
5.1.8	Determine Recoverable Expenses for Dangerous Dog Declaration	130
5.1.9	Dog Registration Officers	131
6	FOOD ACT 2008 DELEGATIONS	132
6.1	Council to Employees	132
6.1.1	Determine Compensation	132
6.1.2	Prohibition Orders and Certificates of Clearance	134
6.1.3	Food Business Registrations	135
6.1.4	Appoint Authorised Officers and Designated Officers.....	136
6.1.5	Debt Recovery and Prosecutions.....	137
6.1.6	Food Businesses List – Public Access	138
7	GRAFFITI VANDALISM ACT 2016 DELEGATIONS	139
7.1	Council to CEO	139
7.1.1	Give Notice Requiring Obliteration of Graffiti.....	139
7.1.2	Notices – Deal with Objections and Give Effect to Notices.....	140
7.1.3	Obliterate Graffiti on Private Property	141
7.1.4	Powers of Entry	142
8	PUBLIC HEALTH ACT 2016 DELEGATIONS	143
8.1	Council to CEO	143
8.1.1	*moved to Health (Miscellaneous Provisions) Act 1911 Delegations (Delegation 11.1.2).....	143
8.1.2	Enforcement Agency Reports to the Chief Health Officer.....	143
8.1.3	Designate Authorised Officers	144
8.1.4	Dealing with Seized Items.....	146
8.1.5	Appoint Designated Officer – Information Sharing	147
9	PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS	148
9.1	Council to CEO	148
9.1.1	Illegal Development	148
10	LOCAL PLANNING SCHEME – COUNCIL TO CEO	150
10.1.1	Local Planning Scheme No.4.....	150
11	HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 DELEGATIONS	153
11.1	Council to CEO / Employees.....	153
11.1.1	Discharge of Powers – Section 26 of the <i>Health (Miscellaneous Provisions) Act 1911</i>	153
11.1.2	Appoint Authorised Officer or Approved Officer (Asbestos Regulations)	155



12	STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES.....	156
12.1	Environmental Protection Act 1986.....	156
12.1.1	Noise Control – Environmental Protection Notices [Reg.65(1)]	156
12.1.2	Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events	157
12.1.3	Noise Management Plans – Construction Sites	158
12.2	Planning and Development Act 2005	159
12.2.1	Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner.....	159
12.2.2	WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)	162
12.3	Main Roads Act 1930.....	163
12.3.1	Traffic Management – Road Works.....	163
12.4	Road Traffic (Vehicles) Act 2012	165
12.4.1	Approval for Certain Local Government Vehicles as Special Use Vehicles ..	165
12.5	Australian Citizenship Act 2007.....	167
12.5.1	Instrument of Authorisation – To Receive a Pledge of Commitment.....	167

INTRODUCTION

Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government 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 (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to Section 5.16, other than those under Section 5.17(1).

Section 5.33 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government, Industry Regulation and Safety [*Guideline No. 17 – Delegations*](#), establishes the principal issue in determining whether a statutory function or duty is suitable for ‘acting through’ that being – where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the ‘acting through’ concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term “acting through”, however section 5.45(2) states;

“Nothing in this division is to 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 purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains ‘Instruments of Delegation’ that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

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.



The record is to contain the following information:

- Date the decision was exercised
- Name of the officer/committee exercising the decision;
- Description of how the person exercised the power or discharged the duty, including the appropriate, any directions to staff to carry out work associated with the decision unless those directions are included in policies, corporate guidelines or the delegation register; and
- Notation of the people or class of people directly affected by the decision (other than Council or committee members or employees of the Shire)

Records are to be entered into Altus ECM with the following naming convention - "*Delegation No: ##, Title, Description of the Decision*" unless they are captured operationally using Synergy standard modules.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environmental Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the Local Government Act 1995, its regulations and the local government's local laws include:

- *Building Act 2011*
- *Bush Fires Act 1954 and regulations*
- *Caravan Parks and Camping Grounds Act 1995*
- *Cat Act 2011 and regulations*
- *Cemetries Act 1986*
- *Control of Vehicles (Off-Road Areas) Act 1978 and regulations*
- *Dog Act 1976 and regulations*
- *Environmental Protection Act 1986*
- *Environmental Protection (Noise) Regulations 1997*
- *Food Act 2008*
- *Health (Miscellaneous Provisions) Act 1911*
- *Litter Act 1979 and regulations*
- *Local Government (Miscellaneous Provisions) Act 1960 as amended*
- *Parks & Reserves Act 1895*
- *Planning and Development Act 2005 and associated regulations*
- *Public Health Act 2016*
- *Strata Tiles Act 1985*

N.B – this is not an exhaustive list.



1. Local Government Act 1995 Delegations

1 Local Government Act

1.1 Council to Committees of Council

Nil

1.2 Council to CEO

1.2.1 Authorise a Person to Perform Specified Function under the Local Government Act 1995

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 <i>Authorising persons under this Subdivision</i> s.3.31(2) <i>General Procedure for entering property</i> s.3.39(1) <i>Power to remove and impound</i> s.3.40A(1) <i>Abandoned vehicle wreck may be taken</i> s.9.24(1)(c) and (2)(b) <i>Prosecutions, commencing</i> <i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 <i>Pounds, establishing; pound keepers and rangers, appointing</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 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, with the consent of the owner / occupier through the prescribed notice; [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)].



1. Local Government Act 1995 Delegations

	6. Authority to appoint fit and proper persons as pound keepers or Rangers [<i>Misc.Prov.s.449</i>].
Council Conditions on this Delegation:	Only persons who are appropriately qualified and trained may be authorised to perform relevant 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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	<p>Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</p> <p>A register of Authorisations is to be maintained as a Local Government Record.</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p>
Record Keeping:	A register of Authorisations is to be maintained as a Local Government Record.



1. Local Government Act 1995 Delegations

1.2.2 Performing Functions Outside the District

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.20(1) Performing functions outside district
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>	Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Council Conditions on this Delegation:	A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
Express Power to Sub-Delegate:	<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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.3 Compensation - Damage Incurred when Performing Executive Functions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.22(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:	Delegation is limited to settlements which do not exceed a material value of \$5,000.
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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 Enter land s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34(1) & (3) 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 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:	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.
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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	<p>When exercising authority to authorise persons under s.3.31(2):</p> <ul style="list-style-type: none"> • Authorisations are to be provided in writing by issuing a Certificate of Authorisations • 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.
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1. Local Government Act 1995 Delegations

	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><u>Local Government Act 1995:</u></p> <p>s.3.32(2)] Appointment of authorised persons. Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry</p> <p>s.3.34(2) Entry in an emergency – Refer to CEO to Employees Delegation</p> <p>1.3.1 Determine if an Emergency for Emergency Powers of Entry</p>
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.5 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 1.2.6 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 1.2.1 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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.6 Confiscated or Uncollected Goods

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 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].
Council Conditions on this Delegation:	<p>Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with the <i>Local Government (Functions and General Regulation) 1996</i>, r.30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.</p> <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 1.2.1 Authorise a Person to Perform Specified Functions under the <i>Local Government Act 1995</i>.</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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>Subject to the conditions on delegation to the CEO.</p> <p><i>Section.3.47 specifies that s.3.58 applies to disposal of goods under s.3.47. Note - that s.3.57 tender requirements <u>do not apply</u> to disposal of confiscated or uncollected goods OR Disposal of Property under s.3.58. (s.3.57 applies only to “contracts... <u>under which another person is to supply goods or service</u>)</i></p>



1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 :Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.7 Disposal of Sick or Injured Animals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.8 Close Thoroughfares to Vehicles

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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: <ul style="list-style-type: none"> • give local public notice; • written notice to prescribed persons and persons that own prescribed land; • consider submissions relevant to the road closure/s proposed; and • provide a copy of the public notice to the Commissioner of Main Road; [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]. 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Limited to temporary road closures only. Permanent closure of roads must be determined by Council and subject to compliance with <i>Land Administration Act 1987</i>, s.58. b. Maintain access to adjoining land [s.3.52(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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services
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Delegation Register

Shire of Nannup



1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none">Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	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)]. Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.9 Control Reserves and Certain Unvested Facilities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Nannup that the Shire could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].
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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.10 Obstruction of Footpaths and Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 r.7A Obstruction of public thoroughfare by fallen things r.7 Encroaching on public thoroughfare <i>Local Government Act 1995 - Certain matters for which Governor may make regulations</i> Sch.9.1 cl. 3(1)(a) Sch.9.1 cl.3(1)(b) 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 the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has:



1. Local Government Act 1995 Delegations

	<ul 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>	<ul style="list-style-type: none"> • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Record Keeping	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.11 Gates Across Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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> (ULP) r.9 Permission to have gate across public thoroughfare <i>Local Government Act 1995</i> Sch.9.1 cl.5(1) – Certain matters for which Governor may make regulations
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"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with <i>Uniform Local Provisions Regulation</i> [ULP r.9(8)].
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>	<ul style="list-style-type: none"> • Executive Manager Works & Services • Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Subject to the conditions on delegation to the CEO.



1. Local Government Act 1995 Delegations

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.12 Public Thoroughfare – Dangerous Excavations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 <i>Local Government Act 1995</i> Sch.9.1 cl.6 – Certain matters for which Governor may make regulations
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 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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 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



1. Local Government Act 1995 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Executive Manager Works & Services • Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.13 Crossing – Construction, Repair and Removal

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 r.13(1) Requirement to construct or repair crossing <i>Local Government Act 1995</i> Sch.9.1 cl.7(2) & (3) – Certain matters for which Governor may make regulations
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:	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</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>	<ul style="list-style-type: none"> • Executive Manager Works & Services • Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

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

	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures</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>
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.14 Private Works on, over or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.17 Private works on, over, or under public places <i>Local Government Act 1995</i> – Sch.9.1 - Certain matters for which Governor may make regulations
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 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:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 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 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>	<ul style="list-style-type: none"> • Executive Manager Works & Services • Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Subject to the conditions on delegation to the CEO



1. Local Government Act 1995 Delegations

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures</p> <p>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</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>
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.15 Expressions of Interest for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
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].
Council Conditions on this Delegation:	Expressions of Interest may only be called where there is an adopted budget for the proposed goods or 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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to conditions on delegation to the CEO

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy ADM 4 Purchasing Policy</p>
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.16 Tenders for Goods and Services – Call Tenders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 (or separately approved by Council), 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.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees



1. Local Government Act 1995 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>Subject to the conditions on delegation to the CEO; and</p> <p>Each sub-delegate may only use the sub-delegation regarding contracts that are within the scope of the incumbent's position role and responsibilities.</p>
Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy ADM 4 Purchasing Policy</p> <p>Council Policy ADM 2 Internal Control Manual</p>
Record Keeping:	<p>All records must be kept on the appropriate file.</p>



1. Local Government Act 1995 Delegations

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <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 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: <ol style="list-style-type: none"> i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the value detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement <u>OR</u> the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the



1. Local Government Act 1995 Delegations

	<p>goods and services to be supplied, and do not change the scope of the original contract [F&G r.21A(a)].</p> <p>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).</p>
<p>Council Conditions on this Delegation:</p>	<p>a. Exercise of authority under F&G.r.18(2) requires consideration of whether 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.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ol style="list-style-type: none"> i. The total consideration under the resulting contract is \$500,000 or less; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract <u>after</u> entry into the contract [F&G r.21A(a)] must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. 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.</p>
<p>Express Power to Sub-Delegate:</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

<p>Sub-Delegate/s: <i>Appointed by CEO</i></p>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
<p>CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>Subject to the conditions on delegation to the CEO; and each sub-delegate may only use the sub-delegation regarding contracts that are within the scope of the incumbent's position role and responsibilities.</p>

<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p>
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1. Local Government Act 1995 Delegations

	<p><i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy ADM 4 Purchasing Policy</p> <p>Council Policy ADM 2 Internal Control Manual</p>
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.18 Tenders for Goods and Services - Exempt Procurement

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government												
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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(2). When tenders have to be publicly invited (<i>exemptions</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 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:	<p>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:</p> <table border="1"> <thead> <tr> <th>Category</th> <th>Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&G.r.11(2)(b)]</td> <td>Unlimited</td> </tr> <tr> <td>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)]</td> <td>\$500,000</td> </tr> <tr> <td>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)]</td> <td>\$500,000</td> </tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]</td> <td>\$300,000</td> </tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA</td> <td>\$250,000*</td> </tr> </tbody> </table>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	Unlimited	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)]	\$500,000	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)]	\$500,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$300,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA	\$250,000*
Category	Maximum Value for individual contracts												
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	Unlimited												
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)]	\$500,000												
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)]	\$500,000												
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$300,000												
Goods or services supplied by a person registered on the Aboriginal Business Directory WA	\$250,000*												



1. Local Government Act 1995 Delegations

	<p><u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]</p>	<p><i>*as specified in F&G.r.11(2)(h)(ii)</i></p>
	<p>Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]</p>	<p>\$500,000</p>
	<p>b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <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. <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the amount delegated above, the decision is to be referred to Council.</p>	
<p>Express Power to Sub-Delegate:</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>	

<p>Sub-Delegate/s: <i>Appointed by CEO</i></p>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
<p>CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>Subject to the conditions on delegation to the CEO; and</p> <p>Each sub-delegate may only use the sub-delegation regarding contracts that are within the scope of the incumbent's position role and responsibilities.</p>

<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy ADM 4 Purchasing Policy</p> <p>Council Policy ADM 2 Internal Control Manual</p>
<p>Record Keeping:</p>	<p>All records must be kept on the appropriate file.</p>



1. Local Government Act 1995 Delegations

1.2.19 Disposing of Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.58(2) & (3) Disposing of 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>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> a. the highest bidder at public auction [s.3.58(2)(a)]. b. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. 3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> a. 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)] b. 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)]. c. 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)] d. disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)]. e. 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) f. disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&G r.30(3)(a)] g. 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



1. Local Government Act 1995 Delegations

	<p>the other property is not more, or worth more, than \$75,000. [F&G.r.30(3)(b)]</p>
<p>Council Conditions on this Delegation:</p>	<p>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</p> <p>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$150,000 or less.</p> <p>c. When determining the method of disposal:</p> <ul style="list-style-type: none"> i. Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> o Reserve price has been set by independent valuation. o Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. ii. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. iii. Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> o Negotiate the sale of the property up to a -10% variance on the valuation; and o Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. <p>d) 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.</p> <p>e) 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.</p> <p>f) Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes.</p>
<p>Express Power to Sub-Delegate:</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>



1. Local Government Act 1995 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995 – s.3.58 Disposal of Property</i> <i>Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</i> <i>Land Administration Act 1987 – where Ministerial approval is required before Crown Land may be disposed of.</i>
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.20 Acquisition of Interest in Land by Lease or other Short-Term Instrument

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.59 Commercial enterprises by local governments <i>Local Government (Functions and General) Regulations 1996:</i> 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 Nannup 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)]: <ol style="list-style-type: none"> 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 5 Years. 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. NOTE - <u>Examples</u> 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. c. Where the acquisition total consideration value is greater than \$20,000, the value is to be verified by at least one written valuation obtained from a suitably licensed valuer not



1. Local Government Act 1995 Delegations

	<p>more than 3-months prior to the execution of the associated acquisition contract.</p> <p>d. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$50,000 or less.</p> <p>e. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s.9.49A.</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>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to subdelegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995</p> <ul style="list-style-type: none"> s.3.59 Commercial enterprises by local Government s.9.49A Execution of documents s.6.2 Annual Budget <p>Corporate Business Plan as adopted by Council</p> <p>Local Government (Functions and General) Regulations 1995</p> <p>Regulations 8A and 8</p> <p>Residential Tenancy Act 1987</p> <p>Commercial Tenancy (Retail Shops) Agreements Act 1985</p>
Record Keeping:	Records to be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.21 Payments from the Municipal or Trust Funds

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	<p>a. Authority to make payments is subject to annual budget limitations.</p> <p>b. Each payment is to be noted on a list compiled for each month showing:</p> <ol style="list-style-type: none"> i. The payee's name ii. The amount of the payment iii. The date of the payment iv. Sufficient information to identify the transaction <p>The payment list for each month is to be presented to Council and recorded in the Minutes.</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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>Subject to the conditions on delegation to the CEO; and</p> <ol style="list-style-type: none"> a. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. b. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO, Executive Manager Corporate Services and/or Executive Manager Works & Services. c. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.



1. Local Government Act 1995 Delegations

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p><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.</p> <p><i>Local Government (Audit) Regulations 1996</i></p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries: Accounting Manual</p>
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.22 Defer, Grant Discounts, Waive or Write Off Debts

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 or grant concessions in relation to any amount of money that is owed to the Shire (but specifically excludes rates and service charges) [s.6.12(1)(b) and (2)]. 2. Write off an amount of money which is owed to the Shire of Nannup [s.6.12(1)(c)]. <p>Note that:</p> <ul style="list-style-type: none"> • Function 1 applies to fees and charges as they are incurred; and • Function 2 applies to debts owed to the Shire.
Council Conditions on this Delegation:	<p>Subject to -</p> <ol style="list-style-type: none"> a. The waiver, concession or write off of money owing not exceeding \$600 per request and a maximum total of \$10,000 in any financial year. b. Write-off small balances relating to a rates or service charge debt up to an individual value of \$50 [s.6.12(1) (c)]. c. 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 Nannup. d. Decisions are subject to the confines of the annual approved 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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> a. Subject to the conditions on delegation to the CEO; b. All waivers, concessions or write off of money owing must relate to the Executive Manager Corporate Services operational responsibilities. c. All decisions are subject to the Shire's 'Defer, Grant Discounts, Waive or Write Off Debts' Policy.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.



1. Local Government Act 1995 Delegations

	Local Government Act 1995 s.6.12 Power to defer, grant discounts, waive or write off debts 'Defer, Grant Discounts, Waive or Write Off Debts' Policy.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.23 Power to Invest and Manage Investments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 FNC 7 – 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 Committee at least once within every 4 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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> a. Subject to the conditions on delegation to the CEO; and b. A decision to invest must be jointly confirmed by two Delegates.

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

	<i>Local Government (Financial Management) Regulations 1996</i> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.24 Rate Record Amendment

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
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>	<ul style="list-style-type: none"> Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.</i> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.25 Agreement as to Payment of Rates and Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	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>	<ul style="list-style-type: none"> Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.26 Determine Due Date for Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 Nannup [s.6.50].
Council Conditions on this Delegation:	<p>a. Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget.</p> <p>NOTE - Financial Management Reg.64 specifies that instalment due dates are to be determined when adopting the annual budget.</p> <p>b. Decisions under this delegation are limited to determining due date and instalment due dates applicable to interim rating only.</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>	<ul style="list-style-type: none"> Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.27 Recovery of Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.28 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 [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:	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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <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.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 [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. 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 / charges 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. b. 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



1. Local Government Act 1995 Delegations

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation. <i>Local Government (Financial Management) Regulations 1996</i> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.
Record Keeping:	All records must be kept on the appropriate file



1. Local Government Act 1995 Delegations

1.2.30 Rate Record – Objections

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 whom 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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.31 Extend Time for Lodging an Objection

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.9.5 Objection may be lodged
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 extend the time for a person to make an objection regarding a relevant prescribed decision of the Local Government [s.9.5(2)].
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>	<ul style="list-style-type: none"> Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.2.32 Payments to Employees in Addition to Contract or Award

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.5.50 Payment to employees in addition to contract or award
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 delegates authority to the Chief Executive Officer to assess and approve payments to employees whose employment with the local government is ending, in accordance with the adopted "Payments to Employees in Addition to Contract or Award" Policy and subject to the conditions outlined below.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. The delegation applies only to employees who are not governed by a written contract under Section 5.39 of the Act. 2. Payments must be made in accordance with the Council's adopted "Payments to Employees in Addition to Contract or Award" Policy and is subject to budgetary constraints. 3. If a payment exceeds the amount set out in the adopted policy, the CEO must ensure that local public notice is given prior to the payment being made, as required under Section 5.50(2) of the Act. 4. The CEO must maintain accurate records of all payments made 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>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.3 CEO to Employees

1.3.1 Determine if an Emergency for Emergency Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.34(2) Entry in emergency
Delegate/s:	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services • Ranger
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)].
CEO Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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/s:	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10:</p> <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"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Obstruction of Footpaths and Thoroughfares. b. 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:	Nil

Compliance Links:	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.9 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><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p>
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1. Local Government Act 1995 Delegations

	Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Delegate/s:	<ul style="list-style-type: none"> Executive Manager Works & Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>When determining to grant permission for a dangerous excavation under Delegated Authority 1.2.12:</p> <ol style="list-style-type: none"> Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. 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:	Nil

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.2.11 Public Thoroughfares – Dangerous Excavations.</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></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>
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1. Local Government Act 1995 Delegations

Record Keeping:	All records must be kept on the appropriate file.
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1. Local Government Act 1995 Delegations

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Delegate/s:	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & 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 determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
CEO Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.13(2) & (4) Register - s.4.32(6)
Delegate/s:	<ul style="list-style-type: none"> • Executive Manager 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>	<ol style="list-style-type: none"> 1. Authority to decide whether the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 2. 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)]. 3. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 4. 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)]. 5. 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)]. 6. 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]. 7. 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. 8. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 9. 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)].



1. Local Government Act 1995 Delegations

CEO Conditions on this 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).
Express Power to Sub-Delegate:	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.3.6 Destruction of Electoral Papers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	<ul style="list-style-type: none"> Executive Manager 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>	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees; or the parcels are to be conveyed securely to a secure paper destruction company, or placed in a locked bin provided by such a company, by or under the supervision of the CEO in the presence of at least 2 employees. [Elect. r.82(4)].
CEO Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.3.7 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.9.10 Appointment of authorised persons
Delegate:	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Authority to appoint persons or classes of persons as authorised persons [s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <ol style="list-style-type: none"> a. <i>Local Government Act 1995</i> and its subsidiary legislation, including <i>Local Government Act Regulations</i>, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and <i>Local Laws</i> made under the <i>Local Government Act</i>. b. <i>Caravan Parks and Camping Grounds Act 1995</i>; c. <i>Cat Act 2011</i>; d. <i>Cemeteries Act 1986</i>; e. <i>Control of Vehicles (Off-road Areas) Act 1978</i>; f. <i>Dog Act 1976</i>; g. <i>Graffiti Vandalism Act 2016</i> – refer s.15; and h. any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. A register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. c. A person to be appointed as authorised officer in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i> and section 6(b) of the <i>Criminal Procedure Act 2004</i> MUST first be appointed as an authorised person for the purposes of section 9.16 of the <i>Local Government Act 1995</i>.
Express Power to Sub-Delegate:	Nil

Compliance Links:

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



1. Local Government Act 1995 Delegations

Record Keeping:	<p>Instruments or Certificates of Authorisation – Copies 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> <p>All records must be kept on the appropriate file.</p>
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1. Local Government Act 1995 Delegations

1.3.8 Information to be Available to the Public

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 (Administration) Regulations 1996:</i> r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3) Limits on right to inspect local government information
Delegate/s:	<ul style="list-style-type: none"> Executive Manager 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>	<ol style="list-style-type: none"> Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)].
CEO Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.3.9 Financial Management Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
Delegate/s:	<ul style="list-style-type: none"> • Executive Manager 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>	<p>Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the:</p> <ol style="list-style-type: none"> a. Collection of money owed to the Shire of Nannup; b. Safe custody and security of money collected or held by the Shire of Nannup; c. Maintenance and security of all financial records, including payroll, stock control and costing records; d. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; e. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; f. Making of payments in accordance with Delegated Authority 1.2.21; g. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Systems and Procedures for financial management may be reviewed at any time, but must be reviewed not less than once in every 4 financial years and subsequently considered by the Audit and Risk Committee. [Audit r.17]
Express Power to Sub-Delegate:	Nil

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Audit) Regulations 1996</i></p>
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1. Local Government Act 1995 Delegations

	Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.3.10 Audit – CEO Review of Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
Delegate/s:	<ul style="list-style-type: none"> • Executive Manager 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>	<p>Authority to conduct the review of the appropriateness and effectiveness of the Shire of Nannup's systems and procedures in relation to -</p> <ul style="list-style-type: none"> a. financial management; and b. legislative compliance; and c. risk management [r.17(1)].
CEO Conditions on this Delegation:	Each matter is to be reviewed at least once within every 4 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.
Express Power to Sub-Delegate:	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Audit) Regulations 1996
Record Keeping:	All records must be kept on the appropriate file.



1. Local Government Act 1995 Delegations

1.3.11 Infringement Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
Delegate/s:	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
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 an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. A person who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. b. Authorisation for Dog Act, Cat Act, Parking and Parking Facilities Local Law and Dogs Local Law Infringement Notices is limited to the following listed positions ONLY: <ul style="list-style-type: none"> • Executive Manager Corporate Services; and • Ranger c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an "Approved Officer" in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices: <ul style="list-style-type: none"> • Building Surveyor <p><i>NOTE: Delegates must also be appointed as an "Approved Officer" – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.12</i></p>

Delegation Register

Shire of Nannup



1. Local Government Act 1995 Delegations

Express Power to Sub-Delegate:	Nil
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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Record Keeping:	All records must be kept on the appropriate file.
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1.4 Local Law Delegations

1.4.1 Health Local Law

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	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:	Health Local Law: cl.3.6.4 Ventilation (notices) cl.3.8.1 Approval of water supply cl.4.5 Approval for Septic Tank Pumpouts and Removal of Liquid Waste cl.4.12 Use of other Containers cl.4.2.6(2)(a) Use of Receptacles cl.4.2.7(1) Suitable Enclosure cl.4.2.10 Burning Rubbish or Refuse cl.5.2.4 Cats cl.5.3.2 Keeping of Large Animals cl.5.4.2 Keeping of Poultry and Pigeons cl.5.4.4(1) Roosters, Geese, Turkeys, Peafowls and Gamebirds cl.5.4.4(4) Revoke approval under cl.5.4.4(1) cl.5.4.6(1) Removal of Non-Conforming Structure or Enclosure cl.5.4.7(1) Restrictions on Pigeon Nesting or Perching cl.5.5.2(1) Feedlots cl.5.6.2(1) Piggeries cl.5.7.2(2) Car Parks cl.6.1.5 Flies – Execute Work and Recover Costs cl.6.2.3 Mosquitoes – Execute Work and Recover Costs cl.6.7.2(1) Restrictions on keeping of bees in hives cl.6.7.2(2) Removal of bee hives Part 7 – Infectious Diseases cl.8.1.4 Applications for Lodging House cl.8.1.7(1) Revoke a Lodging House approval cl.8.1.7(3) Issue show cause notice prior to revocation cl.8.3.3 Report of lodgers cl.9.1.5 Applications to establish an offensive trade cl.9.1.7 Alterations to Premises (offensive trade) cl.9.4.2 Receiving Depot (laundry, dry cleaning or dye works)
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. Issue a notice to require an owner of a house to provide a different or additional method of ventilation or cease using the house until it is properly ventilated [cl.3.6.4]. 2. Approve a water supply other than one that is connected to the mains of a licensed water service provider [cl.3.8.1]. 3. Grant or refuse a carrier application to collect, remove or dispose of the contents of a septic tank, the pumpouts from holdings tanks or an apparatus for the treatment of sewerage [cl.4.5].



	<ol style="list-style-type: none"> 4. Approve or refuse the use of a container, other than a receptacle, for the deposit of rubbish or refuse, in the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or a food premises [cl.4.12]. 5. Permit to be deposited in a container anything specified in cl.4.12(a)(ii) to (xiii) [cl.4.12(a)]. 6. Require an owner or occupier to provide a suitable enclosure for the storage and cleaning of receptacles on the premises [cl.4.2.7(1)]. 7. Approve or refuse a request to burn rubbish or refuse in any incinerator or on the ground [cl.4.2.10(1)]. 8. Exempt a person to keep more than 2 cats at a premises and apply conditions to any exemption [cl.5.2.4]. 9. Approve or refuse an application to keep a horse, cow or large animal at a premises within the a townsite [cl.5.3.2]. 10. Approve or refuse an application to keep more than 12 poultry or pigeons within a townsite and apply any conditions to any approval as detailed under cl.5.4.3 [cl.5.4.2]. 11. Grant, with or without conditions, approval to keep a rooster, a goose or gander, a turkey, a peacock or peahen or gamebird at a premises within a townsite [cl.5.4.4(1)]. 12. Revoke any approval under cl.5.4.4(1). 13. Direct an owner or occupier to remove a non-conforming structure or enclosure [cl.5.4.6(1)]. 14. Order an owner or occupier of a house to take adequate steps to prevent pigeons nesting or perching in or on a house [cl.5.4.7(1)]. 15. Approve a premises to be used for a feedlot, subject to conditions in cl.5.5.2(2) and (3). 16. Approve a premises to be used as a piggery, subject to conditions in cl.5.6.2(2) and (3). 17. Require the owner or occupier of a car park to provide a different or additional method of ventilation and cease using the car park until the matter is rectified [cl.5.7.2(2)]. 18. Execute work and recover costs, where a person fails or neglects to comply with a notice to control, eradicate or prevent breeding flies [cl.6.1.5]. 19. Execute work and recover costs, where a person fails or neglects to comply with a notice to control, eradicate or prevent breeding mosquitoes [cl.6.1.5]. 20. Grant approval to a person to keep bees [cl.6.7.2(1)]. 21. Direct any bee hives to be removed [cl.6.7.2(2)].
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Delegation Register

Shire of Nannup



	<p>22. Execute work and recover costs, where a person fails or neglects to comply with a notice given under Part 7, Division 1 [Part 7].</p> <p>23. Approve or refuse an application for registration of a lodging house, with or without conditions [cl.8.1.4]</p> <p>24. Revoke a registration approval [cl.8.1.7(1)].</p> <p>25. Prior to revocation, issue a notice requiring the keeper to show cause as to why the registration should not be revoked [cl.8.1.7(3)].</p> <p>26. Require a keeper to provide a report detailing the name of each lodger who lodged in the lodging house during the preceding day or night [cl.8.3.3].</p> <p>27. Approve or refuse applications to establish an offensive trade [cl.9.1.5].</p> <p>28. Grant or refuse permission for a person to change or alter a registered premises [cl.9.1.7].</p> <p>29. Permit or refuse an owner or occupier to use a premises as a receiving depot for a laundry, dry cleaning establishment or dye works [cl.9.4.2].</p>
Council Conditions on this Delegation:	<p>a. Function 7 is subject to conditions detailed under cl.4.2.10(2).</p> <p>b. Function 8 is subject to conditions detailed under cl.5.2.4(3) and cl.5.2.4(5).</p> <p>c. Function 27 – applications in prescribed form and in accordance with Town Planning Scheme [cl.9.1.2].</p>
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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Principal Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<p>Dogs Local Law 2015 Health Local Laws 2006 Parking and Parking Facilities Local Law 2007</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p>
Record Keeping:	<p>Regulation 19, <i>Local Government (Administration) Regulations 1996</i>, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected.</p> <p>The delegate is to ensure that all evidentiary documents meet the requirements of r19 <i>Local Government (Administration) Regulations 1996</i> and are retained on the Shire's record keeping database.</p>



1.4.2 Local Law Administration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	<i>Shire of Nannup Local Law</i> Dog Local law2014 (as amended) Parking and Parking Facilities Local Law 2007 Health Local Law 2003 (as amended) and subject to other relevant delegations.
Delegate/s:	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 administer the Shire of Nannup'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 local government under the Shire of Nannup's Local Laws.
Council's Conditions on this Delegation:	Determinations and decisions under the Shire of Nannup's Local Laws having regard to the relevant Council policies in force at the time.
Express Power to Sub-Delegate:	Local Government Act 1995 s.5.44 CEO may delegate powers or duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All records must be kept on the appropriate file.



2. Building Act 2011 Delegations

2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> and the <i>Local Government (Building Surveyors) Regulations 2008</i> .



2. Building Act 2011 Delegations

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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub delegations
Compliance Links:	<p><i>Building Act 2011</i> s.119 <i>Building and demolition permits – application for review by SAT</i> s.23 <i>Time for deciding application for building or demolition permit</i> s.17 <i>Uncertified application to be considered by building surveyor</i></p> <p><i>Building Regulations 2012</i> r.25 <i>Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</i></p> <p><i>Building Services (Registration Act) 2011 – Section 7</i></p> <p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
Record Keeping:	<p>Section 130 <i>Building Act 2011</i> and r.12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections.</p> <p>All evidentiary documents must be retained on the Shire's record keeping database.</p>



2. Building Act 2011 Delegations

2.1.2 Demolition Permits

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> and the <i>Local Government (Building Surveyors) Regulations 2008</i> .
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)



2. Building Act 2011 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub delegations

Compliance Links:	<p>Building Act 2011 <i>s.119 Building and demolition permits – application for review by SAT</i> <i>s.23 Time for deciding application for building or demolition permit</i></p> <p>Building Regulations 2012 <i>r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3))</i></p> <p>Building Services (Registration) Act 2011 <i>s.7 Carrying out prescribed building service when not registered</i></p> <p>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</p> <p>Building and Construction Industry Training Levy Act 1990</p> <p>Heritage Act 2018</p>
Record Keeping:	<p><i>Section 130 Building Act 2011 and r.12 Building Regulations 2012 requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections.</i></p> <p><i>All evidentiary documents must be retained on the Shire's record keeping database.</i></p>



2. Building Act 2011 Delegations

2.1.3 Occupancy Permits or Building Approval Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> and the <i>Local Government (Building Surveyors) Regulations 2008</i> .
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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub delegations

<i>Compliance Links:</i>	<i>Building Act 2011</i> 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
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2. Building Act 2011 Delegations

	<p><i>Building Regulations 2012</i> <i>r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3))</i></p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
<p>Record Keeping:</p>	<p>Section 130 <i>Building Act 2011</i> and r.12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections.</p> <p>All evidentiary documents must be retained on the Shire's record keeping database.</p>



2. Building Act 2011 Delegations

2.1.4 Designate Employees as Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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. Subject to the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> b. Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i>. <p>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.</p>
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: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<p>Building Act 2011: s.97 each designated authorised person must have an identity card.</p> <p>Building Regulations 2012 r.5A Authorised persons (s.3) - definition</p>
Record Keeping:	<p>Section 130 <i>Building Act 2011</i> and r.12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections</p> <p>All evidentiary documents must be retained on the Shire's record keeping database.</p>



2. Building Act 2011 Delegations

2.1.5 Designate Contractors as Authorised Persons (Inspectors)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 <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 Nannup as an authorised person [s.96(3) & r.4A(2)] for the purposes of monitoring whether Part 8 provisions are being complied with. 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:	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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	<i>Building Act 2011:</i> s.97 each designated authorised person must have an identity card. r.4B Identity cards
Record Keeping:	All evidentiary documents must be retained on the Shire's record keeping database.



2. Building Act 2011 Delegations

2.1.6 Building Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
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 make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <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 [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6.
Council Conditions on this Delegation:	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with regulation 5 of the Building Regulations 2012 and the Local Government (Building Surveyors) Regulations 2008
Express Power to Sub-Delegate:	<i>Building Act 2011:</i>



2. Building Act 2011 Delegations

	s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
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Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub-delegations.

Compliance Links:	<p><u>Building Act 2011:</u> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT</p>
Record Keeping:	<p><i>Section 130 Building Act 2011 and r. 12 Building Regulations 2012 requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections.</i></p> <p><i>All evidentiary documents must be retained on the Shire's record keeping database</i></p>



2. Building Act 2011 Delegations

2.1.7 Inspection and Copies of Building Records

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Customer Service and Administration Coordinator • Building Surveyor • Development Services Officer • Records Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Building Act 2011 - s.146 Confidentiality
Record Keeping:	Section 130 <i>Building Act 2011</i> and r. 12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections. All evidentiary documents must be retained on the Shire's record keeping database.



2. Building Act 2011 Delegations

2.1.8 Authorise persons to commence proceedings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub-delegations.

Compliance Links:	Appointment of Authorised Officers under all legislation is to be facilitated through Governance.
Record Keeping:	All records must be kept on the appropriate file.



2. Building Act 2011 Delegations

2.1.9 Referrals and Issuing Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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's District [s.145A(2)].
Council Conditions on this Delegation:	Decisions under s.145A(2) must be undertaken by a level 1, 2 or 3 Building Surveyor as applicable in accordance with the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> and a person qualified in accordance with r. 5 of the <i>Building Regulations 2012</i> .
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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub-delegations.

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.



2. Building Act 2011 Delegations

2.1.10 Private Pool Barrier – Alternative and Performance Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.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: <ol style="list-style-type: none"> a. significant structural or other problem which is beyond the control of the owner / occupier; or b. the pool is totally enclosed by a building; or c. a fence or barrier between the building and pool would create a significant access problem for a person with a disability who is a resident at the premises [r.51(3)]. 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the alternative solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	Decision maker must be level 1 or 2 Building Surveyor in accordance with the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> and a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> .
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>	Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO



2. Building Act 2011 Delegations

Compliance Links:	Building Regulations 2012 r.50 Barrier to private swimming pool, clauses 4(b) and (c)(ii).
Record Keeping:	Section 130 <i>Building Act 2011</i> and regulation 12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections. All evidentiary documents must be retained on the Shire's record keeping database.



2. Building Act 2011 Delegations

2.1.11 Smoke Alarms – Alternative Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
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 alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	Decision maker must be a registered Level 1 or 2 Building Surveyor in accordance with the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> and a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> .
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>	<ul style="list-style-type: none"> • Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub-delegations.

Compliance Links:	Building Regulations 2012 r.56 Requirement to have smoke alarms or similar prior to transfer of dwelling r.57 New owner must install smoke alarms or similar, and right to recover costs r.58 Requirement to have smoke alarms or similar prior to tenancy r.59 Requirement to have smoke alarms or similar prior to hire of dwelling r.60 Requirements for smoke alarms
Record Keeping:	Section 130 <i>Building Act 2011</i> and regulation 12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections. All evidentiary documents must be retained on the Shire's record keeping database.



2. Building Act 2011 Delegations

2.1.12 Appointment of approved officers and authorised officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.70 Approved officers and authorised 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>	<ol style="list-style-type: none"> Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i> Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Building Act 2011 s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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

Compliance Links:	Building Regulations 2012 r.70(3) each authorised officer must be issued a certificate of appointment.
Record Keeping:	All evidentiary documents must be retained on the Shire's record keeping database.



3 Bush Fires Act 1954 Delegations

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

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 Nannup that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954 Bush Fires Regulations 1954
Record Keeping:	All records must be kept on the appropriate file.



3.1.2 Prohibited Burning Times - Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <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:	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 Shire 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:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.



3.1.3 Prohibited Burning Times – Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> 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 harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire of Nannup 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:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Delegation Register

Shire of Nannup



Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.



3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function: <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 fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].

Delegation Register

Shire of Nannup



	<ol style="list-style-type: none">6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].9. Authority to recover the cost of measures taken by the Shire of Nannup 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:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954 Bush Fires regulations 1954
Record Keeping:	All records must be kept on the appropriate file.



3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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"> 1. 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. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)]. 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <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>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954 Bush Fires regulations 1954
Record Keeping:	All records must be kept on the appropriate file.



3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue 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 give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Council Conditions on this Delegation:	Nil

Delegation Register

Shire of Nannup



Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
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Compliance Links:	Bush Fires Act 1954 Bush Fires regulations 1954
Record Keeping:	All records must be kept on the appropriate file.



3.1.7 Firebreaks

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 fire-breaks
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 an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Nannup: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. 3. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954 Bush Fires regulations 1954
Record Keeping:	All records must be kept on the appropriate file.



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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and at least one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Nannup [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. 4. 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:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954 Bush Fires regulations 1954
Record Keeping:	All records must be kept on the appropriate file.



3.1.9 Control and Extinguishment of Bush Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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)]. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954 Bush Fires regulations 1954
Record Keeping:	All records must be kept on the appropriate file.



3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Nannup or those on behalf of the Shire of Nannup to do [s.58].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954 Bush Fires regulations 1954
Record Keeping:	All records must be kept on the appropriate file.



3.1.11 Prosecution of Offences

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<ul style="list-style-type: none"> • Chief Executive Officer • Executive Manager Corporate Services • Community Emergency Services Manager • Ranger • Bush Fire Control Officers
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:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954: s.65 Proof of certain matters s.66 Proof of ownership or occupancy Bush Fires (Infringements) Regulations 1978
Record Keeping:	All records must be kept on the appropriate file.



4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 Nannup'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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger • Customer Service and Administration Coordinator • Customer Service Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO; and Customer Service/Administration Officers and have delegated functions of 1,2,3 and 4 ONLY.

Delegation Register

Shire of Nannup



Compliance Links:	Cat Regulations 2012 r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> .
Record Keeping:	All records must be kept on the appropriate file.

Delegation Register

Shire of Nannup



4.1.2 Cat Control Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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'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>	<ul style="list-style-type: none">• Executive Manager Corporate Services• Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Cat Regulations 2012 r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Record Keeping:	All records must be kept on the appropriate file.



4.1.3 Approval to Breed Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	<u>Cat Regulations 2012:</u> <ul style="list-style-type: none"> r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record Keeping:	All records must be kept on the appropriate file.



4.1.4 Recovery of Costs – Destruction of Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Cat Act 2011
Record Keeping:	All records must be kept on the appropriate file.

Delegation Register

Shire of Nannup



4.1.5 Authorise a person to perform Specified functions under the Cat Act 2011

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>	<ul style="list-style-type: none"> Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Cat Act 2011
Record Keeping:	All records must be kept on the appropriate file.



4.1.6 Applications to Keep Additional Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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)]. 3. 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:	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> .
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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO; and Ranger delegated functions of 1 and 2 ONLY.

Compliance Links:	Cat Act 2011
Record Keeping:	All records must be kept on the appropriate file.



4.1.7 Reduce or Waiver Registration Fee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> 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 <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Cat Act 2011
Record Keeping:	All records must be kept on the appropriate file.



4.2 Cat Act Delegations - CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
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 period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
CEO Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil

Compliance Links:	Cat Regulations 2012: r.28 Withdrawal of infringement notice (s.65(1))
Record Keeping:	All records must be kept on the appropriate file.



5. Dog Act 1974 Delegations

5 Dog Act 1974 Delegations

5.1 Council to CEO

5.1.1 Refuse or Cancel Registration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].



5. Dog Act 1974 Delegations

	<p>i. 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)]</p>
Council Conditions on this Delegation:	The Chief Executive Officer 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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	<p>Dog Act 1976 s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</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:	All records must be kept on the appropriate file.



5. Dog Act 1974 Delegations

5.1.2 Kennel Establishments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.27 Licensing of approved kennel establishments
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 grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the Shire of Nannup's Dogs Local Law.
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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.



5. Dog Act 1974 Delegations

5.1.3 Recovery of Moneys Due Under this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Dog Act 1976 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 Dog Regulations 2013 r.31 Local government expenses as to dangerous dogs (declared)
Record Keeping:	All records must be kept on the appropriate file.



5. Dog Act 1974 Delegations

5.1.4 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</p>
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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Dog Act 1976
Record Keeping:	All records must be kept on the appropriate file.



5. Dog Act 1974 Delegations

5.1.5 Declare Dangerous Dog

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Dog Act 1976 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.



5. Dog Act 1974 Delegations

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) and (2) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <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)] 4. 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 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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Dog Act 1976
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5. Dog Act 1974 Delegations

	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.



5. Dog Act 1974 Delegations

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.33H(5) Local government may revoke declaration or proposal to destroy
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 consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: a. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed.
Council Conditions on this Delegation:	The Chief Executive Officer 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: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Dog Act 1976 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.



5. Dog Act 1974 Delegations

5.1.8 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [<i>s.33H(5)</i>].
Council Conditions on this Delegation:	The Chief Executive Officer permitted to sub-delegate to employees [<i>s.10AA(3)</i>].
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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Dog Act 1976 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.



5. Dog Act 1974 Delegations

5.1.9 Dog Registration Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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(1) Registration 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 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:	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>	<ul style="list-style-type: none"> Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	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. Appointments are to be facilitate through Governance.
Record Keeping:	All records must be kept on the appropriate file.



6. Food Act 2008 Delegations

6 Food Act 2008 Delegations

6.1 Council to Employees

6.1.1 Determine Compensation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<p><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</p> <p><i>Note: There is no power of sub-delegation available, it is important for each delegation under the Food Act 2008 to be made to a Delegate or Delegates most suitable for fulfilling the power or duty.</i></p>
Express Power or Duty Delegated:	<p><i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation</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 applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$500. Compensation requests above this value are to be reported to Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<p>Food Act 2008</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p>
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is



6. Food Act 2008 Delegations

	to ensure that all evidentiary documents are retained on the Shire's record keeping database.
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6. Food Act 2008 Delegations

6.1.2 Prohibition Orders and Certificates of Clearance

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<ul style="list-style-type: none"> • Chief Executive Officer • Principal Environmental Health 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 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 – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.



6. Food Act 2008 Delegations

6.1.3 Food Business Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<ul style="list-style-type: none"> • Chief Executive Officer • Principal Environmental Health 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 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:	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: <ul style="list-style-type: none"> • <i>Food Act 2008</i> Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.



6. Food Act 2008 Delegations

6.1.4 Appoint Authorised Officers and Designated Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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]
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement 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>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <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)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	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: <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008 s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
Record Keeping:	s123 <i>Food Act 2008</i> requires all authorised officers to be issued with a certificate of authority as an authorised officer in the prescribed form.



6. Food Act 2008 Delegations

6.1.5 Debt Recovery and Prosecutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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]
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
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 costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].
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 – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.



6. Food Act 2008 Delegations

6.1.6 Food Businesses List – Public Access

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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]
Express Power or Duty Delegated:	<i>Food Regulations 2009:</i> r.51 Enforcement agency may make list of food
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 to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
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 – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.



7. Graffiti Vandalism Act 2016 Delegations

7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</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>	<ul style="list-style-type: none"> • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.



7. Graffiti Vandalism Act 2016 Delegations

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Executive Manager Works & Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.



7. Graffiti Vandalism Act 2016 Delegations

7.1.3 Obliterate Graffiti on Private Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land 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 determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	Subject to exercising Powers of Entry.
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: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Graffiti Vandalism Act 2016
Record Keeping:	All records must be kept on the appropriate file.



7. Graffiti Vandalism Act 2016 Delegations

7.1.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</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: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Graffiti Vandalism Act 2016
Record Keeping:	All records must be kept on the appropriate file.



8. Public Health Act 2016 Delegations

8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 *moved to Health (Miscellaneous Provisions) Act 1911 Delegations (Delegation 11.1.2)

8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 Nannup [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:	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.



8. Public Health Act 2016 Delegations

8.1.3 Designate Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised 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>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> i. The <i>Public Health Act 2016</i> or other specified Act ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ol style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<p>Public Health Act 2016</p> <p>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p>The Criminal Code, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>
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8. Public Health Act 2016 Delegations

Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.



8. Public Health Act 2016 Delegations

8.1.4 Dealing with Seized Items

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.260 Return of seized item s.262 Cost of destruction or disposal of forfeited items s.263 Return of forfeited items s.264 Compensation
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 if no contravention of the <i>Public Health Act 2016</i> has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and 263]. 2. Authority to recover the cost of destruction or disposal of forfeited items [s.262]. 3. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Council Conditions on this Delegation:	Compensation is limited to a maximum value of \$500, with any proposal for compensation above this value to be referred for Council's determination.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	Public Health Act 2016
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.



8. Public Health Act 2016 Delegations

8.1.5 Appoint Designated Officer – Information Sharing

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.299 Information Sharing
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 Designated Officer/s for the purposes of s.299 [s.299(1)].
Council Conditions on this Delegation:	Appointments must be consistent with requirements outlined in the Chief Health Officer's Information Sharing Guideline , prepared in accordance with s.300.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	Public Health Act 2016 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.



9. Planning and Development Act 2005 Delegations

9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Illegal Development

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(1)(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): Illegal development, responsible authority's powers as to
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 illegal 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 illegal 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>	<ul style="list-style-type: none"> • Executive Manager Corporate Services
---	---



9. Planning and Development Act 2005 Delegations

CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	Planning and Development Act 2005
Record Keeping:	Regulation 19 of the <i>LG (Admin) Regulations 1996</i> , requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of the Regulations and are retained on the Shire's record keeping database.



9. Planning and Development Act 2005 Delegations

10 Local Planning Scheme – Council to CEO

10.1.1 Local Planning Scheme No.4

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, cl.82 Delegations by local government
Express Power or Duty Delegated:	<i>Shire of Nannup Local Planning Scheme No. 4</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>	<p>Administrative Matters</p> <p>Power to:</p> <ol style="list-style-type: none"> 1. Make determinations on the sufficiency of information provided with applications for development approval pursuant to Clause 63 of the Deemed Provisions of LPS4. 2. Advertise and provide notice of applications for development approval pursuant to clause 64 of the Deemed Provisions of LPS4. 3. Assign land use pursuant to clause 18 of LPS4. 4. Determine compliance with the Deemed to Comply Provisions of the Residential Design Codes and requirement for, or exemption from, the need to obtain planning approval under clause 61(c) of the Deemed Provisions of LPS4. 5. Require the repair of any advertisement pursuant to clause 80 of the Deemed Provisions of LPS4. 6. Accept and determine cash-in-lieu payments. <p>Determination of Development Applications</p> <p>Power to:</p> <ol style="list-style-type: none"> 7. Determine applications for development approval pursuant to Part 9 of the Deemed Provisions of LPS4 inclusive of any conditions to be imposed and the period of validity of the approvals, including: <ol style="list-style-type: none"> a. Applications for development approval where no variations to Local Planning Policy, a related LDP or Scheme Standards are proposed.* b. Applications for development approval where variations to Development requirements of LPS4 pursuant to clause 70 (variations to site development standards) for clause 51(3) (variation to building envelopes) and Schedule 1 or to a related LDP are proposed.



9. Planning and Development Act 2005 Delegations

	<p>c. Amendments and extension to the term of development approval pursuant to Clause 77 of the Deemed Provisions.</p> <p>d. Make determinations to vary provisions pursuant to clause 12 of the Deemed Provisions of LPS4 to facilitate the conservation of a place entered in the State Register of Heritage Places under the <i>Heritage Act 2018</i> section 42 or included on the heritage list; or enhance or preserve heritage values in a heritage area.</p> <p>e. Make any determinations and exercise any discretionary powers contained within LPS4 and in any schedules of LPS4 where not inconsistent with Local Planning Policies.</p> <p>f. Make any determinations and exercise any discretionary powers contained within LPS4 and in any schedules of LPS4.</p> <p><i>* Does not include prescribed single house development as per clause 84B of the Deemed Provisions of LPS4.</i></p> <p>Local Development Plans</p> <p>Power to:</p> <p>8. Determine whether sufficient information has been provided and advertise Local Development Plans pursuant to Part 6 of the Deemed Provisions.</p> <p>9. Determine amendments to Local Development Plans pursuant to Clause 59 of the Deemed Provisions.</p> <p>Structure Plans</p> <p>Power to:</p> <p>10. Determine that a Structure Plan complies with Clause 16(1) of the Deemed Provisions of LPS4.</p> <p>Subdivision</p> <p>11. Provide referral responses on subdivision applications to the Western Australian Planning Commission.</p> <p>12. Determine built strata applications that have been delegated to the Shire of Nannup by the WAPC pursuant to Section 25(1) of the <i>Strata Titles Act 1985</i> and impose any relevant planning conditions.</p> <p>13. Issue clearances of conditions for subdivision approvals on behalf of the local government.</p>
Council Conditions on this Delegation:	<p>Part 7 of the delegation function may not be exercised for the purpose of providing development approval to a development that:</p>



9. Planning and Development Act 2005 Delegations

	<ol style="list-style-type: none"> a. Raises an issue of significant public interest, concern or controversy or is likely to do so. b. Raises an issue of policy or process not covered by existing policy or practice. c. Has given rise to substantial public objection (denoted either by the qualitative strength of submissions or there being a quantity of 5 or more non-identical submissions in opposition). d. Could set an undesirable precedent in terms of height, bulk, scale etc. that could create an undesirable policy direction. e. Is innovative and raises the possibility of a new or unexpected desirable policy direction that Council wants to encourage. f. Provides for a development which is anticipated by, or contrary to, a proposed major amendment to the Scheme. g. Proposes the demolition or significant redevelopment of a building on the Local Heritage Survey.
Express Power to Sub-Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, cl.83 Local Government CEO may delegate powers Schedule 2, Part 10, cl.84 Other matters relevant to delegations under this Division

Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none"> • Executive Manager Corporate Services • Development Services Coordinator • Development Services Officer • Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>Sub-delegation is limited to the following:</p> <ol style="list-style-type: none"> a. Executive manager Corporate Services in respect to all parts of the delegation listed above with the exception of part 7(f); b. Development Services Coordinator in respect of parts 1, 2, 3, 4, 8 and 11 listed above; c. Development Services Officer in respect of parts 1, 2, 3 and 4 listed above; and d. Building Surveyor in respect of part 4 above.

Compliance Links:	Planning and Development Regulations 2015 Local Planning Scheme No.4
Record Keeping:	Regulation 19 of the <i>LG (Admin) Regulations 1996</i> , requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of the Regulations and are retained on the Shire's record keeping database.

11 Health (Miscellaneous Provisions) Act 1911 Delegations

11.1 Council to CEO / Employees

11.1.1 Discharge of Powers – Section 26 of the Health (Miscellaneous Provisions) Act 1911

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Miscellaneous Provisions) Act 1911:</i> s.26: Powers of local government
Express Power or Duty Delegated:	<i>Health (Miscellaneous Provisions) Act 1911</i> Part IV Division 4 Sanitary Provisions; Part V Dwellings; Part VI Public Buildings; Part IX Infectious Diseases <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> r.4 Approval of construction or installation of apparatus by local government r.10 Permit to use apparatus
Delegate:	<ul style="list-style-type: none"> • Chief Executive Officer • Principal Environmental Health 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 authority to exercise and discharge all or any of the powers and functions of the local government as provided for in the <i>Health Act (Miscellaneous Provisions) 1911</i> (as amended) in regard to: Part IV Division 4 Sanitary Conveniences (s.99 – s111) Part V Dwellings (s.135 – s.159) Part VI Public Buildings (s.173 – s.180) and Part IX Infectious Diseases (s.249). [s.26]
Council Conditions on this Delegation:	The delegation to the Principal Environmental Health Officer is limited to: <ul style="list-style-type: none"> • Authority to grant or refuse to grant an approval for the construction or installation of an apparatus for the treatment of sewage subject to any conditions imposed [r.4(3)]. • Authority to grant a permit to use the apparatus when an authorised officer is satisfied that it conforms to the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> and the owner pays the fee (r.10(2)).
Express Power to Sub-Delegate:	Nil

Sub-Delegate/s:	Nil
------------------------	-----

Delegation Register

[Insert Local Government Name]



<i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	Health (Miscellaneous Provisions) Act 1911
Record Keeping:	Regulation 19 of the <i>LG (Admin) Regulations 1996</i> , requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of the Regulations and are retained on the Shire's record keeping database.

Delegation Register

[Insert Local Government Name]



11.1.2 Appoint Authorised Officer or Approved Officer (Asbestos Regulations)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) 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>	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:	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:	Criminal Procedure Act 2004 – Part 2 Health (Asbestos) Regulations 1992
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.



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

12.1 Environmental Protection Act 1986

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

Published by:
Environment

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Western Australia
[Previous](#) [Close](#) [Next](#)

No. 47. 19-Mar-2004
Page: 919 [Pdf](#) - 476kb

EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

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

Powers and duties delegated—

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

Persons to whom delegation made—

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

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

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.



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

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

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

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

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

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
 - (i) Subregulation 18(13)(b) is not delegated.

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

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.



12.1.3 Noise Management Plans – Construction Sites

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 71. 16-May-2014
Page: 1548 [Pdf](#) - [2Mb](#)

EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

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

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

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

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.



12.2 Planning and Development Act 2005

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

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

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

Dated the *2nd* day of *June* 2016

**HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS**



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

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Warneeroo
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



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

29 January 2021

GOVERNMENT GAZETTE, WA

449

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

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

Preamble

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

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

Resolution under section 16 of the Act (delegation)

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

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

Schedule 1

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

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

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
 - i. a type of development; and/or
 - ii. land within an area,

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

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

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

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



12.3 Main Roads Act 1930

12.3.1 Traffic Management – Road Works

**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 the SHIRE OF NANNUP ("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.

Delegation Register

Shire of Nannup



Dated: 15.2.2005

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



[Signature]

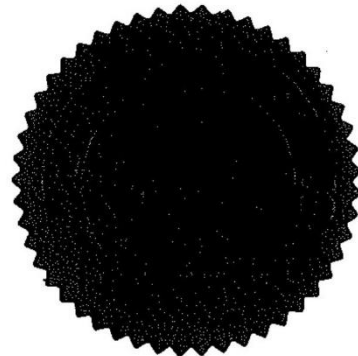
Signature of Witness
[Signature]

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

The SHIRE OF NANNUP agrees to observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE)
SHIRE OF NANNUP)
WAS AFFIXED PURSUANT TO A RESOLUTION)
OF THE COUNCIL IN THE PRESENCE OF)



[Signature]

Shane Collie - Chief Executive Officer
[Signature]

Witness



12.4 Road Traffic (Vehicles) Act 2012

12.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia
Department of Transport
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

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

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

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

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

CONDITIONS

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



Government of **Western Australia**
Department of **Transport**

Driver and Vehicle Services

- (a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and
- (b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

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

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

Dated the 5th day of September 2017

*[Approval for Ranger vehicles to fit and use yellow flashing lights \(transport.wa.gov.au\)](http://transport.wa.gov.au)
Extracted on line on 15 March 2021*



12.5 Australian Citizenship Act 2007

12.5.1 Instrument of Authorisation – To Receive a Pledge of Commitment



Schedule 1 Classes of authorised persons

- 1 Governor-General of the Commonwealth of Australia.
- 2 A person who is Governor of a State.
- 3 A Member of the House of Representatives.
- 4 A Member of the Senate.
- 5 An entrusted person who is:
 - (a) an Australian citizen; and
 - (b) holding, occupying or performing the duties of any of the following positions in the Department of Home Affairs:
 - (i) Secretary;
 - (ii) SES 3;
 - (iii) SES 2;
 - (iv) Regional Directors in State and Territory offices;
 - (v) in the Citizenship Program:
 - (A) SES 1;
 - (B) EL 2 or EL 1;
 - (C) APS 6, APS 5 or APS 4.
- 6 An entrusted person who:
 - (a) is based in an Australian diplomatic mission; and
 - (b) is an Australian citizen; and
 - (c) holding, occupying or performing the duties of any of the following positions in the Department of Home Affairs:
 - (i) SES 3, SES 2, SES 1;
 - (ii) EL 2 or EL 1;
 - (iii) APS 6.
- 7 An Australian citizen holding, occupying or performing the duties of any of the following positions at an Australian diplomatic mission:
 - (a) High Commissioner;
 - (b) Deputy High Commissioner;
 - (c) Ambassador;
 - (d) Consul General;
 - (e) Chargé d'Affaires;
 - (f) Chargé d'Affaires ad interim;
 - (g) Consul, at a post, serving as a Senior Australian Diplomatic Representative;
 - (h) Trade Commissioner at a post where there is no representative from the Department of Foreign Affairs and Trade or the Department of Home Affairs.
- 8 An Australian citizen who holding, occupying or performing the duties of any of the following positions:
 - (a) in New South Wales:
 - (i) Lord Mayor of a city;
 - (ii) Deputy Lord Mayor of a city;
 - (iii) Mayor of a local government council;
 - (iv) Deputy Mayor of a local government council;
 - (v) General Manager of a local government council;



- (vi) Chief Executive Officer of a local government council;
- (vii) Administrator of a local government council that has been placed under administration;
- (viii) Vice Chairman, Lord Howe Island Board;
- (b) in Victoria:
 - (i) Lord Mayor of a city;
 - (ii) Deputy Lord Mayor of a city;
 - (iii) Mayor of a local government council;
 - (iv) Deputy Mayor of a local government council;
 - (v) Chief Executive Officer of a local government council;
 - (vi) General Manager of a local government council;
 - (vii) Governor-in-Council appointed Administrator of a local government council;
 - (viii) Councillor, Robinvale Ward, Swan Hill, Rural City Council;
 - (ix) Administrator of a local government council, in cases where a local government council has been placed under administration;
- (c) in Queensland:
 - (i) Lord Mayor of a city;
 - (ii) Deputy Lord Mayor of a city;
 - (iii) Mayor of a local government council;
 - (iv) Deputy Mayor of a local government council;
 - (v) Chief Executive Officer of a local government council;
 - (vi) Councillor, Brisbane City Council;
 - (vii) Administrator of a local government council in cases where a local government council has been placed under administration;
 - (viii) Councillor, Torres Strait Island Regional Council;
 - (ix) Chair, Weipa Town Authority;
 - (x) Deputy Chair, Weipa Town Authority;
 - (xi) Superintendent, Weipa Town Authority;
- (d) in Western Australia:
 - (i) Lord Mayor of a city;
 - (ii) Deputy Lord Mayor of a city;
 - (iii) Mayor of a city, municipality or town;
 - (iv) Deputy Mayor of a city, municipality, shire or town;
 - (v) Deputy President of a city, municipality, shire or town;
 - (vi) Chief Executive Officer of a city, municipality, shire or town;
 - (vii) President of a shire council;
 - (viii) Chairman of Commissioners in cases where a local government council has been placed under administration;
 - (ix) Administrator of a local government council in cases where a local government council has been placed under administration;
 - (x) Councillor, Coastal Ward, Shire of Coorow;
 - (xi) Councillor, Shire of East Pilbara;
 - (xii) Councillor, Shire of Moora;
 - (xiii) Councillor, Leinster Ward, Shire of Leonora;
 - (xiv) Councillor, Town of Fitzroy Crossing, Shire of Derby/West Kimberley;
 - (xv) Councillor, Town of Kununurra, Shire of Wyndham/East Kimberley;
 - (xvii) Councillor, Shire of Ashburton;
- (e) in South Australia:
 - (i) Lord Mayor of a city;
 - (ii) Deputy Lord Mayor of a city;



- (iii) Mayor of a local government council;
 - (iv) Chairperson of a local government council;
 - (v) Deputy Mayor of a local government council;
 - (vi) Deputy Chairperson of a local government council;
 - (vii) Administrator of a Municipality, or a local government council in cases where a Municipality or a local government council has been placed under administration;
 - (viii) Chief Executive Officer of a local government council;
 - (ix) Secretary, Woomera Board;
 - (x) Chair, Outback Community Authority;
 - (f) in Tasmania:
 - (i) Lord Mayor of a city;
 - (ii) Deputy Lord Mayor of a city;
 - (iii) Mayor of a local government council;
 - (iv) Deputy Mayor of a local government council;
 - (v) General Manager of a local government council;
 - (vi) Administrator of a local government council in cases where a local government council has been placed under administration;
 - (g) in the Australian Capital Territory:
 - (i) Member of the Australian Capital Territory Legislative Assembly;
 - (ii) Executive Group Manager with responsibility for the citizenship ceremony function;
 - (h) in the Northern Territory:
 - (i) Administrator of the Northern Territory;
 - (ii) Lord Mayor of a city;
 - (iii) Deputy Lord Mayor of a city;
 - (iv) Principal member of a local government council;
 - (v) Deputy principal member of a local government council;
 - (vi) Chief Executive Officer of a local government council;
 - (vii) Administrator of a local government council in cases where a local government council has been placed under administration;
 - (viii) Chair, Nhulunbuy Town Board;
 - (i) in the external Territories:
 - (i) Administrator, Norfolk Island;
 - (ii) President, Shire of Christmas Island;
 - (iii) President, Shire of Cocos (Keeling) Islands;
 - (iv) Chief Executive Officer, Shire of Cocos (Keeling) Islands;
 - (v) Station Leader, Australian Antarctic Base, Casey;
 - (vi) Station Leader, Australian Antarctic Base, Davis;
 - (vii) Station Leader, Australian Antarctic Base, Mawson.
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Delegation Register

Shire of Nannup



REVISIONS

Review	Council Item	ECM Ref. #	Details
26 March 2015	9165		Annual Review
28 January 2016	16004		Annual Review
25 January 2017	17005		Annual Review
23 February 2017	17029		Appointment of Authorised Officers under the Public Health Act 2016
22 February 2018	18037		Annual Review
27 June 2019	19070		Annual Review
28 May 2020	20054		Annual Review
22 October 2020	20134		Amendment of LGA 26 - Donations
27 October 2022	22151		Repeal and replace delegations relating to the Building Act 2011
23 March 2023	23028		Annual Review
27 November 2023			CEO Authority, Development Services Officer added as a sub-delegate
26 March 2024	24033		Interim report to Council regarding annual review and requesting several delegations be revoked in the interim.
28 November 2024	281124.9		Adjustments to the register to accommodate a organisational restructure. Planning, Building and Health Services
24 April 2025	240425.8	INT24/12E94E60	Annual Review - (OCM 24 April 2025)
25 September 2025	250925.4	INT25/23926F86	New policies adopted and several policies repealed which impacted on delegations 1.2.22, 1.2.25, 1.2.27 and 1.2.28.
26 February 2026	260226.7	INT24/12E94E60	1.2.32 Payment to Employees in Addition to Contract or Award delegation adopted.
23 April 2026	230426.3	INT24/12E94E60	Annual Review (OCM 23 April 2026)