



EXISTING SHIRE OF NANNUP DELEGATIONS OF AUTHORITY PROPOSED FOR RECOVATION MARCH 2024 ORDINARY COUNCIL MEETING

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Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> PIDA 1 - Principal Executive Officer 	Public Interest Disclosure Act 2003 s. 23	Chief Executive Officer

Delegator

Council

Power / Duty

Council delegates the Chief Executive Officer as the Principal Executive Officer in respect of the duties as set out in Section 23 of the Public Interest Disclosure Act 2003.

Conditions

Nil

Statutory Framework

Public Interest Disclosure Act 2003

23. Principal executive officer of public authority, duties of

- (1) The principal executive officer of a public authority must —
- designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information; and
 - provide protection from detrimental action or the threat of detrimental action for any employee of the public authority who makes an appropriate disclosure of public interest information; and
 - ensure that his or her public authority complies with this Act; and
 - ensure that his or her public authority complies with the code established by the Commissioner under section 20; and
 - prepare and publish internal procedures relating to the authority's obligations under this Act; and
 - provide information annually to the Commissioner on —
 - the number of public interest disclosures received by a responsible officer of the authority over the report period; and
 - the results of any investigations conducted as a result of the disclosures and the action, if any, taken as a result of each investigation; and
 - such other matters as are prescribed.
- (2) Internal procedures prepared under subsection (1)(e) must be consistent with guidelines prepared by the Commissioner under section 21.
- (3) Subsection (1) does not apply to the Chief Justice or to the Presiding Officer of a House of Parliament.

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 82



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> ADM 2 - Council and Committee Meetings 	Local Government (Administration) Regulations r.12	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to perform the following duties:

- At least once each year, give Local Public Notice of the dates on which and the time and place at which ordinary Council meetings, and, the Committee meetings that are required under the Local Government Act 1995 to be open to members of the public, are to be held.
- Give Local Public Notice of any change to the date, time or place of a meeting which is open to the public.
- Give Local Public Notice of the date, time, place and purpose of any special meeting of the Council that is to be open to members of the public.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Local Government (Administration) Regulations r.12

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
- the ordinary council meetings; and
 - the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

<https://www.nannup.wa.gov.au/documents/240/administration-policy-adm8-council-meeting-procedure>

Notes of Recent Alterations (if applicable)

2018 Delegation Register Reference - 13



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> ADM 3 - Public Inspection of Documents Relating to Council Minutes 	Local Government (Administration) Regulations 1996 r.13 & r.14	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to ensure that unconfirmed minutes of each Council meeting and each Committee meeting are available for inspection by members of the public within 10 and 5 business days respectively.

The Chief Executive Officer is delegated authority to ensure notice papers and agendas relating to any Council or Committee meeting, and which have been made available to members of the Council or Committee, are available for inspection by members of the public from the time the documents are made available to the members.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Local Government (Administration) Regulations

13. Unconfirmed minutes, public inspection of (Act s. 5.25(1)(i))

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

- (a) in the case of a council meeting, within 10 business days after the meeting; and
- (b) in the case of a committee meeting, within 5 business days after the meeting.

14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —
- (a) are to be tabled at the meeting; or
 - (b) have been produced by the local government or a committee for presentation at the meeting, and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.
- (2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

<https://www.nannup.wa.gov.au/documents/243/administration-policy-adm11-records-management>

Notes of Recent Alterations (if applicable)

2018 Delegation Register Reference - 14



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> FMR 2 –Payment of Accounts 	Financial Management Regulations r.11	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to:

1. Develop procedures for the authorisation of and the payment of, accounts to ensure that there is effective security for, and properly authorised use of:
 - a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - b) petty cash systems.
2. Develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that:
 - a) the relevant debt was incurred by a person who was properly authorised to do so, and
 - b) the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, as the case requires.

Conditions

Nil

Statutory Framework

Local Government (Financial Management) Regulations 1996

11. Payments, procedures for making etc.

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.

- (3) Payments made by a local government —
- (a) subject to subregulation (4), are not to be made in cash; and
 - (b) are to be made in a manner which allows identification of —
 - (i) the method of payment; and
 - (ii) the authority for the payment; and
 - (iii) the identity of the person who authorised the payment.
 - (4) Nothing in subregulation (3)(a) prevents a local government from making payments in cash from a petty cash system.

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

<https://www.nannup.wa.gov.au/documents/236/administration-policy-adm4-purchasing>

Notes of Recent Alterations (if applicable)

2018 Delegation Register Reference - 20



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 4 - Local Laws 	Local Government Act s. 3.12 & s. 3.16	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to perform the following powers/duties in relation to local laws made under the Local Government Act 1995 and any other Act:

1. Give State-wide public notice and provide the appropriate Minister with a copy of the proposed local law and the State-wide public notice as required under Section 3.12(3).
2. After making a local law, publish it in the Gazette and give a copy to the appropriate Minister as required under Section 3.12(5).
3. After the local law has been published in the Gazette give State-wide public notice in accordance with Section 3.12(6).
4. Take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws as required under Section 3.15.
5. Give State-wide public notice stating an intention to review a local law as required under Section 3.16(2).
6. After the last day for submissions on the proposed review of a local law, consider the submissions and prepare a report for submission to Council as required under Section 3.16(3).
7. After the Council has made a determination in respect of the local law review, give State-wide public notice as required under Section 3.16(5).

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Local Government Act 1995

3.12 Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

- (6) After the local law has been published in the Gazette the local government is to give local public notice —
- (a) stating the title of the local law; and
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section — **making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

[Section 3.12 amended: No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23; No. 26 of 2016 s. 5.]

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

This delegation refer to all Shire of Nannup Gazetted Local Laws

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 5



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> • LGA 5 - Executive Functions 	Local Government Act s. 3.21	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to perform the following duties, so far as is reasonable and practicable, on behalf of Council in regard to the performance of executive functions:

1. Ensure that the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met.
2. Ensure that as little harm or inconvenience is caused and as little damage is done as is possible.
3. Ensure that danger to any person or property does not arise from anything done on land.
4. Ensure that anything belonging to the council, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises or thing entered is removed as soon as practicable unless the Act expressly allows it to be left there.
5. Ensure that buildings, fences, and other structures are not disturbed or damaged.
6. Ensure that when land that is fenced is entered, entry is through the existing and usual openings in the fence unless the opening of the fence has been expressly authorised.
7. Ensure that any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid.

Conditions

Nil

Statutory Framework

Local Government Act 1995

3.21 Duties when performing functions

- (1) In performing its executive functions, a local government, so far as is reasonable and practicable, is to —
- (a) ensure that —
- (i) the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met; and
 - (ii) as little harm or inconvenience is caused and as little damage is done as is possible; and
 - (iii) danger to any person or property does not arise from anything done on land; and
 - (iv) anything belonging to it, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises or thing entered is removed as soon as practicable unless this Act expressly allows it to be left there; and
- (b) ensure that —
- (i) buildings, fences, and other structures are not disturbed nor damaged; and
 - (ii) when it enters land that is fenced, it enters through the existing and usual openings in the fence unless it is expressly authorised to open the fence; and
 - (iii) any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid.
- (2) Subsection (1) (b) does not apply to any land, premises or thing that is local government property.

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 6



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 8 - Register of Delegations to Committees 	Local Government Act s. 5.18	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to keep a Register of the delegations made by Council to Committees, the Register being required in accordance with the provisions of Section 5.18 of the Local Government Act 1995.

Committees of Council:

Audit Advisory Committee

Risk Management Advisory Committee

Bush Fire Advisory Committee

Local Emergency Management Advisory Committee

Australia Day Advisory Committee

Local Drug Action Group

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Local Government Act 1995

5.18 Register of delegations to committees

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

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

<https://www.nannup.wa.gov.au/documents/355/delegation-register>

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 9



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 9 - Annual Report 	Local Government Act s. 5.53	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to prepare, each financial year, the Annual Report as required by Section 5.53(1) of the Local Government Act 1995.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Local Government Act 1995

5.53 Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - (c) a report of the principal activities commenced or continued during the financial year;
 - (d) an assessment of the local government’s performance in relation to each principal activity;
 - (e) an overview of the principal activities that are proposed to commence or to continue in the next financial year;
 - (f) the financial report for the financial year;
 - (g) such information as may be prescribed in relation to the payments made to employees;
 - (h) the auditor’s report for the financial year; and
 - (i) such other information as may be prescribed.

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

<https://www.nannup.wa.gov.au/documents/1599/20172018-annual-report>

Notes of Recent Alterations (if applicable)

2018 Delegation Register Reference - 10



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 10 - Integrated Planning 	Local Government Act s. 5.56	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to prepare Council's Strategic Community Plan (Plan for the Future) as required by Section 5.56 of the Local Government Act 1995 and Local Government (Administration) Regulation 19C.

The Chief Executive Officer is to prepare for Council's consideration a review of the Strategic Community Plan every four years as required by Local Government (Administration) Regulation 19C(4).

The Chief Executive Officer is delegated authority to ensure that the electors and ratepayers of the district are consulted during the development of the Strategic Community Plan, and when preparing any modifications of the plan as required by Local Government (Administration) Regulation 19C(9).

The Chief Executive Officer is delegated authority to ensure that the Strategic Community Plan contains a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan as required by Local Government (Administration) Regulation 19C(10).

The Chief Executive Officer is delegated authority to give local public notice of the adoption of, or modifications to the Strategic Community Plan as required by Local Government (Administration) Regulation 19D.

The Chief Executive Officer is delegated authority to prepare Council's Corporate Business Plan as required by Section 5.56 of the Local Government Act 1995 and Local Government (Administration) Regulation 19DA(1).

The Chief Executive Officer is delegated authority to submit for Council's consideration an annual review of the Corporate Business Plan as required by Local Government (Administration) Regulation 19DA(4).

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Local Government Act 1995

5.56 Planning principal activities

- (1) Each financial year, a local government is to prepare a plan for the next 4 or more financial years.
- (2) The plan is to contain details of —
 - (a) the principal activities that are proposed to be commenced or to be continued in each financial year affected by the plan;
 - (b) the objectives of each principal activity;
 - (c) the estimated cost of, and proposed means of funding, each principal activity;
 - (d) how the local government proposes to assess its performance in relation to each principal activity;
 - (e) the estimated income and expenditure for each financial year affected by the plan; and
 - (f) such other matters as may be prescribed.

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

https://www.nannup.wa.gov.au/Profiles/nannup/Assets/ClientData/Document-Centre/2017/Community_Strategic_Plan_2017-2027.pdf

Notes of Recent Alterations (if applicable)

2018 Delegation Register Reference - 11



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 12 – Trust Fund 	Local Government Act s. 6.9	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to manage the Trust Fund as required by Section 6.9 of the Local Government Act 1995.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Local Government Act 1995

6.9. Trust fund

- (1) A local government is to hold in the trust fund all money or the value of assets —
 - (a) that are required by this Act or any other written law to be credited to that fund; and
 - (b) held by the local government in trust.
- (2) Money or other property held in the trust fund is to be applied for the purposes of, and in accordance with, the trusts affecting it.
- (3) Where money or other property is held in the trust fund, the local government is to —
 - (a) in the case of money, pay it to the person entitled to it together with, if the money has been invested, any interest earned from that investment;
 - (b) in the case of property, deliver it to the person entitled to it.
- (4) Where money has been held in the trust fund for 10 years it may be transferred by the local government to the municipal fund but the local government is required to repay the money, together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment.

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 18



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 19 - Insurance – Public Liability Claims 	LGA Section 5.42	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to consider claims against the local government for property damage that do not exceed the insurance policy excess levels, and to accept or deny liability on behalf of the local government.

In cases where liability is accepted, payment may only be made up to the value of the local government's relevant insurance excess amount and then only upon receipt of an appropriate release form prepared by the local government's Solicitors.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

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

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 39



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 21– Conferences / Seminars / Training Courses – Expenses of Councillors & Employees 	Local Government Act 1995 s. 5.42	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to reimburse all reasonable expenses to members and employees incurred whilst attending authorised conferences, seminars and training courses and during other absences from the district on any business deemed necessary by the Chief Executive Officer. Such expenses may include registration fees, accommodation, meals, refreshments, travel and other appropriate out-of-pocket expenses. Before exercising this delegated authority the Chief Executive Officer shall obtain from the Councillor or employees member receipts or other appropriate proof that the expense was incurred, along with a declaration that the expense was incurred wholly whilst on Council business.

This delegation also applies to the payment of expenses of partners when the Council has specifically resolved that it is appropriate for a Councillor or employee to be accompanied by another person.

The Chief Executive Officer shall observe any Council policy in place from time to time.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

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

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

<https://www.nannup.wa.gov.au/documents/238/administration-policy-adm6-conference-attendance-and-training>

Notes of Recent Alterations (if applicable)

2018 Delegation Register Reference - 41



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 22 - Budget Expenditure 	Local Government Act 1995 s. 5.42	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to determine expenditure on goods and/or services and programs/projects for which funds have been provided in the Annual Budget without further reference to the Council. In exercising this delegated authority the Chief Executive Officer shall provide for appropriate internal control over all expenditure, ensure all statutory requirements are met and ensure all Council policies are observed.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43; or

(b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

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

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 42



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> • LGA 25 - Execution of Documents 	Local Government Act 1995 s. 5.42	Chief Executive Officer

Delegator

Council

Power / Duty

Where:

- the Council has authorised entering into a formal contract, or
- a formal contract is authorised under a delegated authority from the Council, or
- a formal contract is considered necessary by the Chief Executive Officer as part of the day-to-day operation of the Council,

The Chief Executive Officer is delegated authority to prepare the necessary documentation, taking into account any specific or policy requirements of Council, and arrange for execution of the contract documents without further reference to Council.

Conditions

Local Government Act 1995

1.49. Documents, how authenticated

A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- this Act other than those referred to in section 5.43; or
- the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

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

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 53



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 27 - Liquor, Sale or Consumption – Council Property 	Local Government Act 1995 s. 5.42	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to determine applications for the sale of liquor from property under the care, control and management of the Council and to determine applications to consume liquor on property under the care, control and management of Council. In exercising this delegation, the Chief Executive Officer shall have regard to the provisions of the appropriate State Legislation regarding consumption and sale of liquor and shall, when appropriate, consult with local Police.

Conditions

Nil

Statutory Framework

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

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

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 55



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 28 - Hall Hire 	Local Government Act 1995 s. 5.42	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to determine applications for the sale of liquor from property under the care, control and management of the Council and to determine applications to consume liquor on property under the care, control and management of Council. In exercising this delegation, the Chief Executive Officer shall have regard to the provisions of the appropriate State Legislation regarding consumption and sale of liquor and shall, when appropriate, consult with local Police.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

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

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

<https://www.nannup.wa.gov.au/documents/239/administration-policy-adm7-council-function-room-hire>

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 56



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> • LGA 29 - Contractors – Use on works 	Local Government Act 1995 s. 5.45	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to engage private contractors to assist and complement Council's works employees in carrying out any works and services. In exercising this delegated authority, the Chief Executive Officer shall have due regard to the following:

1. It must be demonstrated that by engaging the private contractors, it will be in the best interests of the local government.
2. Appropriate funds are provided in the budget.
3. The engagement of private contractors shall only take place with due compliance with the Local Government (Functions and General) Regulations relating to tenders and council policy.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Local Government Act 1995

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

<https://www.nannup.wa.gov.au/documents/236/administration-policy-adm4-purchasing>

Notes of Recent Alterations (if applicable)

2018 Delegation Register Reference - 57



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 32 - Council Resources for Wild Fire 	Local Government Act 1995 s. 5.42	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to:

Authorise the allocation of resources for the control of wildfires provided that:

1. The resources requested are the result of a direct request from either the Chief Bush Fire Control Officer, or in his absence a Deputy Chief Bush Fire Control Officer.
2. The machinery is driven by an employee competent in the use of the machine.
3. The machine operator being given total discretion to withdraw the machinery from use at any time if he/she considers the situation to be dangerous enough to put personal safety at risk, or inflict serious damage to the machine.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

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

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 60



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> LGA 33 - Study Leave 	Local Government Act 1995 s. 5.42	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to determine applications for Study Leave in accordance with the following guidelines:

1. Council has allowed up to 50% of tuition time as paid study leave.
2. A maximum of 2 days paid study leave per course subject is permitted.
3. A maximum of 8 days paid study leave is permitted during any calendar year.

Intensive Study Course

Leave may be granted for up to 4 days per course for employees to attend an approved intensive course of study. Any leave so granted shall be split into equal portions of paid study leave, and accrued employee leave (i.e. Annual Recreation Leave, Rostered Days Off, etc.)

Correspondence Course

Leave may be granted for up to one half of the recognised full time equivalent tuition time associated with an approved correspondence course of study to be paid study leave. The balance of the time required to complete the course of study must be incurred in the employee's own time.

Approval for paid study leave will only be granted if the time away from the workplace does not adversely affect the normal operations of the local government.

Conditions

Nil

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43; or

(b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

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

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

<https://www.nannup.wa.gov.au/documents/285/personnel-policy-psn3-study-leave>

Notes of Recent Alterations (if applicable)

2018 Delegation Register Reference - 61



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> ULP 1 - Gates Across Public Thoroughfares 	Local Government (Uniform Local Provisions) Regulation 9	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to determine applications for permission to erect gates or other devices across public thoroughfares under Council control or management to enable traffic to pass across the public thoroughfare and prevent livestock from straying.

Conditions

Nil

Statutory Framework

Local Government (Uniform Local Provisions) Regulations 1996

9. Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)

- (1) A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.
- (2) The local government may, before dealing with the application, require the applicant to publish notice of the application in such manner as the local government thinks fit.
- (3) Permission granted by the local government under this regulation —
 - (a) must be in writing; and
 - (b) must specify the period for which it is granted; and
 - (c) must specify each condition imposed under subregulation (4); and
 - (d) may be renewed from time to time; and
 - (e) may be cancelled by giving written notice to the person to whom the permission was granted.
- (4) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, conditions on the construction, placement and maintenance of the gate or other device across the public thoroughfare.
- (5) The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.

(6) The local government may at any time, by written notice given to the person to whom permission was granted under this regulation, cancel the permission and request the person responsible for the gate or other device to remove it within a time specified in the request.

(7) A person to whom a request is made under subregulation (6) must comply with the request.
Penalty: a fine of \$5 000.

(8) A local government must keep a register of gates and other devices constructed in accordance with a permission granted under this regulation.

Note for this regulation:

This regulation is of a kind prescribed in the Local Government Act 1995 Schedule 3.1 Division 2 item 1A. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 23