



## DELEGATION REGISTER

Current as at [insert date of last decision to amend the register]

### Table of Contents

<b>INTRODUCTION .....</b>	<b>VI</b>
Introduction .....	vi
Delegations and authorisations under other Legislation .....	vii
<b>1     LOCAL GOVERNMENT ACT 1995 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 DELEGATIONS.....</b>	<b>1</b>
<b>1.1   Council to Committees of Council .....</b>	<b>1</b>
1.1.1   Audit Advisory Committee.....	1
<b>1.2   Council to CEO .....</b>	<b>2</b>
1.2.1   Performing Functions Outside the District .....	2
1.2.2   Compensation - Damage Incurred when Performing Executive Functions .....	3
1.2.3   Powers of Entry .....	4
1.2.4   Declare Vehicle is Abandoned Vehicle Wreck.....	6
1.2.5   Confiscated or Uncollected Goods.....	7
1.2.6   Disposal of Sick or Injured Animals.....	8
1.2.7   Close Thoroughfares to Vehicles .....	9
1.2.8   Control Reserves and Certain Unvested Facilities .....	11
1.2.9   Obstruction of Footpaths and Thoroughfares.....	12
1.2.10   Gates Across Public Thoroughfares.....	14
1.2.11   Public Thoroughfare – Dangerous Excavations .....	16
1.2.12   Crossing – Construction, Repair and Removal.....	18
1.2.13   Private Works on, over or under Public Places .....	20
1.2.14   Expressions of Interest for Goods and Services.....	22
1.2.15   Tenders for Goods and Services – Call Tenders.....	24
1.2.16   Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options.....	26
1.2.17   Tenders for Goods and Services - Exempt Procurement .....	29
1.2.18   Disposing of Property.....	31



1.2.19	Payments from the Municipal or Trust Funds.....	33
1.2.20	Grant Discounts, Donations, Waive or Write Off Debts .....	35
1.2.21	Power to Invest and Manage Investments .....	37
1.2.22	Rate Record Amendment.....	39
1.2.23	Agreement as to Payment of Rates and Service Charges.....	40
1.2.24	Determine Due Date for Rates or Service Charges.....	41
1.2.25	Recovery of Rates or Service Charges .....	42
1.2.26	Recovery of Rates Debts – Require Lessee to Pay Rent .....	43
1.2.27	Recovery of Rates Debts - Actions to Take Possession of the Land .....	44
1.2.28	Rate Record – Objections .....	46
<b>1.3</b>	<b>CEO to Employees.....</b>	<b>47</b>
1.3.1	Determine if an Emergency for Emergency Powers of Entry .....	47
1.3.2	Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare.....	48
1.3.3	Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares.....	50
1.3.4	Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places.....	52
1.3.5	Electoral Enrolment Eligibility Claims and Electoral Roll .....	53
1.3.6	Destruction of Electoral Papers.....	55
1.3.7	Appoint Authorised Persons.....	56
1.3.8	Information to be Available to the Public .....	58
1.3.9	Financial Management Systems and Procedures .....	60
1.3.10	Audit – CEO Review of Systems and Procedures .....	62
1.3.11	Infringement Notices – Extension of Time and Withdrawals.....	63
<b>1.4</b>	<b>Local Law Delegations to the CEO .....</b>	<b>64</b>
1.4.1	Health Local Law .....	64
1.4.2	Dogs Local Law .....	67
<b>2</b>	<b>BUILDING ACT 2011 DELEGATIONS.....</b>	<b>68</b>
<b>2.1</b>	<b>Council to CEO .....</b>	<b>68</b>
2.1.1	Grant a Building Permit.....	68
2.1.2	Demolition Permits.....	70
2.1.3	Occupancy Permits or Building Approval Certificates.....	72
2.1.4	Designate Employees as Authorised Persons.....	74
2.1.5	Building Orders .....	75
2.1.6	Inspection and Copies of Building Records.....	77
2.1.7	Referrals and Issuing Certificates .....	78
2.1.8	Private Pool Barrier – Alternative and Performance Solutions.....	79
2.1.9	Smoke Alarms – Alternative Solutions .....	80
2.1.10	Appointment of approved officers and authorised officers.....	81



<b>3</b>	<b>BUSH FIRES ACT 1954 DELEGATIONS</b>	<b>82</b>
<b>3.1</b>	<b>Council to CEO and Bush Fire Control Officer</b>	<b>82</b>
3.1.1	Make Request to FES Commissioner – Control of Fire	82
3.1.2	Prohibited Burning Times - Vary	83
3.1.3	Prohibited Burning Times – Control Activities	84
3.1.4	Restricted Burning Times – Vary and Control Activities	86
3.1.5	Control of Operations Likely to Create Bush Fire Danger	88
3.1.6	Burning Garden Refuse / Open Air Fires	89
3.1.7	Firebreaks	91
3.1.8	Appoint Bush Fire Control Officer/s and Fire Weather Officer	92
3.1.9	Control and Extinguishment of Bush Fires	93
3.1.10	Recovery of Expenses Incurred through Contraventions of this Act	94
3.1.11	Prosecution of Offences	95
<b>4</b>	<b>CAT ACT 2011 DELEGATIONS</b>	<b>96</b>
<b>4.1</b>	<b>Council to CEO</b>	<b>96</b>
4.1.1	Cat Registrations	96
4.1.2	Cat Control Notices	98
4.1.3	Approval to Breed Cats	99
4.1.4	Recovery of Costs – Destruction of Cats	100
4.1.5	Applications to Keep Additional Cats	101
4.1.6	Reduce or Waiver Registration Fee	102
<b>4.2</b>	<b>Cat Act Delegations - CEO to Employees</b>	<b>103</b>
4.2.1	Infringement Notices – Extensions and Withdrawals	103
<b>5</b>	<b>DOG ACT 1974 DELEGATIONS</b>	<b>104</b>
<b>5.1</b>	<b>Dog Act Delegations Council to CEO</b>	<b>104</b>
5.1.1	Refuse or Cancel Registration	104
5.1.2	Kennel Establishments	106
5.1.3	Recovery of Moneys Due Under this Act	107
5.1.4	Dispose of or Sell Dogs Liable to be Destroyed	108
5.1.5	Declare Dangerous Dog	109
5.1.6	Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke	110
5.1.7	Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice	112
5.1.8	Determine Recoverable Expenses for Dangerous Dog Declaration	113
5.1.9	Dog Registration Officers	114
<b>6</b>	<b>FOOD ACT 2008 DELEGATIONS</b>	<b>115</b>
<b>6.1</b>	<b>Council to CEO</b>	<b>115</b>



6.1.1	Determine Compensation .....	115
6.1.2	Prohibition Orders .....	116
6.1.3	Food Business Registrations .....	117
6.1.4	Appoint Authorised Officers and Designated Officers.....	118
6.1.5	Debt Recovery and Prosecutions.....	119
6.1.6	Food Businesses List – Public Access .....	120
<b>7</b>	<b>GRAFFITI VANDALISM ACT 2016 DELEGATIONS .....</b>	<b>121</b>
<b>7.1</b>	<b>Council to CEO .....</b>	<b>121</b>
7.1.1	Give Notice Requiring Obliteration of Graffiti.....	121
7.1.2	Notices – Deal with Objections and Give Effect to Notices.....	122
7.1.3	Obliterate Graffiti on Private Property .....	123
7.1.4	Powers of Entry .....	124
<b>8</b>	<b>PUBLIC HEALTH ACT 2016 DELEGATIONS .....</b>	<b>125</b>
<b>8.1</b>	<b>Council to CEO .....</b>	<b>125</b>
8.1.1	Appoint Authorised Officer or Approved Officer (Asbestos Regs).....	125
8.1.2	Enforcement Agency Reports to the Chief Health Officer.....	126
8.1.3	Designate Authorised Officers .....	127
8.1.4	Determine Compensation for Seized Items.....	129
<b>9</b>	<b>PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS .....</b>	<b>130</b>
<b>9.1</b>	<b>Council to CEO .....</b>	<b>130</b>
9.1.1	Illegal Development .....	130
<b>9.2</b>	<b>Local Planning Scheme – Council to CEO.....</b>	<b>132</b>
9.2.1	Local Planning Scheme .....	132
<b>10</b>	<b>STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES.....</b>	<b>133</b>
<b>10.1</b>	<b>Environmental Protection Act 1986.....</b>	<b>133</b>
10.1.1	Noise Control – Environmental Protection Notices [Reg.65(1)] .....	133
10.1.2	Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events .....	134
10.1.3	Noise Management Plans – Construction Sites .....	135
<b>10.2</b>	<b>Planning and Development Act 2005 .....</b>	<b>136</b>
10.2.1	Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner.....	136
10.2.2	<b>WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01) .....</b>	<b>139</b>
<b>10.3</b>	<b>Main Roads Act 1930.....</b>	<b>140</b>
10.3.1	Traffic Management – Road Works.....	140
<b>10.4</b>	<b>Road Traffic (Vehicles) Act 2012 .....</b>	<b>142</b>
10.4.1	Approval for Certain Local Government Vehicles as Special Use Vehicles ..	142



---

<b>10.5</b>	<b>Australian Citizenship Act 2007.....</b>	<b>144</b>
<b>10.5.1</b>	<b>Instrument of Authorisation – To Receive a Pledge of Commitment.....</b>	<b>144</b>

# 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 & Communities [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 unless they are captured operationally through the use of 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:

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

N.B – this is not an exhaustive list.



## 1 Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960 Delegations

### 1.1 Council to Committees of Council

#### 1.1.1 Audit Advisory Committee

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
<b>Delegate:</b>	<b>Audit Advisory Committee</b>
<b>Function:</b> <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"> <li>1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].</li> <li>2. Authority to: <ol style="list-style-type: none"> <li>a. examine the report of the Auditor and determine matters that require action to be taken by the Shire; and</li> <li>b. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].</li> </ol> </li> <li>3. Authority to review and endorse the Shire's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A (4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be directed to the Council.
<b>Express Power to Sub-Delegate:</b>	Nil Sub-delegation is prohibited by s.7.1B.

<b>Compliance Links:</b>	Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees</a> Audit Advisory Committee Terms of Reference Audit Advisory Committee Agendas & Minutes
<b>Record Keeping:</b>	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19. All records must be kept on the appropriate file.

#### Version Control:

1	
---	--





## 1.2 Council to CEO

### 1.2.1 Performing Functions Outside the District

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

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

#### Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	



## 1.2.2 Compensation - Damage Incurred when Performing Executive Functions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Delegation is limited to settlements which do not exceed a material value of \$5,000.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

### Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	



## 1.2.3 Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34(1) & (3) Entry in an emergency s.3.36 Opening fences
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure</b></li> <li>• <b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#"><i>Local Government Act 1995:</i></a> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO to Employees Delegation <b>1.3.1 Determine if an Emergency for Emergency Powers of Entry</b></p>
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

# Delegation Register

Shire of Nannup



---

## Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
---	---



## 1.2.4 Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Council Conditions on this Delegation:</b>	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.5 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure</b></li> <li>• <b>Works Supervisor</b></li> <li>• <b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	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.

### Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	



## 1.2.5 Confiscated or Uncollected Goods

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>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]</li> <li>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].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> : 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.
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

### Version Control:

1	
2	



## 1.2.6 Disposal of Sick or Injured Animals

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	Local Government Act 1995: s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure</b></li> <li>• <b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

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

### Version Control:

1	
2	
3	



## 1.2.7 Close Thoroughfares to Vehicles

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> <li>• give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>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]</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)]</li> <li>c. Function 2 only applies to roadworks and maintenance functions (not permanent closures).</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure</b></li> <li>• <b>Works Supervisor</b></li> </ul>
---	--



# Delegation Register

Shire of Nannup



<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	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.

## Version Control:

1	
2	
3	



## 1.2.8 Control Reserves and Certain Unvested Facilities

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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 <a href="#">Parks and Reserves Act 1895</a>. [s.3.54(1)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

### Version Control:

1	
2	



## 1.2.9 Obstruction of Footpaths and Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>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"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>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)].</li> <li>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)].</li> <li>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].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#"><i>Local Government (Uniform Local Provisions) Regulations 1996</i></a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily</li> </ol> </li> </ol>

# Delegation Register

Shire of Nannup



	<p>make good public assets damaged by the obstruction at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Infrastructure</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

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><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
Record Keeping	All records must be kept on the appropriate file.

## Version Control:

1	
2	
3	



## 1.2.10 Gates Across Public Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
--------------------------	---

# Delegation Register

Shire of Nannup



	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
Record Keeping:	All records must be kept on the appropriate file.

## Version Control:

1	
2	
3	



## 1.2.11 Public Thoroughfare – Dangerous Excavations

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#"><u>Local Government (Uniform Local Provisions) Regulations 1996</u></a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Infrastructure</b></li> </ul>
---	---

# Delegation Register

Shire of Nannup



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

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 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
Record Keeping:	All records must be kept on the appropriate file.

## Version Control:

1	
2	
3	





## 1.2.12 Crossing – Construction, Repair and Removal

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> .
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p>Refer also Delegation 1.4.1 under the <i>Template Activities in Thoroughfares and Public Places and Trading Local Law</i></p>
--------------------------	---

# Delegation Register

Shire of Nannup



Record Keeping:

All records must be kept on the appropriate file.

## Version Control:

1	
2	
3	



## 1.2.13 Private Works on, over or under Public Places

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures
-------------------	---

# Delegation Register

Shire of Nannup



	Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
Record Keeping:	All records must be kept on the appropriate file.

## Version Control:

1	
2	
3	



## 1.2.14 Expressions of Interest for Goods and Services

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</li> <li>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&amp;G r.23].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/ Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure</b></li> <li>• <b>Economic &amp; Community Development Coordinator</b></li> <li>• <b>Development Services Coordinator</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

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

### Version Control:

1	
2	
3	





## 1.2.15 Tenders for Goods and Services – Call Tenders

### **WALGA Template Purchasing Policy**

*This Delegation is drafted to align with the WALGA Template Purchasing Policy.*

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>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&amp;G r.14(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where : <ol style="list-style-type: none"> <li>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</li> <li>ii. a current supply contract expiry is imminent; and</li> <li>iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

# Delegation Register

Shire of Nannup



<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.

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

## Version Control:

1	
2	
3	





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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G.r.18(2)].</li> <li>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> <li>i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> <li>ii. To accept the tender that is most advantageous to the local government [F&amp;G r.18(4)].</li> </ol> </li> <li>4. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> <li>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&amp;G r.18(6) &amp; (7)].</li> <li>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&amp;G r.20(1) and (3)].</li> <li>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&amp;G r.20(2)].</li> <li>8. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract [F&amp;G r.21A(a)].</li> </ol>

# Delegation Register

Shire of Nannup



	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).
<b>Council Conditions on this Delegation:</b>	<p>a. Exercise of authority under F&amp;G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ul style="list-style-type: none"> <li>i. The total consideration under the resulting contract is \$500,000 or less;</li> <li>ii. The expense is included in the adopted Annual Budget; and</li> <li>iii. The tenderer has complied with requirements under F&amp;G r.18(2) and (4).</li> </ul> <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&amp;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&amp;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) <b>and</b> that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p>
<b>Express Power to Sub-Delegate:</b>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities and up to \$250,000.</p>

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p> <p>Council Policy ADM 4 Purchasing Policy</p>
--------------------------	---

# Delegation Register

Shire of Nannup



Record Keeping:

All records must be kept on the appropriate file.

## Version Control:

1	
2	
3	



## 1.2.17 Tenders for Goods and Services - Exempt Procurement

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government												
<b>Express Power to Delegate:</b> <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												
<b>Express Power or Duty Delegated:</b>	<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> )												
<b>Delegate:</b>	<b>Chief Executive Officer</b>												
<b>Function:</b> <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"> <li>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&amp;G.r.11(2)].</li> <li>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&amp;G r.11(2)(f)].</li> </ol>												
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Tender exempt procurement under F&amp;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: <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&amp;G.r.11(2)(b)]</td><td>N/A</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&amp;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&amp;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&amp;G.r.11(2)(g)]</td><td>\$20,000</td></tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier</td><td>\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i></td></tr> </tbody> </table> </li> </ol>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	N/A	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)]	\$20,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier	\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i>
Category	Maximum Value for individual contracts												
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	N/A												
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)]	\$20,000												
Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier	\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i>												

# Delegation Register

Shire of Nannup



	Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$500,000
	<p>b. Tender exempt procurement under F&amp;G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification;</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and</li> <li>v. The expense is included in the adopted Annual Budget.</li> </ul> <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>	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees	

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/ Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities and up to \$250,000..

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

## Version Control:

1	
2	
3	



## 1.2.18 Disposing of Property

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>(a) the highest bidder at public auction [s.3.58(2)(a)].</li> <li>(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)]</li> </ol> </li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. 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.</li> <li>b. When determining the method of disposal: <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>○ Reserve price has been set by independent valuation.</li> <li>○ 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.</li> </ul> </li> <li>• 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.</li> <li>• Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>○ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.</li> </ul> </li> </ul> </li> </ol>

# Delegation Register

Shire of Nannup



	<p>d. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

<p><b>Sub-Delegate/s:</b> <i>Appointed by CEO</i></p>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/ Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure</b></li> </ul>
<p><b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>Nil</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><a href="#">Local Government Act 1995</a> – s.3.58 Disposal of Property</p> <p><a href="#">Local Government (Functions and General) Regulations 1995</a> – r.30 Dispositions of property excluded from Act s. 3.58</p>
<p>Record Keeping:</p>	<p>All records must be kept on the appropriate file.</p>

## Version Control:

1	
2	



## 1.2.19 Payments from the Municipal or Trust Funds

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Council Conditions on this Delegation:</b>	a. Authority to make payments is subject to annual budget limitations. b. Each payment is to be noted on a list compiled for each month showing: <ul style="list-style-type: none"> <li>i. The payee's name</li> <li>ii. The amount of the payment</li> <li>iii. The date of the payment</li> <li>iv. Sufficient information to identify the transaction</li> </ul> The payment list for each month is to be presented to Council and recorded in the Minutes.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure.</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO, Manager Corporate Services/Deputy Chief Executive Officer and/or Manager Infrastructure. 3. 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.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
--------------------------	---



# Delegation Register

Shire of Nannup



	<p><a href="#">Local Government Act 1995</a></p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p><a href="#">Local Government (Audit) Regulations 1996</a></p> <p>Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a></p> <p>Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a></p>
Record Keeping:	All records must be kept on the appropriate file.

## Version Control:

1	
2	



## 1.2.20 Grant Discounts, Donations, Waive or Write Off Debts

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> <li>• <b>determine requests for donation of monies up to the value of \$500 when a group or individual can demonstrate:</b> <ul style="list-style-type: none"> <li>• 1. Significant direct benefit to the local community.</li> <li>• 2. That the group is a community group or non-profit making organisation or running a non-profit activity.</li> <li>• 3. That the group's financial status is such as to justify a donation from the local government.</li> <li>• 4. Special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation, e.g. support of needy groups and individuals who bring credit to the local government by achieving state or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses.</li> <li>• 5. That funding exists in Council's budget.</li> </ul> </li> <li>• <b>A maximum sum of \$5,000 may be allocated in this way within any one financial year.</b></li> </ul>
<b>Function:</b> <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"> <li>1. Waive a debt which is owed to the Shire [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire of Nannup [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire of Nannup [s.6.12(1)(c)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Write-off a rates or service charge debt up to \$5,000 in accordance with the Financial Hardship Policy [s.6.12(1)(c) &amp;(2)].</li> <li>b. 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. <ol style="list-style-type: none"> <li>i. Limited to individual debts valued below \$5000 or cumulative debts of a debtor valued below \$5000. Write off of debts greater than these values must be referred for Council decision.</li> </ol> </li> <li>c determine requests for donation of monies up to the value of \$500 when a group or individual can demonstrate: <ol style="list-style-type: none"> <li>i. Significant direct benefit to the local community.</li> </ol> </li> </ol>

# Delegation Register

Shire of Nannup



	<ul style="list-style-type: none"> <li>ii. That the group is a community group or non-profit making organisation or running a non-profit activity.</li> <li>iii. That the group's financial status is such as to justify a donation from the local government.</li> <li>iv. Special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation, e.g. support of needy groups and individuals who bring credit to the local government by achieving state or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses.</li> <li>v. That funding exists in Council's budget.</li> </ul> <p>d. A maximum sum of \$5,000 may be allocated in this way within any one financial year.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/ Deputy Chief Executive Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ul style="list-style-type: none"> <li>1. Manager Corporate Services may only waive fees and charges related to their operational responsibilities.</li> </ul>

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.

## Version Control:

1	
2	



## 1.2.21 Power to Invest and Manage Investments

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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)].</li> <li>Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>All investment activity must comply with the Financial Management Regulation 19C and Council Policy FNC 7 – Investment Policy.</li> <li>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.</li> <li>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.</li> <li>Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> <li>A decision to invest must be jointly confirmed by two Delegates.</li> </ol>

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))</p>
--------------------------	--

# Delegation Register

Shire of Nannup



Record Keeping:

All records must be kept on the appropriate file.

## Version Control:

1	
2	
3	



## 1.2.22 Rate Record Amendment

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
<b>Council Conditions on this Delegation:</b>	a. Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p>
<b>Record Keeping:</b>	

### Version Control:

1	
2	
3	



## 1.2.23 Agreement as to Payment of Rates and Service Charges

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
<b>Council Conditions on this Delegation:</b>	a. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

### Version Control:

1	
2	



## 1.2.24 Determine Due Date for Rates or Service Charges

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the date on which rates or service charges become due and payable to the Shire [s.6.50].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

### Version Control:

1	
2	
3	





## 1.2.25 Recovery of Rates or Service Charges

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

### Version Control:

1	
2	



## 1.2.26 Recovery of Rates Debts – Require Lessee to Pay Rent

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

### Version Control:

1	
---	--



## 1.2.27 Recovery of Rates Debts - Actions to Take Possession of the Land

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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"> <li>i. lease the land, or</li> <li>ii. 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"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>II. cause the land to be transferred to the Shire [s.6.71].</li> </ol> </li> </ol> </li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	N/A

# Delegation Register

Shire of Nannup



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

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.  <a href="#">Local Government (Financial Management) Regulations 1996</a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.
Record Keeping:	

## Version Control:

1	
2	
3	



## 1.2.28 Rate Record – Objections

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p>
<b>Record Keeping:</b>	

### Version Control:

1	
---	--



## 1. Local Government Act 1995 Delegations

### 1.3 CEO to Employees

#### 1.3.1 Determine if an Emergency for Emergency Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
<b>CEO Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	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.

#### Version Control:

1	
2	
3	



## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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)
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>• <b>Manager Infrastructure</b></li> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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 1.2.9:</p> <ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil

<b>Compliance Links:</b>	<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><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p>
--------------------------	---



## 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.

### Version Control:

1	
2	
3	





## 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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	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
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li><b>Manager Infrastructure</b></li> </ul>
<b>Function:</b> <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 for a dangerous excavation under Delegated Authority 1.2.11:</p> <ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> <li>Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.11 Public Thoroughfares – Dangerous Excavations.</li> <li>Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	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><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></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>
-------------------	--



## 1. Local Government Act 1995 Delegations

Record Keeping:

All records must be kept on the appropriate file.

### Version Control:

1	
2	
3	



## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>• <b>Manager Infrastructure</b></li> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil

<b>Compliance Links:</b>	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
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

#### Version Control:

1	
2	
3	



## 1. Local Government Act 1995 Delegations

### 1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Governance, Risk &amp; Assurance Officer</b></li> </ul>
<b>Function:</b> <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"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> <li>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</li> </ol>



## 1. Local Government Act 1995 Delegations

	10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
<b>CEO Conditions on this Delegation:</b>	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
<b>Express Power to Sub-Delegate:</b>	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: <a href="#">Returning Officer Manual</a>
Record Keeping:	All records must be kept on the appropriate file.

### Version Control:

1	
2	
3	



## 1. Local Government Act 1995 Delegations

### 1.3.6 Destruction of Electoral Papers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Governance, Risk &amp; Assurance Officer</b></li> <li>• <b>Records Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
<b>CEO Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil

<b>Compliance Links:</b>	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: <a href="#">Returning Officer Manual</a>
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

#### Version Control:

1	
2	
3	



## 1. Local Government Act 1995 Delegations

### 1.3.7 Appoint Authorised Persons

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Manager Infrastructure</b></li> </ul>
<b>Function:</b> <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"> <li>1. Authority to appoint persons or classes of persons as authorised persons [s.3.24 and 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: <ol style="list-style-type: none"> <li>(a) <a href="#">Local Government Act 1995</a> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act.</li> <li>(b) <i>Caravan Parks and Camping Grounds Act 1995</i>;</li> <li>(c) <i>Cat Act 2011</i>;</li> <li>(d) <i>Cemeteries Act 1986</i>;</li> <li>(e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</li> <li>(f) <i>Dog Act 1976</i>;</li> <li>(g) <a href="#">Graffiti Vandalism Act 2016</a> – refer s.15; and</li> <li>(e) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</li> </ol> </li> <li>2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, <u>as a precondition</u> for appointment as authorised officers in accordance with Regulation 70(2) of the <a href="#">Building Regulations 2012</a> and section 6(b) of the <i>Criminal Procedure Act 2004</i>.</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A register of Authorised Persons is to be maintained as a Local Government Record.</li> <li>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL



## 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.
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>

### Version Control:

1	
2	
3	





## 1. Local Government Act 1995 Delegations

### 1.3.8 Information to be Available to the Public

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)].</li> <li>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)].</li> <li>3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(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].</li> <li>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)].</li> <li>5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	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:

All records must be kept on the appropriate file.

### Version Control:

1	
2	
3	



## 1. Local Government Act 1995 Delegations

### 1.3.9 Financial Management Systems and Procedures

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> <li>Collection of money owed to the Shire;</li> <li>Safe custody and security of money collected or held by the Shire;</li> <li>Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;</li> <li>Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;</li> <li>Making of payments;</li> <li>Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.</li> </ol> </li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a>
-------------------	--



## 1. Local Government Act 1995 Delegations

	<a href="#">Local Government (Audit) Regulations 1996</a> Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a>
Record Keeping:	All records must be kept on the appropriate file.

### Version Control:

1	
2	
3	



## 1. Local Government Act 1995 Delegations

### 1.3.10 Audit – CEO Review of Systems and Procedures

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to conduct the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to <ol style="list-style-type: none"> <li>risk management; and</li> <li>internal controls; and</li> <li>legislative compliance [r.17(1)].</li> </ol> </li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil

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

#### Version Control:

1	
2	
3	



## 1. Local Government Act 1995 Delegations

### 1.3.11 Infringement Notices – Extension of Time and Withdrawals

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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].</li> <li>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].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>An Authorised Person who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</li> <li>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: <ol style="list-style-type: none"> <li><b>Building Surveyor</b></li> </ol> <p><b>NOTE: Delegates must also be appointed as an “Approved Officer” – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</b></p> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	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.

#### Version Control:

1	
---	--



## 1.4 Local Law Delegations to the CEO

### 1.4.1 Health Local Law

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<p><i>Health Local Law:</i></p> <p>cl.3.6.4 Ventilation (notices) cl.3.8.1 Approval of water supply</p> <p>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</p> <p>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</p> <p>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</p> <p>Part 7 – Infectious Diseases</p> <p>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</p> <p>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)</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <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:</p> <ol style="list-style-type: none"> <li>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].</li> <li>2. Approve a water supply other than one that is connected to the mains of a licensed water service provider [cl.3.8.1].</li> <li>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].</li> </ol>



	<ol style="list-style-type: none"> <li>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].</li> <li>5. Permit to be deposited in a container anything specified in cl.4.12(a)(ii) to (xiii) [cl.4.12(a)].</li> <li>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)].</li> <li>7. Approve or refuse a request to burn rubbish or refuse in any incinerator or on the ground [cl.4.2.10(1)].</li> <li>8. Exempt a person to keep more than 2 cats at a premises and apply conditions to any exemption [cl.5.2.4].</li> <li>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].</li> <li>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].</li> <li>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)].</li> <li>12. Revoke any approval under cl.5.4.4(1).</li> <li>13. Direct an owner or occupier to remove a non-conforming structure or enclosure [cl.5.4.6(1)].</li> <li>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)].</li> <li>15. Approve a premises to be used for a feedlot, subject to conditions in cl.5.5.2(2) and (3).</li> <li>16. Approve a premises to be used as a piggery, subject to conditions in cl.5.6.2(2) and (3).</li> <li>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)].</li> <li>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].</li> <li>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].</li> <li>20. Grant approval to a person to keep bees [cl.6.7.2(1)].</li> <li>21. Direct any bee hives to be removed [cl.6.7.2(2)].</li> <li>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].</li> <li>23. Approve or refuse an application for registration of a lodging house, with or without conditions [cl.8.1.4]</li> <li>24. Revoke a registration approval [cl.8.1.7(1)].</li> <li>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)].</li> </ol>
--	---



# Delegation Register

Shire of Nannup



	<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 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>
<b>Council Conditions on this Delegation:</b>	<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) c. Function 27 – applications in prescribed form and in accordance with Town Planning Scheme [cl.9.1.2].</p>
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Manager Infrastructure</b></li> <li>• <b>Development Services Coordinator</b></li> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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

## Version Control:

1	
2	
3	



## 1.4.2 Dogs Local Law

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Dogs Local Law:</i> cl.1.3 Appointment of Authorised Person
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to:  1. Appoint authorised persons for the purpose of performing the functions of an authorised person [cl.1.3].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Sub delegation does not include authority under cl.1.3.

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.

### Version Control:

1	
2	
3	



## 2. Building Act 2011 Delegations

## 2 Building Act 2011 Delegations

### 2.1 Council to CEO

#### 2.1.1 Grant a Building Permit

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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))
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].</li> <li>Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> <li>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)]</li> <li>Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<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

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

Compliance Links:	<a href="#">Building Act 2011</a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor  <a href="#">Building Regulations 2012</a> – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT  <i>Building Services (Registration Act) 2011 – Section 7</i> <i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	All records must be kept on the appropriate file.

### Version Control:

1	Ordinary Council Meeting 27 October 2022 – resolution # 22150
2	
3	



## 2. Building Act 2011 Delegations

### 2.1.2 Demolition Permits

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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))
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>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) &amp; (2) and s.22].</li> <li>Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].</li> <li>Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> <li>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)]</li> <li>Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Building Surveyor</b></li> </ul>
---	--



## 2. Building Act 2011 Delegations

<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<a href="#">Building Act 2011</a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	All records must be kept on the appropriate file.

### Version Control:

1	Ordinary Council Meeting 27 October 2022 – resolution # 22150
2	
3	



## 2. Building Act 2011 Delegations

### 2.1.3 Occupancy Permits or Building Approval Certificates

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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  <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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

<b>Compliance Links:</b>	<a href="#">Building Act 2011</a> s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT
--------------------------	---



## 2. Building Act 2011 Delegations

	<i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	All records must be kept on the appropriate file.

### Version Control:

1	Ordinary Council Meeting 27 October 2022 – resolution # 22150
2	
3	





## 2. Building Act 2011 Delegations

### 2.1.4 Designate Employees as Authorised Persons

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>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)].</li> </ol> <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>
<b>Council Conditions on this Delegation:</b>	a. Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.

Compliance Links:	<a href="#"><i>Building Act 2011:</i></a> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record Keeping:	All records must be kept on the appropriate file.

#### Version Control:

1	Ordinary Council Meeting 27 October 2022 – resolution # 22150
2	



## 2. Building Act 2011 Delegations

### 2.1.5 Building Orders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order ; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>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)].</li> </ol> </li> <li>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)].</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<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

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

Compliance Links:	<a href="#"><u>Building Act 2011:</u></a> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
Record Keeping:	All records must be kept on the appropriate file.

### Version Control:

1	Ordinary Council Meeting 27 October 2022 – resolution # 22150
2	
3	



## 2. Building Act 2011 Delegations

### 2.1.6 Inspection and Copies of Building Records

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li>• <b>Development Services Coordinator</b></li> <li>• <b>Building Surveyor</b></li> <li>• <b>Records Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<a href="#">Building Act 2011</a> - s.146 Confidentiality
Record Keeping:	All records must be kept on the appropriate file.

#### Version Control:

1	Ordinary Council Meeting 27 October 2022 – resolution # 22150
2	
3	



## 2. Building Act 2011 Delegations

### 2.1.7 Referrals and Issuing Certificates

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.145A Local Government functions
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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

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

#### Version Control:

1	Ordinary Council Meeting 27 October 2022 – resolution # 22150
2	
3	



## 2. Building Act 2011 Delegations

### 2.1.8 Private Pool Barrier – Alternative and Performance Solutions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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)]</li> <li>Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]</li> <li>Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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

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

#### Version Control:

1	Ordinary Council Meeting 27 October 2022 – resolution # 22150
2	



## 2. Building Act 2011 Delegations

### 2.1.9 Smoke Alarms – Alternative Solutions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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

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

#### Version Control:

1	Ordinary Council Meeting 27 October 2022 – resolution # 22150
2	
3	



## 2. Building Act 2011 Delegations

### 2.1.10 Appointment of approved officers and authorised officers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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></li> <li>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 <u>and</u> authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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

<b>Compliance Links:</b>	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment.
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

#### Version Control:

1	Ordinary Council Meeting 27 October 2022 – resolution # 22150
---	---





### 3 Bush Fires Act 1954 Delegations

#### 3.1 Council to CEO and Bush Fire Control Officer

##### 3.1.1 Make Request to FES Commissioner – Control of Fire

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to 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)].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

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

##### Version Control:

1	
2	
3	



## 3.1.2 Prohibited Burning Times - Vary

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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))
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Shire President and Chief Bush Fire Control Officer (jointly)</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
<b>Council Conditions on this Delegation:</b>	a. Decisions under s,17(7) must be undertake 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).
<b>Express Power to Sub-Delegate:</b>	<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.

### Version Control:

1	
2	
3	



## 3.1.3 Prohibited Burning Times – Control Activities

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>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].</li> <li>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)].</li> <li>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)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<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.

## Version Control:

1	
2	
3	



## 3.1.4 Restricted Burning Times – Vary and Control Activities

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<p><i>Bush Fires Act 1954:</i></p> <p>s.18(5), (11) Restricted burning times may be declared by FES Commissioner</p> <p>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.15C Local Government may prohibit burning on certain days</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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"> <li>a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</li> </ol> </li> <li>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)].</li> <li>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>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)].</li> <li>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].</li> </ol>

# Delegation Register

Shire of Nannup



	<p>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].</p> <p>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)].</p> <p>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)].</p> <p>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)].</p>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<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.

## Version Control:

1	
2	
3	



## 3.1.5 Control of Operations Likely to Create Bush Fire Danger

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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"> <li>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>c. a person using explosives [r.39D(2)].</li> <li>d. a person using fireworks [r.39E(3)]</li> </ol> </li> <li>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></li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<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.

### Version Control:

1	
2	
3	



## 3.1.6 Burning Garden Refuse / Open Air Fires

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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)].</li> <li>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"> <li>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)].</li> <li>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].</li> </ol> </li> <li>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"> <li>a. camping or cooking [s.25(1)(a)].</li> <li>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>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)].</li> <li>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)].</li> </ol>



# Delegation Register

Shire of Nannup



---

<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<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.

## Version Control:

1	
2	
3	



## 3.1.7 Firebreaks

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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"> <li>clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>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</li> <li>as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<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.

### Version Control:

1	
2	
3	



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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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"> <li>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</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>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)]</li> <li>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)].               <ol style="list-style-type: none"> <li>a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<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.

### Version Control:

1	
2	
3	



## 3.1.9 Control and Extinguishment of Bush Fires

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. <ol style="list-style-type: none"> <li>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<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.

### Version Control:

1	
2	
3	



## 3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to 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].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<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.

### Version Control:

1	
2	
3	



## 3.1.11 Prosecution of Offences

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Community Emergency Services Officer</b></li> <li>• <b>Ranger Officer</b></li> <li>• <b>Bush Fire Control Officer</b></li> </ul>
<b>Function:</b> <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"> <li>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</li> <li>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

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

### Version Control:

1	
2	
3	



## 4 Cat Act 2011 Delegations

### 4.1 Council to CEO

#### 4.1.1 Cat Registrations

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>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)].</li> <li>Authority to cancel a cat registration [s.10].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li><b>Ranger Officer</b></li> <li><b>Customer Service / Administration Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> <li>Customer Service/Administration Officers and have delegated functions of 1,2,3 and 4 ONLY.</li> </ol>

# Delegation Register

Shire of Nannup



Compliance Links:	<p>Cat Regulations 2012</p> <p>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</p> <p>r.12 Period of registration (s.9(7))</p> <p>r.11 Changes in registration</p> <p>r.14 Registration certificate (s.11(1)(b))</p> <p>r.15 Registration tags (s.76(2))</p> <p>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>.</p>
Record Keeping:	All records must be kept on the appropriate file.

## Version Control:

1	
2	
3	





## 4.1.2 Cat Control Notices

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s.26].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li><b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

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

### Version Control:

1	
2	
3	



## 4.1.3 Approval to Breed Cats

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].</li> <li>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)].</li> <li>Authority to cancel an approval to breed cats [s.38].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. 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> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li><b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	Cat Regulations 2012:  r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

### Version Control:

1	
---	--



## 4.1.4 Recovery of Costs – Destruction of Cats

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

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

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

### Version Control:

1	
2	



## 4.1.5 Applications to Keep Additional Cats

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to require any document or additional information required to determine an application [r.8(3)]</li> <li>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)].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li><b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Ranger Officer delegated functions of 1 and 2 ONLY.

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

### Version Control:

1	
2	



## 4.1.6 Reduce or Waiver Registration Fee

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
<b>Council Conditions on this Delegation:</b>	a. 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> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li><b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

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

### Version Control:

1	
2	



## 4.2 Cat Act Delegations - CEO to Employees

### 4.2.1 Infringement Notices – Extensions and Withdrawals

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>• <b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li>• <b>Ranger Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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].</li> <li>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].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil

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

#### Version Control:

1	
2	
3	



## 5. Dog Act 1974 Delegations

# 5 Dog Act 1974 Delegations

## 5.1 Dog Act Delegations Council to CEO

### 5.1.1 Refuse or Cancel Registration

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</li> <li>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"> <li>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</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</li> <li>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</li> <li>iv. the dog is required to be microchipped but is not microchipped; or</li> <li>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].</li> </ol> </li> <li>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)].</li> <li>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)].</li> </ol>



## 5. Dog Act 1974 Delegations

	i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

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

<b>Compliance Links:</b>	<i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

### Version Control:

1	
2	
3	





## 5. Dog Act 1974 Delegations

### 5.1.2 Kennel Establishments

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li><b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <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.

#### Version Control:

1	
2	



## 5. Dog Act 1974 Delegations

### 5.1.3 Recovery of Moneys Due Under this Act

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li><b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

#### Version Control:

1	
2	
3	



## 5. Dog Act 1974 Delegations

### 5.1.4 Dispose of or Sell Dogs Liable to be Destroyed

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li><b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

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

#### Version Control:

1	
2	



## 5. Dog Act 1974 Delegations

### 5.1.5 Declare Dangerous Dog

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li><b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

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

#### Version Control:

1	
2	



## 5. Dog Act 1974 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>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)] <ul style="list-style-type: none"> <li>i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</li> </ul> </li> </ol>
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

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

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
--------------------------	--



---

**5. Dog Act 1974 Delegations**

Record Keeping:	All records must be kept on the appropriate file.
-----------------	---

**Version Control:**

1	
2	
3	



## 5. Dog Act 1974 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: <ul style="list-style-type: none"> <li>(a) a notice declaring a dog to be dangerous; or</li> <li>(b) a notice proposing to cause a dog to be destroyed.</li> </ul>
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <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.

#### Version Control:

1	
2	



## 5. Dog Act 1974 Delegations

### 5.1.8 Determine Recoverable Expenses for Dangerous Dog Declaration

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li><b>Ranger Officer</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

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

#### Version Control:

1	
2	





## 5. Dog Act 1974 Delegations

### 5.1.9 Dog Registration Officers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.3(1) Registration Officers
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to authorise persons to be registration officers.
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <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.

#### Version Control:

1	
2	



## 6. Food Act 2008 Delegations

# 6 Food Act 2008 Delegations

## 6.1 Council to CEO

### 6.1.1 Determine Compensation

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

#### Version Control:

1	
2	
3	



## 6. Food Act 2008 Delegations

### 6.1.2 Prohibition Orders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> <li>• <b>Environmental Health Officer</b></li> </ul>
<b>Function:</b> <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"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

#### Version Control:

1	
2	



## 6. Food Act 2008 Delegations

### 6.1.3 Food Business Registrations

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> <li>• <b>Environmental Health Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

#### Version Control:

1	
2	



## 6. Food Act 2008 Delegations

### 6.1.4 Appoint Authorised Officers and Designated Officers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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]
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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"> <li>Appointment of Authorised Officers as Meat Inspectors</li> <li>Appointment of Authorised Officers</li> <li>Appointment of Authorised Officers – Designated Officers only</li> <li>Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	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
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

#### Version Control:

1	
---	--



## 6. Food Act 2008 Delegations

### 6.1.5 Debt Recovery and Prosecutions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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]
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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)].</li> <li>Authority to institute proceedings for an offence under the Food Act 2008 [s.125].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

#### Version Control:

1	
2	
3	



## 6. Food Act 2008 Delegations

### 6.1.6 Food Businesses List – Public Access

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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]
<b>Express Power or Duty Delegated:</b>	<i>Food Regulations 2009:</i> r.51 Enforcement agency may make list of food
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
<b>Council Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

#### Version Control:

1	
2	
3	



## 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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Infrastructure</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <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.

#### Version Control:

1	
2	
3	





## 7. Graffiti Vandalism Act 2016 Delegations

### 7.1.2 Notices – Deal with Objections and Give Effect to Notices

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>Authority to deal with an objection to a notice [s.22(3)].</li> <li>Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>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</li> <li>to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<ul style="list-style-type: none"> <li><b>Manager Corporate Services/Deputy Chief Executive Officer</b></li> <li><b>Manager Infrastructure</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b> <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.

#### Version Control:

1	
2	
3	



## 7. Graffiti Vandalism Act 2016 Delegations

### 7.1.3 Obliterate Graffiti on Private Property

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to 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)].
<b>Council Conditions on this Delegation:</b>	a. Subject to exercising Powers of Entry.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

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

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

#### Version Control:

1	
2	
3	



## 7. Graffiti Vandalism Act 2016 Delegations

### 7.1.4 Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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].</li> <li>Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

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

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

#### Version Control:

1	
2	
3	



## 8. Public Health Act 2016 Delegations

# 8 Public Health Act 2016 Delegations

## 8.1 Council to CEO

### 8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
<b>Express Power or Duty Delegated:</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to 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)].
<b>Council Conditions on this Delegation:</b>	a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
<b>Express Power to Sub-Delegate:</b>	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

Compliance Links:	<i>Criminal Procedure Act 2004 – Part 2</i>
Record Keeping:	All records must be kept on the appropriate file.

#### Version Control:

1	
2	
3	



## 8. Public Health Act 2016 Delegations

### 8.1.2 Enforcement Agency Reports to the Chief Health Officer

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	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:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	All records must be kept on the appropriate file.

#### Version Control:

1	
2	
3	



## 8. Public Health Act 2016 Delegations

### 8.1.3 Designate Authorised Officers

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

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



## 8. Public Health Act 2016 Delegations

	<p>s.30 Certificates of authority</p> <p>s.31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s.32 Certificate of authority to be returned.</p> <p>s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p><i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>
Record Keeping:	All records must be kept on the appropriate file.

### Version Control:

1	
2	
3	



## 8. Public Health Act 2016 Delegations

### 8.1.4 Determine Compensation for Seized Items

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.264 Compensation
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
<b>Council Conditions on this Delegation:</b>	a. Compensation is limited to a maximum value of \$500, with any proposal for compensation above this value to be referred for Council's determination.
<b>Express Power to Sub-Delegate:</b>	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)].

<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	All records must be kept on the appropriate file.

#### Version Control:

1	
2	
3	





## 9. Planning and Development Act 2005 Delegations

# 9 Planning and Development Act 2005 Delegations

## 9.1 Council to CEO

### 9.1.1 Illegal Development

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>• <b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <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"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ul style="list-style-type: none"> <li>(a) to remove, pull down, take up, or alter the development; and</li> <li>(b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ul> </li> <li>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.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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



## 9. Planning and Development Act 2005 Delegations

Compliance Links:	Part 13 of the <a href="#">Planning and Development Act 2005</a>
Record Keeping:	All records must be kept on the appropriate file.

### Version Control:

1	
2	
3	

## 9.2 Local Planning Scheme – Council to CEO

### 9.2.1 Local Planning Scheme

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Shire of Nannup Town Planning Scheme No. 4</i>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li><b>Chief Executive Officer</b></li> </ul>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to exercise all duties and powers available to the local government.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, cl.83 Local Government CEO may delegate powers

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

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

#### Version Control:

1	
2	
3	



## 10 Statutory Authorisations and Delegations to Local Government from State Government Entities

### 10.1 Environmental Protection Act 1986

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

Published by:  
Environment

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

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

**EV401**

#### **ENVIRONMENTAL PROTECTION ACT 1986**

##### **Section 20**

Delegation No. 52

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

Powers and duties delegated—

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

Persons to whom delegation made—

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

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

Dated this 9<sup>th</sup> day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.



## 10.1.2 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.



## 10.1.3 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.



## **10.2 Planning and Development Act 2005**

### **10.2.1 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 *2<sup>nd</sup>* day of *June* 2016

A handwritten signature in black ink, appearing to be 'D. Redman'.

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





## SCHEDULE

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

### Column 1

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

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

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

- section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);
- section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);
- section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;
- section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

### Column 2

City of Albany  
City of Armadale  
Shire of Ashburton  
Shire of Augusta-Margaret River  
Town of Bassendean  
City of Baywater  
City of Belmont  
Shire of Beverley  
Shire of Boddington  
Shire of Boyup Brook  
Shire of Bridgetown-Greenbushes  
Shire of Brookton  
Shire of Broome  
Shire of Broomehill-Tambellup  
Shire of Bruce Rock  
City of Bunbury  
Shire of Busselton  
Town of Cambridge  
City of Cannington  
Shire of Capel  
Shire of Carnarvon  
Shire of Carnarvon  
Shire of Chapman Valley  
Shire of Chittering  
Shire of Christmas Island  
Town of Claremont  
City of Cockburn  
Shire of Cocos (Keeling) Islands  
Shire of Collie  
Shire of Coolgardie  
Shire of Cooberoo  
Shire of Corrigin  
Town of Cottesloe  
Shire of Cranbrook  
Shire of Cunderdun  
Shire of Cuse  
Shire of Cunderdin  
Shire of Dalwallinu  
Shire of Dandaragan  
Shire of Dardanup  
Shire of Denmark  
Shire of Derby-West Kimberley  
Shire of Dornbrook-Rainup  
Shire of Dowerin  
Shire of Dumbleyung  
Shire of Dundas  
Town of East Fremantle  
Shire of East Pilbara  
Shire of Esperance  
Shire of Eromanga  
City of Fremantle  
City of Greater Geraldton

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

### Column 3

In accordance with and subject to approved Government Land policies.

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





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

Shire of Tammin  
Shire of Three Springs  
Shire of Toodyay  
Shire of Trayning  
Shire of Upper Gascoyne  
Town of Victoria Park  
Shire of Victoria Plains  
Town of Vincent  
Shire of Wagin  
Shire of Wandering  
City of Wanneroo  
Shire of Waroona  
Shire of West Arthur  
Shire of Westonia  
Shire of 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**

2<sup>nd</sup> day of June 2016



## 10.2.2 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.



## 10.3 Main Roads Act 1930

### 10.3.1 Traffic Management – Road Works

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

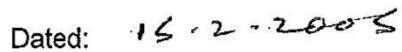
Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises the SHIRE OF NANNUP ("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, 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](http://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.

## Shire of Nannup



Ch. Henry



Leon Winston

Name of Witness

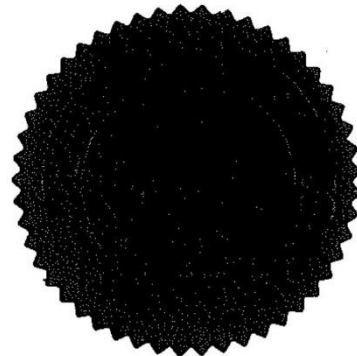


The SHIRE OF NANNUP agrees to observe, perform and be bound by the above conditions.

*allm*

Les Davis

~~Witness~~







## 10.4 Road Traffic (Vehicles) Act 2012

### 10.4.1 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 5<sup>th</sup> 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



## **10.5 Australian Citizenship Act 2007**

### **10.5.1 Instrument of Authorisation – To Receive a Pledge of Commitment**

IMMI 15/064



**Commonwealth of Australia**

*Australian Citizenship Act 2007*

#### **INSTRUMENT OF AUTHORISATION 2015**

*(Subsection 27(5))*

I, *PETER DUTTON*, Minister for Immigration and Border Protection, acting under subsection 27(5) of the *Australian Citizenship Act 2007* (the Act):

1. REVOKE Instrument number IMMI 11/079 (F2011L02759), signed on 12 December 2011; and
2. AUTHORISE:
  - a) a class of persons; or
  - b) a person;holding, or occupying, or performing the duties of, a position specified in the Schedule to this Instrument, to receive a pledge of commitment.

This Instrument, IMMI 15/064, commences on the day after registration on the Federal Register of Legislative Instruments.

Dated: 17 August 2015

Peter Dutton  
**HON. PETER DUTTON MP**  
Minister for Immigration and Border Protection



IMMI 15/064

### SCHEDULE

Persons or classes of persons authorised to receive a pledge of commitment under subsection 27(5) of the Act:

1. Governor-General of the Commonwealth of Australia.
2. All Members of the House of Representatives of the Parliament of the Commonwealth of Australia.
3. All Members of the Senate of the Parliament of the Commonwealth of Australia.
4. An entrusted person of the Department of Immigration and Border Protection, as defined in section 3 of the Act, who is located in a State or Territory Office, or Regional Office, excluding Headquarters:
  - (a) an Australian citizen;
  - (b) performing duties under, or for the purposes of, the *Australian Citizenship Act 2007*; and
  - (c) holding, or occupying, or performing the duties of, a position classified as:
    - (i) Senior Executive Service, Band Three, Two or One;
    - (ii) Executive Level Two or Executive Level One (EL2 or EL1); or
    - (iii) Australian Public Service, Levels Six, Five or Four (APS6, APS5 or APS4).
5. An entrusted person of the Department of Immigration and Border Protection, as defined in section 3 of the Act, who is located at Headquarters:
  - (a) is an Australian citizen;
  - (b) is the holder of, or is performing the duties of, a position classified as:
    - (i) Secretary;
    - (ii) Senior Executive Service, Band Three (SES B3);
    - (iii) Senior Executive Service, Band Two (SES B2), Visa and Citizenship Management Division, Visa and Citizenship Services;
    - (iv) Senior Executive Service, Band One (SES B1), Permanent Visa and Citizenship Programme Branch; or
    - (v) Permanent Visa and Citizenship Programme Branch:
      - A. Citizenship Operations Section:
        - a. Executive Level Two (EL2); or
      - B. Citizenship Programme Management Section:
        - a. Executive Level Two (EL2); or





IMMI 15/064

- C. Stakeholder Engagement and Citizenship Ceremonies Section:
    - a. Executive Level Two (EL2); or
    - b. Executive Level One (EL1); or
  - D. Citizenship Delivery Section:
    - a. Executive Level Two (EL2).
- 6. An entrusted person of the Department of Immigration and Border Protection, as defined in section 3 of the Act, who is in an Australian Immigration and Border Protection Office Overseas or an Australian Diplomatic Mission:
  - (a) an Australian citizen; and
  - (b) the holder of, or is performing the duties of, one of the following positions within the Department of Immigration and Border Protection:
    - (i) Senior Executive Service, Band Three, Two or One;
    - (ii) Executive Level Two or Executive Level One (EL2 or EL1); or
    - (iii) Australian Public Service, Levels Six (APS6).
- 7. A person who is an Australian citizen, and who is holding, or occupying, or performing the duties of any of the following offices at an Australian Diplomatic Mission:
  - (a) Australian Diplomatic, Consular and Trade Representative;
  - (b) High Commissioner;
  - (c) Deputy High Commissioner;
  - (d) Ambassador;
  - (e) Consul General;
  - (f) Chargé d'Affaires;
  - (g) Chargé d'Affaires ad interim;
  - (h) Consul, at a post at which he or she is the Senior Australian Diplomatic Representative; or
  - (i) Trade Commissioner at a post where there is no representative from the Australian Government Department of Foreign Affairs and Trade or from the Australian Government Department of Immigration and Border Protection.
- 8. A person who is an Australian citizen, and who is holding, or occupying, or performing the duties of any of the following offices:
  - (a) In the Australian Capital Territory:
    - (i) Members of the Australian Capital Territory Legislative Assembly; or
    - (ii) Director, Australian Capital Territory Office of Multicultural Affairs.



IMMI 15/064

(b) In New South Wales:

- (i) Governor of New South Wales;
- (ii) Lord Mayor of a City;
- (iii) Mayor of a local government council;
- (iv) Deputy Mayor, or Deputy Lord Mayor of a local government council;
- (v) General Manager or CEO of a local government council; or
- (vi) Administrator of a local government council in cases where a local government council has been placed under administration.

(c) In the Northern Territory:

- (i) Administrator of the Northern Territory;
- (ii) Lord Mayor of a City;
- (iii) Principal member of a local government council;
- (iv) Deputy principal member of a local government council;
- (v) Chief Executive Officer of a local government council;
- (vi) Chair, Nhulunbuy Town Board;
- (vii) Customs Officer, resident on Groote Eylandt; or
- (viii) Sub-Collector of Customs, Groote Eylandt.

(d) In Queensland:

- (i) Governor of Queensland;
- (ii) Lord Mayor of a City;
- (iii) Mayor of a local government;
- (iv) Deputy Mayor of a local government;
- (v) Chief Executive Officer of a local government;
- (vi) Councillor, Brisbane City Council;
- (vii) Administrator of a local government in cases where a local government has been placed in administration;
- (viii) Councillor, Torres Strait Island Regional Council;
- (ix) Chair, Weipa Town Authority
- (x) Deputy Chair, Weipa Town Authority; or
- (xi) Superintendent, Weipa Town Authority.



IMMI 15/064

- (e) In South Australia:
  - (i) Governor of South Australia;
  - (ii) Lord Mayor of a City;
  - (iii) Deputy Lord Mayor of a City;
  - (iv) Mayor or Chairperson of a local government council;
  - (v) Deputy Mayor or Deputy Chairperson of a local government council;
  - (vi) Administrator of a Municipality, or local government council in cases where a Municipality or local government council has been placed in administration;
  - (vii) Chief Executive of a local government council;
  - (viii) Secretary, Woomera Board; or
  - (ix) President, Andamooka Progress and Opal Miners Association.
- (f) In Tasmania:
  - (i) Governor of Tasmania;
  - (ii) Lord Mayor of a City;
  - (iii) Deputy Lord Mayor of a City;
  - (iv) Mayor of a local government council;
  - (v) Deputy Mayor of a local government council;
  - (vi) General Manager of a local government council; or
  - (vii) Administrator of a local government council in cases where a local government council has been placed in administration.
- (g) In Victoria:
  - (i) Governor of Victoria;
  - (ii) 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; or
  - (ix) Administrator of a local government council in cases where a local government council has been placed in administration.
- (h) In Western Australia:
  - (i) Governor of Western Australia;
  - (ii) Lord Mayor of a City;
  - (iii) Mayor of a City, Municipality or Town;
  - (iv) Deputy Mayor or Deputy President of a City, Municipality, Shire or Town;
  - (v) Chief Executive Officer of a City, Municipality, Shire or Town;



IMMI 15/064

- (vi) President of Shire Council;
  - (vii) Chairman of Commissioners in cases where a local government council has been placed under administration;
  - (viii) Administrator of a local government council in cases where a local government council has been placed under administration;
  - (ix) Councillor, Coastal Ward, Shire of Coorow;
  - (x) Councillor, Shire of East Pilbara;
  - (xi) Councillor, Shire of Moora;
  - (xii) Councillor, Leinster Ward, Shire of Leonora;
  - (xiii) Councillor, Town of Fitzroy Crossing, Shire of Derby/West Kimberley;
  - (xiv) Councillor, Town of Kununurra, Shire of Wyndham/East Kimberley;
  - (xv) Councillor, Shire of Ashburton; or
- (i) In Australian External Territories:
- (i) Station Leader, Australian Antarctic Base, Casey;
  - (ii) Station Leader, Australian Antarctic Base, Davis;
  - (iii) Station Leader, Australian Antarctic Base, Mawson;
  - (iv) President, Shire of Christmas Island;
  - (v) President, Shire of Cocos (Keeling) Islands;
  - (vi) Chief Executive Officer, Shire of Cocos (Keeling) Islands;
  - (vii) Administrator, Norfolk Island; or
  - (viii) Vice Chairman, Lord Howe Island Board.



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> <li>HLT 1 - Health (Miscellaneous Provisions) Act 1911</li> </ul>	Health (Miscellaneous Provisions) Act 1911 s. 26 Part V, Part VI, Part VII, Part VIII, Part IX.	Chief Executive Officer

## Delegator

Council

## Power / Duty

In accordance with the powers contained within Section 26 of the Health (Miscellaneous Provisions) Act 1911, Council delegates to the Chief Executive Officer, or any appropriately qualified person appointed by the Chief Executive Officer, the authority to exercise and discharge all or any of the powers and functions of the local authority in accordance with Part IV Division 4 Sanitary Provisions, Part V Dwellings, Part VI Public Buildings, Part VII Nuisances and Offensive Trades, Part VII (A) Animal Produce, Drugs, Medicines, Disinfectants, Therapeutic Substances and Pesticide Divisions 2, 3, 4 and 5, Part VIII Food Generally and Part IX Infectious Disease.

## Conditions

Nil

## Statutory Framework

### ***Health (Miscellaneous Provisions) Act 1911***

#### **26. Powers of local government**

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

# Delegation Register

Shire of Nannup



## Verification

Recent Council Resolution	Initial Council Resolution
18037	6524

## 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 - 77

# Delegation Register

Shire of Nannup



Reference Number	Legislative Reference	Delegate
• PDA 2- Planning Infringement Notices	Planning and Development Act 2005 Section 234	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer shall be the Designated Person, as set out in Section 234 of the Planning and Development Act 2005 (the Act).

The Chief Executive Officer is delegated authority under the Planning and Development Act 2005 to:

1. Give an Infringement Notice pursuant to Section 228, whose contents shall comply with Section 229 of the Act.
2. Extend the time for the payment of any penalty pursuant to Section 230
3. Withdraw an Infringement Notice pursuant to Section 231.

## Conditions

Nil

## Statutory Framework

Planning and Development Act 2005

### ***Planning and Development Act 2005***

#### **234. Designated persons, appointment of**

(1) The chief executive officer of a responsible authority may, in writing, appoint persons or classes of persons to be designated persons for the purposes of section 228, 229, 230 or 231 or for the purposes of 2 or more of those sections.

(2) A person who is authorised to give infringement notices under section 228 is not eligible to be a designated person for the purposes of any of the other sections.

## Verification

Recent Council Resolution	Initial Council Resolution
18037	5456

## Review Requirements

# Delegation Register

Shire of Nannup



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 - 79





Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> <li>PIDA 1 - Principal Executive Officer</li> </ul>	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 —
  - (a) designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information; and
  - (b) 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
  - (c) ensure that his or her public authority complies with this Act; and
  - (d) ensure that his or her public authority complies with the code established by the Commissioner under section 20; and
  - (e) prepare and publish internal procedures relating to the authority's obligations under this Act; and
  - (f) provide information annually to the Commissioner on —
    - (i) the number of public interest disclosures received by a responsible officer of the authority over the report period; and
    - (ii) 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
    - (iii) 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
• <a href="#">LGA 4 - Local Laws</a>	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
• 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"> <li>LGA 8 - Register of Delegations to Committees</li> </ul>	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.

# Delegation Register

Shire of Nannup



## 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"> <li>LGA 9 - Annual Report</li> </ul>	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.

# Delegation Register

Shire of Nannup



## 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
• 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).

# Delegation Register

Shire of Nannup



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 *55.46(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](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

# Delegation Register

Shire of Nannup



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"><li>• ADM 2 -</li><li>• Council and Committee Meetings</li></ul>	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:

1. 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.
2. Give Local Public Notice of any change to the date, time or place of a meeting which is open to the public.
3. 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 —
- (a) the ordinary council meetings; and



- (b) 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"> <li>ADM 3 - Public Inspection of Documents Relating to Council Minutes</li> </ul>	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
• 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.

# Delegation Register

Shire of Nannup



## 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
• 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"> <li>LGA 14 - Expenditure Before Adoption of Budget</li> </ul>	Local Government Act 1995 s. 6.8	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Corporate Business Plan from the Municipal Fund prior to the adoption of the annual budget.

The Chief Executive Officer in exercising this delegated authority shall ensure the proposed expenditure is included in the draft budget to be presented to Council.

## Conditions

Nil

## Statutory Framework

### Local Government Act 1995

#### 6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution\*; or

(c) is authorised in advance by the mayor or president in an emergency.

\* *Absolute majority required.*

(1a) In subsection (1) — **additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) Where expenditure has been incurred by a local government —

(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and

(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

## Verification

Recent Council Resolution

Initial Council Resolution

# Delegation Register

Shire of Nannup



---

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 - 21





Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> <li>ULP 1 - Gates Across Public Thoroughfares</li> </ul>	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



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> <li>ULP 2 - Excavation in or near Public Thoroughfares</li> </ul>	Local Government (Uniform Local Provisions) Regulation 11	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated the authority to determine applications for licences to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Regulations 6 and 11 of the Local Government (Uniform Local Provisions) Regulations 1996.

The Chief Executive Officer shall first obtain confirmation from employees that the proposed activity will not create undue interference with the operation of the street, way or public place.

Licences are to be issued subject to the conditions detailed in Regulation 6 of the Local Government (Uniform Local Provisions) Regulations 1996 and such other conditions as considered relevant by the Chief Executive Officer.

The Chief Executive Officer is delegated authority to take all appropriate action in accordance with Local Government (Uniform Local Provisions) Regulation 11 to remove, or have removed, any dangerous excavation in a public thoroughfare or land adjoining a public thoroughfare.

## Conditions

### **Local Government (Uniform Local Provisions) Regulations 1996**

#### **6. Obstruction of public thoroughfare by things placed and left — Sch. 9.1 cl. 3(1)(a)**

(1) A person must not, without lawful authority, place on a public thoroughfare anything that obstructs it.

Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the obstruction continues.

(2) A person may apply to the local government for permission to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare.

(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, any of the following —
    - (a) conditions relating to the erection of hoardings, fences, walkways or other structures for the protection of the public thoroughfare or public safety (**protective structures**);
    - (b) conditions about the placement of things in the public thoroughfare including conditions about the depositing of building materials or waste, or storage or other facilities in the public thoroughfare;
    - (c) a condition imposing a charge for any damage to the public thoroughfare resulting from the placement of a thing on the public thoroughfare;
    - (d) a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government 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.
  - (5) It is a condition of the permission granted under this regulation that —
    - (a) placed things and protective structures are sufficiently illuminated every night from sunset to sunrise to prevent mishaps; and
    - (b) protective structures are kept and maintained in good condition, to the satisfaction of the CEO of the local government, during such time as the CEO thinks necessary for the public safety and convenience; and
    - (c) placed things or protective structures are removed within a reasonable time after the person granted the permission is required in writing to do so by the local government; and
    - (d) damage to the public thoroughfare resulting from the placement of a thing or a protective structure is repaired to the satisfaction of the CEO of the local government within a reasonable time after the person granted the permission is required in writing to do so by the local government.
  - (6) 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.
  - (7) A person granted permission under this regulation must comply with each condition of the permission.
- Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.
- (8) The local government may charge a person granted permission under this regulation a fee of not more than \$1.00 for each month or part of a month for each m<sup>2</sup> of public thoroughfare that is enclosed by a hoarding or fence in accordance with the permission.
  - (9) For the purposes of section 3.37 of the Act, a contravention of subregulation (1) or (7) is a contravention that can lead to impounding of goods comprising a placed and left thing or structure.

Note for this regulation:

This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 1. 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.

## Statutory Framework

### ***Local Government (Uniform Local Provisions) Regulations 1996***

#### **11. Dangerous excavation in or near public thoroughfare — Sch. 9.1 cl. 6**

- (1) If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous, the local government may —
- (a) fill in or fence the excavation; or
  - (b) in writing request the owner or occupier of the land to fill in or securely fence the excavation.
- (2) A person to whom a request is made under subregulation (1)(b) must comply with the request.  
Penalty: a fine of \$5 000.
- (3) A person must not, without lawful authority, make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare.  
Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.
- (4) A person may apply to the local government for permission to make or make and leave an excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare.
- (5) 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 (6); 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.
- (6) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —
- (a) conditions relating to the erection of hoardings, fences, walkways or other structures for the protection of the public thoroughfare, adjoining land or public safety (***protective structures***);
  - (b) a condition imposing a charge for any damage to the public thoroughfare or adjoining land resulting from the excavation;
  - (c) a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the



<p>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.</p> <p>(7) It is a condition of the permission granted under this regulation that —</p> <p>(a) the excavation is securely fenced off from the public thoroughfare or adjoining land; and</p> <p>(b) protective structures are sufficiently illuminated every night from sunset to sunrise to prevent mishaps; and</p> <p>(c) protective structures are kept and maintained in good condition, to the satisfaction of the CEO of the local government, during such time as the CEO thinks necessary for the public safety and convenience; and</p> <p>(d) the excavation is filled in or protective structures are removed within a reasonable time after the person granted the permission is required in writing to do so by the local government; and</p> <p>(e) damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure is repaired to the satisfaction of the CEO of the local government within a reasonable time after the person granted the permission is required in writing to do so by the local government.</p> <p>(8) The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (6) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.</p> <p>(9) A person granted permission under this regulation must comply with each condition of the permission.</p> <p>Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.</p> <p>(10) The local government may charge a person granted permission under this regulation a fee of not more than \$1.00 for each month or part of a month for each m<sup>2</sup> of public thoroughfare that is enclosed by a hoarding or fence in accordance with the permission.</p> <p>(11) For the purposes of section 3.37 of the Act, a contravention of subregulation (3) or (9) is a contravention that can lead to impounding of goods comprising a protective structure or other thing placed in or near the excavation.</p> <p>Note for this regulation:</p> <p>This regulation is of a kind prescribed in the Local Government Act 1995 Schedule 3.1 Division 2 item 2. 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.</p>
---

## 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 - 24



Reference Number	Legislative Reference	Delegate
• ULP 3 - Crossovers	Local Government (Uniform Local Provisions) Regulations 12, 13, 14 and 15	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant.

The Chief Executive Officer is delegated authority to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.

If the person fails to comply with the notice the Chief Executive Officer is delegated authority to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.

## Conditions

Nil

## Statutory Framework

### ***Local Government (Uniform Local Provisions) Regulations***

#### **12. Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2)**

(1) Upon the application of the sole owner, or a majority of the owners, of private land the local government may, in writing and subject to regulation 14(2) —

- (a) approve the construction, under the supervision of, and to the satisfaction of, the local government, of a crossing giving access from a public thoroughfare to —
  - (i) the land; or
  - (ii) a private thoroughfare serving the land;
 or

(b) agree to construct for the applicant a crossing giving access from a public thoroughfare to —





- (i) the land; or
- (ii) a private thoroughfare serving the land.

(2) A person is not to construct a crossing for vehicles from a public thoroughfare that is a Government road to —

- (a) land on which premises have been or are about to be constructed; or
- (b) a private thoroughfare serving the land, unless the construction of the crossing has been approved by the local government under subregulation (1) and the crossing is constructed in accordance with the approval. Penalty: a fine of \$5 000. Note for this regulation: This regulation is of a kind prescribed in the Local Government Act 1995 Schedule 3.1 Division 2 item 2A(a). 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.

*[Regulation 12 amended: Gazette 1 Feb 2013 p. 429-30.]*

### **13. Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)**

- (1) A local government may, subject to regulation 14(2), give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.
- (2) If the person fails to comply with the notice, the local government may construct or repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person.
- (3) A person given a notice under subregulation (1) must comply with the notice.

Penalty: a fine of \$5 000.

*[Regulation 13 amended: Gazette 1 Feb 2013 p. 430.]*

### **14. Role of Commissioner of Main Roads in some cases — Sch. 9.1 cl. 7(2)**

- (1) This regulation applies to a crossing for vehicles from a public thoroughfare that is a Government road to —
  - (a) land on which premises have been or are about to be constructed; or
  - (b) a private thoroughfare serving the land.
- (2) A local government cannot —
  - (a) under regulation 12 construct or approve the construction of; or
  - (b) under regulation 13(1) require the construction of, a crossing to which this regulation applies unless the local government has consulted with the Commissioner and the Commissioner has approved in writing the construction of the crossing.
- (3) If a person —
  - (a) constructs a crossing to which this regulation applies other than in accordance with approval given by the Commissioner under this regulation; or
  - (b) modifies a crossing to which this regulation applies in such a way that it is not in accordance with approval given by the Commissioner under this regulation, the Commissioner may, by notice in writing, require the person to bring the crossing into accordance with the approval, if approval



was given, or remove the crossing and restore the place where the crossing was to its former condition.

(4) If the person fails to comply with the notice, the Commissioner may do anything required by the notice to be done and recover the cost of doing it as a debt due from the person.

(5) A person given a notice under subregulation (3) must comply with the notice. Penalty: a fine of \$5 000.

[(6) deleted]

(7) In this regulation — **Commissioner** means the Commissioner of Main Roads.

Note for this regulation: his regulation is of a kind prescribed in the Local Government Act 1995 Schedule 3.1 Division 2 item 2A(b). 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.

[Regulation 14 amended: Gazette 1 Feb 2013 p. 430-1.]

## 15. Contribution to cost of crossing — Sch. 9.1 cl. 7(4)

(1) Where —

(a) a local government —

(i) under regulation 12 constructs or approves the construction of; or

(ii) under regulation 13(1) requires the construction of, a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land; and

(b) the crossing is the first crossing in respect of the land; and

(c) the crossing is a standard crossing or is of a type that is superior to a standard crossing, the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.

(2) In subregulation (1) — **first crossing**, in respect of land, means the first crossing to the land or a private thoroughfare serving the land constructed under regulation 12 or section 358<sup>2</sup> of the *Local Government Act 1960*<sup>3</sup> as in force at any time before 1 July 1996; **standard crossing** means, subject to any local law as to what is or is not a standard crossing, a crossing of a kind that the local government, by resolution, decides is a standard crossing.

## 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/336/works-policy-wrk7-driveway-crossovers>

<https://www.nannup.wa.gov.au/documents/273/local-planning-policy-lpp13-car-parking-and-vehicular-access>

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 25



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> <li>LGA 18 – Native Title</li> </ul>	LGA Section 5.42	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to register an interest in any Native Title Claim affecting the local government in order to have sufficient interest to become a party to the Native Title Application.

## 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 - 36



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> <li>LGA 19 - Insurance – Public Liability Claims</li> </ul>	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"> <li>LGA 20 - Surplus Equipment, Materials, Tools etc.</li> </ul>	LGA Section 5.42	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to hold a surplus goods sale by tender or any other fair means, for items of surplus equipment, materials, tools, etc. which are no longer required.

The result of that sale must be reported to the next Council meeting, listing the items of surplus equipment sold, the successful tenderer and the price.

Any Council member or employee who has placed a tender for any item must not be part of the tender award process.

## 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



# Delegation Register

Shire of Nannup



---

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 - 40

# Delegation Register

Shire of Nannup



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"><li>LGA 21– Conferences / Seminars / Training Courses – Expenses of Councillors &amp; Employees</li></ul>	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"> <li>LGA 22 - Budget Expenditure</li> </ul>	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

# Delegation Register

Shire of Nannup



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"> <li>LGA 23 - Grants &amp; Subsidies</li> </ul>	Local Government Act 1995 s. 5.42	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to make submissions for grants and/or subsidies without prior approval of Council. In exercising this delegated authority the following conditions shall be observed:

The grant/subsidy shall be subject to Council's "Acceptance of Grant Funding Policy".

## 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/259/finance-policy-fnc6-acceptance-of-grant-funding>

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 43



Reference Number	Legislative Reference	Delegate
• LGA 25 - Execution of Documents	Local Government Act 1995 s. 5.42	Chief Executive Officer

## Delegator

Council

## Power / Duty

Where:

- a) the Council has authorised entering into a formal contract, or
- b) a formal contract is authorised under a delegated authority from the Council, or
- c) 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 —

- (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.*



# Delegation Register

Shire of Nannup



(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

# Delegation Register

Shire of Nannup



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"><li>LGA 27 - Liquor, Sale or Consumption – Council Property</li></ul>	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
• 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.

# Delegation Register

Shire of Nannup



## 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"> <li>LGA 29 - Contractors – Use on works</li> </ul>	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.

# Delegation Register

Shire of Nannup



## 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
• LGA 30 - Removal of Street Trees	Local Government Act 1995 s. 5.42	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to authorise the removal of any tree on any townsite street or road reserve where the street or road is under the care, control and maintenance of the Council. This delegated authority shall only be exercised when the Chief Executive Officer, after obtaining technical advice when appropriate, is of the opinion that the tree is dead, diseased, structurally dangerous or is creating a traffic hazard by restricting the vision of motorists.

## 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.



# Delegation Register

Shire of Nannup



## 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/294/works-policy-wrk2-disposal-of-verge-timber>

<https://www.nannup.wa.gov.au/documents/296/works-policy-wrk5-roadside-vegetation>

<https://www.nannup.wa.gov.au/documents/299/works-policy-wrk9-road-verge-development>

## Notes of Recent Alterations (if applicable)

2018 Delegation Register Reference - 58



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> <li>LGA 31 - Signs &amp; Hoardings</li> </ul>	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 erection and where appropriate, the licensing and/or approval of signs and hoardings that comply with Council's Local Planning Policy 18 Signs and Advertisements of the Town Planning Scheme, any Local Laws or policy adopted by Council.

## 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 *55.46(2) of the Local Government Act 1995*, at least once every financial year.



## Related Documents

<https://www.nannup.wa.gov.au/documents/279/local-planning-policy-lpp18-signs-and-advertisements>

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 59



Reference Number	Legislative Reference	Delegate
• 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

# Delegation Register

Shire of Nannup



---

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
• 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 *55.46(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"> <li>LGA 34 - Street Stalls – Market Days</li> </ul>	Local Government Act 1995 s. 5.42	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to determine the use of Council owned land and Reserves for the purpose of Market Days subject to:

1. The user groups and organisations involved with the market days must nominate one person as official Council contact.
2. The site must at all times be kept free of litter.
3. Signs indicating the location of the market day must be removed promptly.
4. Recipients of donations from the stall organiser shall be bona fide charities, sporting associations or community groups.

Council reserves the right to cancel this approval should conditions 1 to 4 not be met or the market day's operations detract from the general amenity of the location.

## 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).



# Delegation Register

Shire of Nannup



\* *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/433/health-policy-hlt2-mobile-shop-temporary-premises-street-stall>

## Notes of Recent Alterations (if applicable)

2018 Delegation Register Reference - 62



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"> <li>CCG 1 - Overflow Camping Areas</li> </ul>	Caravan & Camping Grounds Regulations 1997 r.6	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer be appointed as the authorised person to undertake the functions conferred on a local government by the Caravan Parks and Camping Grounds Regulations 1997.

The Chief Executive Officer is delegated authority to determine applications from organisations/community groups for use of reserves in the townsite for camping caravans subject to it being clearly demonstrated by the proponents that both the Brockman Street and Balingup Road Caravan Parks are, or would be, fully booked due to seasonal factors or special events.

Should the proponents demonstrate full bookings then the Chief Executive Officer be authorised to permit camping on the Community Centre grounds subject to:

1. Camping may be allowed in the vicinity of the hockey grounds.
2. Bonds and Fees to be charged as resolved by Council (refer to Councils list of adopted Fees and Charges).
3. No campfires will be allowed.

## Conditions

Nil

## Statutory Framework

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

### ***Caravan and Camping Regulations 1997***

#### **6. Local government**

A function conferred on a local government by these regulations may be performed by an authorised person appointed by that local government who is authorised in writing by that local government to do so.

## Verification

# Delegation Register

Shire of Nannup



---

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/434/health-policy-hlt3-temporary-caravan-parks-and-camping-grounds>

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 63



Reference Number	Legislative Reference	Delegate
• LGA 35 - Disposal of Verge Timber	Local Government Act 1995 s. 5.42	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to determine proposals to clear vegetation on road reserves subject to:

1. All proposals to clear vegetation on a road reserve must be submitted to the Shire of Nannup in writing.
2. Each proposal should detail the location, amount and type of vegetation to be removed.
3. Approval may only be granted after an on-site inspection, for clearing for the installation of a new or replacement fence to a maximum width of one (1) metre.
4. Any dead or dying trees outside of the approved one (1) metre width may be removed with the authority of the Chief Executive Officer.
5. Landowners are to be mindful of existing natural vegetation when undertaking clearing activities to ensure that damage to such vegetation is minimised.
6. All timber pushed over is to be stacked in the landowner's paddock for disposal prior to full repair of the boundary fence by the applicant.
7. The road verge is to left in a clean and tidy state after clearing has been completed.
8. All other requests for clearing in excess of one (1) metre width are to be submitted to Council for consideration.
9. Trees to be removed from road reserves to provide for fence lines or public safety or to facilitate roadworks are the responsibility of Council.

The Chief Executive Officer is delegated authority to dispose of all surplus wood arising from roadside clearing in the following circumstances:

# Delegation Register

Shire of Nannup



1. There is to be no consideration (money) paid for timber.
2. Council declines any liability in respect of people accessing timber utilising their own equipment and machinery.
3. Timber can be removed in an orderly manner on a first come first served basis under the direction of Council's Manager Infrastructure.
4. Any timber removed is to be removed from site by the person requesting.

## 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/294/works-policy-wrk2-disposal-of-verge-timber>

<https://www.nannup.wa.gov.au/documents/296/works-policy-wrk5-roadside-vegetation>

### **Notes of Recent Alterations (if applicable)**

2018 Delegation Register Reference – 64 & 65 combined

# Delegation Register

Shire of Nannup



Reference Number	Legislative Reference	Delegate
• LGA 36 - Street Banners	Local Government Act 1995 s. 5.42	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to determine the display of various community banners in the spaces provided on Warren Road.

## Conditions

Nil

## Statutory Framework

### **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 February 2018	6432 December 2001

## Review Requirements

In accordance with the requirements of *5.46(2) of the Local Government Act 1995*, at least once every financial year.



---

## Related Documents

<https://www.nannup.wa.gov.au/documents/279/local-planning-policy-lpp18-signs-and-advertisements>

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 69

# Delegation Register

Shire of Nannup



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"><li>LGA 38 - Extension of Council endorsed Leases or MOU's</li></ul>	Local Government Act 1995 s. 5.42	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to agree to extensions of existing Council endorsed leases or Memorandums of Understanding between the Nannup Shire Council and community organisations for the use of Council owned buildings within the terms and conditions of the existing Council endorsed document. If the community organisation as part of their request for extension requests any changes to the lease, then the approval of Council shall be sought for the extension.

## Conditions

Nil

## Statutory Framework

### **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 February 2018	6602 August 2002





## 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 - 72

# Delegation Register

Shire of Nannup



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none"><li>LGA 39 - Occupancy Permit and Building Approval Certificates</li></ul>	Building Act 2011 Part 4	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to issue Occupancy Permits and Building Approval Certificates in accordance with the Building Act 2011 (Part 4).

## Conditions

Nil

## Statutory Framework

[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc\\_41501.pdf/\\$FILE/Building%20Act%202011%20-%20%5B01-e0-01%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41501.pdf/$FILE/Building%20Act%202011%20-%20%5B01-e0-01%5D.pdf?OpenElement)

## 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 - 75



Reference Number	Legislative Reference	Delegate
• PDA 1 - Town Planning	Planning and Development Act 2005 s. 72	Chief Executive Officer

## Delegator

Council

## Power / Duty

The Chief Executive Officer is delegated authority to:

### 1. Requirements for Public Notice

- 1.1 Proceed to advertise planning applications, scheme amendments, road closures or other proposals where the Local Planning Scheme or other legislation requires that such public notice be given.
- 1.2 Make a determination to require that public notice of planning applications or other proposals is given where such notice is considered to be in the public or adjoining/nearby landowner interest.

### 2. Approval of Permitted "P", Discretionary "D" and Advertised "A" Uses

- 2.1 Make a determination on all "P", "D" and "A" uses where a proposed development is accordance with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and is consistent with guiding precedent approvals.
- 2.2 The application must not have been the subject of genuine objection or if the matter has become contentious in any way that cannot be addressed via conditions of approval.

### 3. Exercising Discretion

- 3.1 Determine planning applications involving:
  - (a) the variation of Scheme provisions (including setback and building envelope variations), Local Planning Policy or provisions of the *Residential Design Codes*; or
  - (b) the exercise of discretion under the Scheme, Local Planning Policy or the *Residential Design Codes*.
- 3.2 Before making a determination on planning applications which seek a variation to Scheme provisions, a Local Planning Policy or provisions of the *Residential Design Codes*, the application is to be subject to consultation with affected landowners as determined by the Chief Executive Officer.



3.3 The above is provided the application has not been the subject of genuine objection or if the matter has become contentious in any way that cannot be addressed via conditions of approval.

## **4. Residential Design Code Matters**

4.1 Make a determination on any matter required to be determined under the *Residential Design Codes* including where an exercise of discretion is required, provided that appropriate notice of the proposed development is given to adjoining properties where it is required or is considered to have the potential to adversely affect the amenity of an adjoining property.

## **5. Minor Modification of Planning Determinations**

5.1 Make modifications to planning approvals where:

- (a) the modification conforms to the relevant Local Planning Scheme objectives and Local Planning Policies;
- (b) the modification does not have a detrimental effect on the amenity of the locality; and
- (c) the extension to a development approval is to a maximum of 2 years.

### **NOTES:**

- Where consent of abutting landowners was required for the original application, then the modification should also be referred to abutting landowners for comment where the modification requires a substantial variation from the original application.
- Where the original application was required to be the subject of public notice under the relevant Local Planning Scheme or the *Residential Design Codes*, then (if the modification is considered substantial) the modification will need a new public notice re-advertised in accordance with the Local Planning Scheme or the *Residential Design Codes*.

## **6. Dealing with Subdivisions**

6.1 Make recommendations to the Western Australian Planning Commission in respect of applications or other matters relating to Subdivision, Boundary Adjustment, Amalgamation and Strata Titling where such matters are in accordance with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and established precedent, including minor variations to approved subdivisions and clearance of conditions.

## **7. Dealing with Scheme Amendments**

7.1 Require modifications to Local Planning Scheme Amendment documents to ensure that all documents are maintained at a consistent high quality and the information contained within the document addresses all issues considered relevant and will enable the public and referral agencies to fully understand the Amendment.

7.2 Accept modifications to Local Planning Scheme Amendment documents required by the Western Australian Planning Commission or the Minister for Planning at any stage throughout the Scheme Amendment process.

7.3 Respond in writing to scheme amendment requests.

## **8. Legal Proceedings**



8.1 Take all necessary action against owners or occupiers of properties to cease illegal uses, comply with the Local Planning Scheme and/or comply with conditions of Development Approval, including instituting prosecution proceedings under the *Planning and Development Act*, in the Court in its summary jurisdiction.

8.2 Represent Council, or appoint appropriate representatives, where necessary at prosecutions, rights of review and enquiries pertaining to the enforcement of the provisions of the *Planning and Development Act* and the implementation of Council's Local Planning Scheme.

## 9. Miscellaneous Matters

9.1 Elect to return or defer consideration of incomplete and unsatisfactory applications for planning consent.

9.2 Grant variations to relevant Local Planning Policies and provisions of the *Residential Design Codes* on Building Permit applications (where the application is exempt from the requirement to gain planning approval under the *Residential Design Codes* and/or the Local Planning Scheme).

9.3 Determine the use of street names where an approved street names list exists.

9.4 Provide of written and verbal responses to rights of review, mediated settlements resulting from rights of review and Western Australian Planning Commission requests for reconsideration.

9.5 Prepare submissions and correspondence to government agencies and other organisations where consistent with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and guiding precedent approvals.

9.6 Respond to referrals and correspondence from State Government agencies, servicing agencies and other organisations on matters including planning, land management, natural resource management and servicing where consistent with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and Council adopted documents.

## 10. Right to have matter heard by Council

10.1 Where an applicant disputes or has issue with a planning determination made in accordance with this delegation, it will be a matter of right for the applicant to request that the matter be reconsidered by Council, provided the exercise of such right does limit any other right of appeal that exists in Law.

## 11. Matters that may be of significant financial interest to Council

11.1 It is required that any planning matter that may have any significant impact on Council infrastructure is to be determined by the Council.

GUIDELINES - Nil

ON DELEGATION - Building Surveyor for *Residential Design Code* matters.

## Conditions

Nil

## Statutory Framework

# Delegation Register

Shire of Nannup



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

## Verification

Recent Council Resolution	Initial Council Resolution
18037	<b>7116 September 2004</b> <b>This motion refers to Delegation 107 that doesn't exist? Needs clarification.</b>

## Review Requirements

In accordance with the requirements of *55.46(2) of the Local Government Act 1995*, at least once every financial year.

## Related Documents

<https://www.nannup.wa.gov.au/documents/policies-risk-management>

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference – 76 & 78 combined

