



Delegation Register

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DELEGATION REGISTER

Current as at 17 July 2023

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Introduction

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision-making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

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

An important safeguard is also the principle that nothing prevents the delegating body or person from taking back a delegation or sub delegation, or actually making the relevant decision on a particular issue.

Definitions

The terms used throughout this register are defined below:

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

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

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

Express Power or Duty a power or duty written (expressly) in legislation.

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

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

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

Local Government Act 1995

The majority of delegations and sub delegations described in this Register originate under the Local Government Act 1995, which permits a local government (by absolute majority decision under Section 5.42(1)) to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in Section 5.43.

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

The Local Government Act 1995 allows the Chief Executive Officer to delegate any of the powers delegated to the Office of Chief Executive Officer to another employee (Section 5.44(4)).

Review of Delegations

The Local Government Act 1995 requires that a review of the Delegations Register occurs at least once every financial year. Delegations under other Acts may have different requirements. Where there is no statutory requirement for review, the provisions of the Local Government Act 1995 shall be applied to ensure uniformity.

Standard Conditions of Delegations

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

In accordance with Sections 5.75 and 5.76 of the Local Government Act 1995, the delegation of a power or duty to an employee triggers the requirement to make disclosures in primary and annual returns. The Local Government Act 1995 contains severe penalties for failure to comply. It is the responsibility of each individual employee to ensure compliance. Any delegation exercised shall comply with any laws and regulations in force, and the requirements of any Shire of Chittering Local Laws, Council Policies and resolutions of Council.

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

1. how the person exercised the power or discharged the duty;
2. when the person exercised the power or discharged the duty; and
3. the person or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Record of Actions and Decisions

If a person is exercising a power or duty that has been delegated (including sub delegated), the *Local Government Act 1995* requires that records be kept whenever the delegated authority is utilised (Section 5.46 (3)). Regulation 19 of the *Local Government (Administration) Regulations 1996* prescribes the information required to be recorded:

1. how the person exercised the power or discharged the duty;
2. when the person exercised the power or discharged the duty; and
3. the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

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

Primary and Annual Returns

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

Matters which cannot be Delegated

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

1. Any power or duty that requires a decision of an absolute majority or special (75%) majority of the local government;
2. Accepting a tender which exceeds an amount determined by the local government;
3. Appointing an auditor;
4. Acquiring or disposing of any property valued at an amount determined by the local government;
5. Any of the local government's powers under Sections 5.98, 5.98A, 5.99A, 5.99 and 5.100 of the Act;
6. Borrowing money on behalf of the local government;
7. Hearing or determining an objection of a kind referred to in Section 9.5;
8. The power under Section 9.49(4) to authorize a person to sign documents on behalf of the local government;
9. Any power of duty that requires the approval of the Minister or Governor; or
10. Such other duties or powers that may be prescribed by the Act

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

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

Delegation by the Chief Executive Officer to an Employee

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

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

The record is to contain the following information:

1. How the person exercised the power or discharged the duty;
2. When the person exercised the power or discharged the duty; and
3. The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty under Regulation 19 of Local Government (Administration) Regulations 1996.

Officers responsible for a work process are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation.

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

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

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

Acting through another person

The Local Government Act 1995 recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire. Section 5.45(2) of the Act states:

“Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing –

- a) a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or*
- b) a Chief Executive Officer from performing any of his or her functions by acting through another person.”*

The key difference between a delegation and “acting through” is that a delegate exercises the delegated decision-making function in his or her own right. Thus, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to “act through” another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

Using delegation to make decisions

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

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

Conflicts of Interest

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

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

Delegations

1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1.1.1 Behaviour Complaints Committee

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees
Express Power or Duty Delegated	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> Clause 12 Dealing with a complaint Clause 13 Dismissal of complaint
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)]. 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action [MCC.cl.12(4)(a)]; or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)]. 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].
Delegate	Behaviour Complaints Committee
Council Conditions on this Delegation	<ol style="list-style-type: none"> a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy 4.9 Code of Conduct Behaviour Complaints Management. b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item. d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance. <p>NOTE TO CONDITIONS (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>
Express Power to Sub-Delegate	Nil.
Compliance links	Committee Handbook - Behaviour Complaints Committee Terms of Reference 4.1 Code of Conduct - Elected Members, Committee Members and Candidates

	4.9 Code of Conduct - Behaviour Complaints Management
Record Keeping:	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

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1.2 Council to CEO

1.2.1 Authorise a Persons to Perform Specified Functions under the Local Government Act 1995

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this Subdivision s.3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.24(1)(c) and (2)(b) Prosecutions, commencing <i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 Pounds, establishing; poundkeepers and rangers, appointing
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to authorise persons for the purposes of <i>Part 3, Division 3, Subdivision 2 – Certain provisions about land</i> - to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24] 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)] 3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. 4. Authority to authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws made under the Local Government Act 1995 [s.9.24(1)(c) and (2)(b)]. 5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)]. 6. Authority to appoint fit and proper persons as poundkeepers or rangers [Misc.Prov.s.449].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions. c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Delegation Register

Shire Of Chittering



Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	

Version Control:

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1.2.2 Performing Functions Outside the District

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
Function <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)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <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. Financial Interest Register
Record Keeping	Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting.

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1.2.3 Compensation for Damage Incurred when Performing Executive Functions

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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)]. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <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. Financial Interest Register
Record Keeping	Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting.

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1	17 June 2020 - N202548
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3	15 June 2022 - Ref N222918

1.2.4 Powers of Entry

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of 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]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	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.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services Executive Manager Technical Services Deputy Chief Executive Officer
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.

Compliance links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995:</i> 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 Delegation
Record Keeping	Details of the notice must be recorded in the appropriate record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918
4	21 June 2022 – Ref N233106

1.2.5 Declare Vehicle is Abandoned Vehicle Wreck

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]. Note: An abandoned vehicle wreck is as defined by [s.3.40A(4)] and up to a value that has been calculated in accordance with regulation 29A of the Local Government (Function and General) Regulations 1996.
Delegate	Chief Executive Officer
Council Conditions on this Delegation	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.

Compliance links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping	The declaration is to be recorded in appropriate record to meet legislative requirements.

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1	17 June 2020 - N202548
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3	15 June 2022 - Ref N222918

1.2.6 Confiscated or Uncollected Goods

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	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.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.

Compliance	Local Government Act 1995 :Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
Record Keeping	The sale or disposal of goods or vehicles is to be recorded in appropriate record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

1.2.7 Disposal of Sick or Injured Animals

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to determine 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)]. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.

Compliance	
Record Keeping	The details of the sick and/or injured animal's disposal are to be recorded in the appropriate record.

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2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

1.2.8 Close Thoroughfares to Vehicles

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	<ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] (relevant to a Townsite only).
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)];

Compliance	
Record Keeping:	Action taken to close thoroughfares (not partial closures for repairs or maintenance) must be recorded in the appropriate register and elected members advised accordingly. Details of partial closures for repairs or maintenance to be recorded on the appropriate record.

Version Control:

Delegation Register

Shire Of Chittering



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1.2.9 Control Reserves and Certain Unvested Facilities

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the Parks and Reserves Act 1895 . [s.3.54(1)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	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.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Executive Manager Technical Services Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.

Compliance	Parks and Reserves Act 1895 Land Administration Act 1997
Record Keeping:	Details of actions taken are to be recorded on the appropriate file or record.

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1.2.10 Obstruction of Footpaths and Thoroughfares

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - 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)
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Executive Manager Technical Services Executive Manager Development Services

<p>Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>Subject to the conditions on delegation to the CEO.</p>
<p>Compliance</p>	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.2 – Public Thoroughfare Obstruction – Determine Conditions Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
<p>Record Keeping</p>	<p>Details of actions taken are to be recorded on the appropriate file or record.</p>

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1.2.11 Gates Across Public Thoroughfares

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Executive Manager Technical Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.

Compliance	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	Details of actions taken are to be recorded on the appropriate file or record.

Version Control:

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1.2.12 Public Thoroughfare – Dangerous Excavations

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Executive Manager Technical Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.

Compliance	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
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Record Keeping:	The permission and notice issued to be in writing and recorded on the appropriate record.
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1.2.13 Crossing – Construction, Repair and Removal

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to 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)]. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 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)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996 .
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Executive Manager Technical Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.

Compliance L	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
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Record Keeping:	The approval is to be in writing and recorded on the appropriate record.
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Delegation Register

Shire Of Chittering



1.2.14 Private Works on, over or under Public Places

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Executive Manager Technical Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.

Compliance	<p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.3</p> <p>Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Record Keeping	The approval is to be in writing and recorded on the appropriate record.

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1.2.15 Expressions of Interest for Goods and Services

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Executive Manager Technical Services Executive Manager Development Services Deputy CEO
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.
Compliance	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Finance Policy - Purchasing & Procurement Policy
Record Keeping	Details of the expression of interest sought, received and accepted must be recorded in the appropriate record and in the Tender Register as required by Regulation 17 of the Local Government (Functions and General) Regulations 1996.

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1.2.16 Tenders for Goods and Services

<p>Delegator <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p>Express Power to Delegate <i>Power that enables a delegation to be made</i></p>	<p><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</p>
<p>Express Power or Duty Delegated</p>	<p><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 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 r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services</p>
<p>Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 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 a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing & Procurement Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)]. 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to accept, or reject tenders, only within the \$value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)]. 10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$250,000 detailed as a condition on this Delegation, and to then negotiate minor variations with the successful tenderer <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 12. Authority to decline any tender [F&G r.18(5)]. 13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)] 14. Authority to:

	<p>i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%.</p> <p>ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A].</p> <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].</p>
Delegate	Chief Executive Officer
Council Conditions on this Delegation	<p>a. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <p>i. A detailed specification;</p> <p>ii. The outcomes of market testing of the specification;</p> <p>iii. The reasons why market testing has not met the requirements of the specification; and</p> <p>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers;</p> <p>b. 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 and where the:</p> <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent, • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and • The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. <p>c. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.</p>
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.
Compliance	<p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Finance Policy - Purchasing & Procurement Policy</p>
Record Keeping	The determination is to be recorded in the appropriate record.

Version Control:

1	17 June 2020 – Ref N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918
4	21 June 2022 – Ref N233106

1.2.17 Payments from the Municipal or Trust Funds

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	a. Authority to make payments is subject to annual budget limitations. b. Subject to the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996. c. Each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented at the next ordinary meeting of Council.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Deputy Chief Executive Officer Executive Manager Development Services Executive Manager Technical Services
Subdelegates conditions (CEO conditions) <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, Deputy CEO, Executive Manager Development Services or Executive Manager Technical Services.

Compliance Link	Nil.
Date adopted	17 June 2020
Record Keeping	As per the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Version Control:

1	17 June 2020 – Ref N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918
4	21 June 2023 – Ref N233106

1.2.18 Defer, Grant Discounts, Waive or Write Off Debts

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)]
Delegate	Chief Executive Officer
Council Conditions on this Delegation	<ol style="list-style-type: none"> a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. 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. <ol style="list-style-type: none"> i. Limited to individual debts valued below \$1,000 or cumulative debts of a debtor valued below \$5,000 Write off of debts greater than these values must be referred for Council decision.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Deputy Chief Executive Officer
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.
Compliance	Collection of Rates Debts – refer Delegations: 12.21 - Agreement as to Payment of Rates and Service Charges 1.2.23 - Recovery of Rates or Service Charges 12.24 - Recovery of Rates Debts – Actions to Take Possession of the Land
Record Keeping	The full details of the waiver, concession or write off to be recorded on the appropriate financial record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918
4	21 June 2023 – Ref N233106

1.2.19 Power to Invest and Manage Investments

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 2.1 – Investment of Funds. b. A report detailing the investment portfolio’s performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as ‘fit for purpose’ and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Deputy Chief Executive Officer
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO.
Compliance	<u>Local Government (Financial Management) Regulations 1996</u> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Finance Policy 2.1 – Investment of Funds
Record Keeping	The details are to be included in the Monthly Financial Statements, presented to Council in the Ordinary Council Agenda; and recorded on the appropriate financial record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
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4	21 June 2023 – Ref N233106

1.2.20 Rate Record Amendment

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	a. Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Deputy Chief Executive Officer
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance Links:	Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	The full details of the determination to be recorded in the appropriate rate record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
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4	21 June 2023 – Ref N233106

1.2.21 Agreement as to Payment of Rates and Service Charges

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates <i>Appointed by CEO</i>	Deputy Chief Executive Officer
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to complying with the Financial Hardship – Collection of Rates and Service Charges Policy.

Compliance Links:	Council Policy 2.2– Rating Council Policy 2.8 - Financial Hardship Policy
Record Keeping:	The full details of the determination to be recorded in the appropriate rate record. <i>Financial Interests Returns Required - Yes</i>

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
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1.2.22 Determine Due Date for Rates or Service Charges

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the date on which rates or service charges become due and payable to the Shire [s.6.50].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Deputy Chief Executive Officer
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.
Compliance	Council Policy 2.2– Rating Council Policy 2.8 - Financial Hardship Policy
Record Keeping	The full details of the determination to be recorded in the appropriate rate record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
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1.2.23 Recovery of Rates or Service Charges

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 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)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Deputy Chief Executive Officer
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.
Compliance	Council Policy 2.2– Rating Council Policy 2.8 - Financial Hardship Policy
Record Keeping	The full details of the determination to be recorded in the appropriate rate record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
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4	21 June 2023 – Ref N233106

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

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.6.64(1) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> i. lease the land, or 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"> I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the Shire [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	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.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.
Compliance	<p>Local Government Act 1995 – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p>Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>Council Policy 2.2 – Rating Council Policy 2.8 - Financial Hardship Policy</p>
Record Keeping:	The full details of the determination to be recorded in the appropriate rate record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

1.2.25 Rate Record – Objections

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 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)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.
Compliance	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping	The full details of the determination to be recorded in the appropriate rate record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

1.2.26 Appointment of an Acting Chief Executive Officer

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.5.36 Local Government Employees s.5.39 Contracts for CEO and Senior Employees
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Appointment of an Acting Chief Executive Officer.
Delegate	Chief Executive Officer
Council Conditions on this Delegation	a. Appointments must be in accordance with Council Staff Policy – Appointment of an Acting Chief Executive officer
Express Power to Sub-Delegate	Nil.

Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance	Council Staff Policy – Appointment of an Acting Chief Executive Officer
Record Keeping	Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting.

Version Control:

1	21 October 2020 - N 202613
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918
4	21 June 2023 – Ref N233106

1.2.27 Disposing of Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of property
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of property to: (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]. 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	<p>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</p> <p>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$75,000 or less.</p> <p>c. When determining the method of disposal:</p> <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ○ Reserve price has been set giving due regard for current market values and trends. ○ 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. • 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. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a -10% variance on the valuation; and ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. <p>d. Where the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75,000 (F&G r.30(3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> • Without reference to Council for resolution. <p>e. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3a) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal.
Express Power to Sub-Delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Executive Manager Technical Services Executive Manager Development Services Deputy Chief Executive Officer

<p>Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>1. Sub-delegates are only provided with delegation to execute disposal of property in relation to trades of plant and equipment in accordance with budget provisions.</p>
<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – s.3.58 Disposal of Property Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</p>
<p>Record Keeping:</p>	<p>Items disposed of under this delegation are to be recorded in the Monthly Statement of Financial Activity.</p>

Version Control:

1	13 December 2023
2	
3	
4	

1.3 CEO to Employees

1.3.1 Determine if an Emergency for Emergency Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
Delegate	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance	
Record Keeping	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10: <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
Delegate	Executive Manager Technical Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
Compliance	This delegated authority is effective only in alignment with Delegated Authority 1.1.10 Obstructions of Footpaths and Thoroughfares. Local Government (Uniform Local Provisions) Regulations 1996 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	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12: <ol style="list-style-type: none"> 1. 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)]. 2. 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)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
Delegate	Executive Manager Technical Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
Compliance	This delegated authority is effective only in alignment with Delegated Authority 1.1.12 Public Thoroughfares – Dangerous Excavations. Local Government (Uniform Local Provisions) Regulations 1996 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	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

Delegation Register

Shire of Chittering



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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
Delegate	Executive Manager Technical Services Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance	This delegated authority is effective only in alignment with Delegated Authority 1.1.14 Private Works on, over or under Public Places
Record Keeping	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
Delegate	Deputy Chief Executive Officer
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	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).
Compliance	Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping	All documentation relative to the claim is to be retained as required by legislation.

Delegation Register

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2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918
4	21 June 2023 – Ref N233106

1.3.6 Information to be Available to the Public

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<i>Local Government (Administration) Regulations 1996:</i> r.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
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine 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)]. 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)]. 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]. 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 [s.5.95(1)(b)]. 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)].
Delegate	Deputy Chief Executive Officer
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Subject to section 5.95 of the Local Government Act 1995 and the Freedom of Information Act

Compliance	
Record Keeping	Decisions made under this delegation are to be recorded in the appropriate file and/or register and all documentation relative to the decision to deny the person the right to inspect information is to be retained on the appropriate file and the CEO informed.

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1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918
4	21 June 2023 – Ref N233106

1.3.7 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons 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"> (a) Local Government Act 1995 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. (b) <i>Caravan Parks and Camping Grounds Act 1995</i>; (c) <i>Cat Act 2011</i>; (d) <i>Cemeteries Act 1986</i>; (e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>; (f) <i>Dog Act 1976</i>; (g) Graffiti Vandalism Act 2016 – refer s.15; and (e) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>. 2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the <i>Criminal Procedure Act 2004</i>.
Delegate	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> a. A register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.

Compliance	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person’s personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.

Version Control:

1	16 June 2021 - Ref N212768
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

2 Building Act 2011

2.1 Council to CEO

2.1.1 Grant a Building Permit

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<i>Building 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))
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates <i>Appointed by CEO</i>	Principal Building Surveyor
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance Links:	Building Act 2011 s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit
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	<p>s.17 Uncertified application to be considered by building surveyor</p> <p><i>Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</i></p> <p><i>Building Services (Registration Act) 2011 – Section 7</i></p> <p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage of Western Australia Act 1990</i></p>
Record Keeping:	<p>Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system.</p>

Version Control:

1	17 June 2020 - N202548
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3	15 June 2022 - Ref N222918

2.1.2 Demolition Permits

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<i>Building 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))
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates <i>Appointed by CEO</i>	Principal Building Surveyor
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.
Compliance Links:	Building Act 2011 s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit

Delegation Register

Shire of Chittering



	<i>Building Services (Complaint Resolution and Administration) Act 2011</i> — Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i>
Record Keeping:	Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

2.1.3 Occupancy Permits or Building Approval Certificates

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<i>Building 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)
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates <i>Appointed by CEO</i>	Principal Building Surveyor
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance Links:	<p><i>Building Act 2011</i></p> <p>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</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage of Western Australia Act 1990</i></p>
Record Keeping:	Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system.

Delegation Register

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Version Control:

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2.1.4 Designate Employees as Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegated authority must be consistent with with r.5 of the <i>Building Regulations 2012</i>. b. NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance Links:	<u>Building Act 2011:</u> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record Keeping:	

Version Control:

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3	

2.1.5 Designate Contractors as Authorised Persons (Inspectors)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person <i>Building Regulations 2012:</i> r.4A Authorised persons
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to designate a person contracted, or employed by an entity contracted, by the Shire of Chittering as an authorised person [s.96(3) & r.4A(2)] for the purposes of monitoring whether Part 8 provisions are being complied with. 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)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. Designation of authorised persons under this delegation is limited to performing Authorised Person functions under s.93(2)(d).
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance Links:	<u><i>Building Act 2011:</i></u> s.97 each designated authorised person must have an identity card. r.4B Identity cards Financial Interest Return Required - No
Record Keeping:	Appointment of Authorised Officers under all legislation is to be facilitated through Office of the CEO. Copies of action under this appointment are to be retained on the appropriate record.

Version Control:

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2.1.6 Building Orders

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<i>Building 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
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. 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>.
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services Principal Building Surveyor
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance	<i>Building Act 2011:</i>

	<p>Section 111 Notice of proposed building order other than building order (emergency)</p> <p>Section 112 Content of building order</p> <p>Section 113 Limitation on effect of building order</p> <p>Section 114 Service of building order</p> <p>Part 9 Review - s.122 Building orders – application for review by SAT</p>
Record Keeping	<p>Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system.</p>

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2.1.7 Inspection and Copies of Building Records

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine an application from a n interested person to inspect and copy a building record [s.131(2)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services Principal Building Surveyor
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance	Building Act 2011 - s.146 Confidentiality
Record Keeping	Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
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2.1.8 Authorise persons to commence proceedings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance Links:	Building Act 2011 - s.146 Confidentiality
Record Keeping:	Appointment of Authorised Officers under all legislation is to be facilitated through Office of the CEO. Copies of action under this appointment are to be retained on the appropriate record.

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2.1.9 Referrals and Issuing Certificates

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<i>Building Act 2011:</i> s.145A Local Government functions
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 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)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates <i>Appointed by CEO</i>	Principal Building Surveyor
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance	
Record Keeping	Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system.

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2.1.10 Private Pool Barrier – Alternative and Performance Solutions

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to 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 compliance with AS 1926.1 [r.51(2)] Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 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)].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates <i>Appointed by CEO</i>	Principal Building Surveyor
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance Links:	
Record Keeping:	Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system.

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2.1.11 Smoke Alarms – Alternative Solutions

Delegator <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 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].
Delegate	Chief Executive Officer
Council Conditions on this Delegation	Nil
Express Power to Sub-Delegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates <i>Appointed by CEO</i>	Principal Building Surveyor
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance Links:	
Record Keeping:	Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system.

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2.1.12 Appoint approved officers and authorised officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i> Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance Links:	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment.
Record Keeping:	

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3 Bush Fires Act 1954

3.1 Council to CEO, Mayor and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to request on behalf of the Shire that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Delegate:	Chief Executive Officer Chief Bush Fire Control Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance	
Record Keeping	All actions taken must be recorded in the appropriate file or record.

Version Control:

1	17 June 2020 - N202548
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3.1.2 Prohibited Burning Times - Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, 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)].
Delegate:	Shire President <u>and</u> Chief Bush Fire Control Officer (Jointly)
Council Conditions on this Delegation:	a. Decisions under s,17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance	
Record Keeping	All actions taken must be recorded in the appropriate file or record.

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1	17 June 2020 - N202548
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3.1.3 Prohibited Burning Times – Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire 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)].
Delegate:	Chief Executive Officer Chief Bush Fire Control Officer
Council Conditions on this Delegation:	a. Decisions under s,17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance	
Record Keeping	All actions taken must be recorded in the appropriate file or record.

Version Control:

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3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 9. Authority to recover the cost of measures taken by the Shire 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)].

Delegation Register

Shire of Chittering



Delegate:	Chief Executive Officer Chief Bush Fire Control Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance	
Record Keeping:	All actions taken must be recorded in the appropriate file or record.

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3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)]. 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i>
Delegate:	Chief Executive Officer Chief Bush Fire Control Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance	
Record Keeping:	All actions taken must be recorded in the appropriate file or record.

Version Control:

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3.1.6 Burning Garden Refuse / Open Air Fires

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

Compliance	
Record Keeping:	All actions taken must be recorded in the appropriate file or record.

Version Control:

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3.1.7 Firebreaks

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. 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)].
Delegate:	Chief Executive Officer Chief Bush Fire Control Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance	
Record Keeping	All actions taken must be recorded in the appropriate file or record.

Version Control:

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> 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)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. An appointment made under s.38(1) shall cause a local public notice to be published [s.38(2A)]. 2. Records of names, addresses and usual occupations are to be maintained for all Bush Fire Control Officers appointed. [s.50(1)(b)].
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance	
Record Keeping:	All actions taken must be recorded in the appropriate file or record.

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3.1.9 Control and Extinguishment of Bush Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to 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"> 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)].
Delegate:	Chief Executive Officer Chief Bush Fire Control Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance	
Record Keeping:	All actions taken must be recorded in the appropriate file or record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to 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 or those on behalf of the Shire to do [s.58].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance	
Record Keeping:	All actions taken must be recorded in the appropriate file or record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

3.1.11 Prosecution of Offences

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

Compliance	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Record Keeping:	All actions taken must be recorded in the appropriate file or record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

3.1.12 Withdrawal of Infringement Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59A(5) Alternative procedure – infringement notices
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Record Keeping:	All actions taken must be recorded in the appropriate file or record.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

4 Cat Act 2011

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Regs. Sch. 3 cl.1(4)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	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> .
Express Power to Sub-Delegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services Rangers
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance	<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> <p>Shire of Chittering – Keeping and Control of Cats Local Law 2023</p>
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Record Keeping:

Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

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4	21 June 2023 – Ref N233106

4.1.2 Cat Control Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s.26].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services Rangers
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance	<i>Cat Regulations 2012 – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.</i> Shire of Chittering – Keeping and Control of Cats Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 – Ref N202548
2	16 June 2021 - Ref N212768
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4	21 June 2023 – Ref N233106

4.1.3 Approval to Breed Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	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> .
Express Power to Sub-Delegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services Rangers
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance	<p>Cat Regulations 2012:</p> <ul style="list-style-type: none"> r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1)) <p>Shire of Chittering – Keeping and Control of Cats Local Law 2023</p>
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 – Ref N202548
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4.1.4 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s. 48 Authorised persons
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.48].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Subdelegates <i>Appointed by CEO</i>	Nil
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance	Shire of Chittering – Keeping and Control of Cats Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

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4.1.5 Recovery of Costs – Destruction of Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Subdelegates <i>Appointed by CEO</i>	Nil
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance	Shire of Chittering – Keeping and Control of Cats Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 - N202548
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4.1.6 Applications to Keep Additional Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	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> .
Express Power to Sub-Delegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance	Shire of Chittering – Keeping and Control of Cats Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

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4.1.7 Reduce or Waiver Registration Fee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	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> .
Express Power to Sub-Delegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Subdelegates <i>Appointed by CEO</i>	Nil
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance	Shire of Chittering – Keeping and Control of Cats Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

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4	21 June 2023 – Ref N233106

4.2 CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to 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]. 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].
Delegate/s:	Executive Manager Development Services
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1)) Shire of Chittering – Keeping and Control of Cats Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

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5 Dog Act 1974

5.1 Council to CEO

5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$100 [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Subdelegates <i>Appointed by CEO</i>	Nil
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Shire of Chittering – Dogs Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

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5.1.2 Refuse or Cancel Registration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services Ranger(s)
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<i>Dog Act 1976</i>
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Delegation Register

Shire of Chittering



	<p>s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p> <p>Shire of Chittering – Dogs Local Law 2023</p>
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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5.1.3 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.11(1) Staff and Services s.29(1) Power to seize dogs (appoint authorised persons for purposes under this Act)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3]. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1) and s.29(1)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Subdelegates <i>Appointed by CEO</i>	Nil
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Shire of Chittering – Dogs Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

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5.1.4 Recovery of Moneys Due Under this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Subdelegates <i>Appointed by CEO</i>	Nil
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	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) Shire of Chittering – Dogs Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

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5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Express Power to Sub-Delegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services Ranger(s)
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Shire of Chittering – Dogs Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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5.1.6 Declare Dangerous Dog

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services Ranger(s)
Subdelegates conditions (CEO conditions) <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 Shire of Chittering – Dogs Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <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:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <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 Shire of Chittering – Dogs Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <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 Shire of Chittering – Dogs Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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5.1.10 Grant Exemption as to Number of Dogs Kept at Premises

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.26(3) Limitation as to numbers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)].
Council Conditions on this Delegation:	<p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. Decisions under this delegation must comply with the relevant provisions of the Dog Act 1976 and the Shire of Chittering Dogs Local Law 2023, including:</p> <ul style="list-style-type: none"> • Consider and be satisfied that for any particular premises the provisions of the Dog Act 1976 relating to kennel establishments need not be applied in the circumstances [s.26(3)]. • Apply the provisions of s.26(4). <p>c. Conditions that must be applied to an approved exemption, include, but not limited to:</p> <ul style="list-style-type: none"> • Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO. • Registrations for each dog subject of the approved exemption must be current and maintained. • An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	This delegation applies if an application raises no significant issues with neighbouring properties during a 21 day advertising period. If significant issues are raised with neighbouring properties that cannot be resolved, the application shall be determined by Council.

Compliance	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Shire of Chittering – Dogs Local Law 2023
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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6 Food Act 2008

6.1 Council to CEO

6.1.1 Determine Compensation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Delegate:	Chief Executive Officer Executive Manager Development Services Principal Environmental Health Officer
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$2,000. Compensation requests above this value are to be reported to Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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6.1.2 Prohibition Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Delegate:	Chief Executive Officer Executive Manager Development Services Principal Environmental Health Officer
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	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:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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6.1.3 Food Business Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Delegate:	Chief Executive Officer Executive Manager Development Services Principal Environmental Health Officer
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline
Express Power to Sub-Delegate:	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:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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6.1.4 Appoint Authorised Officers and Designated Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Compliance Links:	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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6.1.5 Debt Recovery and Prosecutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Delegate:	Chief Executive Officer Principal Environmental Health Officer
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Compliance Links:	
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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6.1.6 Food Businesses List – Public Access

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Delegate:	Chief Executive Officer Principal Environmental Health Officer
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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7 Graffiti Vandalism Act 2016

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to give written notice to 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)]. 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)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Subdelegates <i>Appointed by CEO</i>	Executive Manager Technical Services Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegates <i>Appointed by CEO</i>	Nil.
Subdelegates conditions (CEO conditions) <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:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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7.1.3 Obliterate Graffiti on Private Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.25(1) Local government graffiti powers on land not local government property
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to 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)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry.
Express Power to Sub-Delegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Subdelegates <i>Appointed by CEO</i>	Executive Manager Technical Services Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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7.1.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.28 Notice of entry s.29 Entry under warrant
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Express Power to Sub-Delegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Subdelegates <i>Appointed by CEO</i>	Executive Manager Technical Services Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

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8 Public Health Act 2016

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to 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)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	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)].
Express Power to Sub-Delegate:	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:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegate:	Principal Environmental Health Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

8.1.3 Designate Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ol style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority <p><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></p>

Record Keeping:

Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

8.1.4 Determine Compensation for Seized Items

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.264 Compensation
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, 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].
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	a. Compensation is limited to a maximum value of \$2,000 with any proposal for compensation above this value to be referred for Council's determination.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<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
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

8.1.5 Commence Proceedings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

9 Planning and Development Act 2005

9.1 Council to CEO

9.1.1 Illegal Development

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

Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Part 13 of the Planning and Development Act 2005
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	17 June 2020 - N202548
2	16 June 2021 - Ref N212768
3	15 June 2022 - Ref N222918

9.1.2 Determination of various applications for development approval under the Shire's Local Planning Scheme

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Regulations 81-84 of the Planning and Development (Local Planning Schemes) Regulations 2015</i>
Express Power or Duty Delegated:	<i>Planning and Development Act 2005: Section 214(2), (3) and (5)</i>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Determination of an application for development approval under clause 68 of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015; and subsection 31(2) of the State Administrative Tribunal Act 2004.</p> <p>Advertising of applications and proposals under Clauses 18, 50 and 64 and subclauses 66(1) and 77(3) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Determining accompanying material requirements for applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Amending or cancelling development approval, including waiving or varying a requirement in Part 8 or 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 for minor amendments and temporary works or use, under Clause 77 and subclauses 61(1)(a) and (b) (Item 17), and 61(2)(f) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Determining accompanying material requirements for Local Development Plans under Clause 49 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>The Chief Executive Officer is delegated the power to:</p> <ul style="list-style-type: none"> • Exercise discretion, determine and apply conditions to all applications for development approval made under the Shire of Chittering Local Planning Scheme No.6, except where exempted under Council Conditions on this Delegation; • Exercise discretion and affirm, vary or set aside a decision made on an application for development approval following a request by the State Administrative Tribunal for a reconsideration to be made under section 31 of the State Administrative Tribunal Act 2004; • Determine the requirement for and extent of advertising of applications and proposals made under Shire of Chittering Local Planning Scheme No.6; • Determine the type and extent of accompanying material required to be lodged with applications and proposals made under the Shire of Chittering Local Planning Scheme No.6 and whether an application should be accepted or rejected; • Exercise discretion, determine and apply conditions to all applications to amend or cancel a development approval;

	<ul style="list-style-type: none"> • Exercise discretion, determine and apply conditions to all applications made to extend the period within which a development approved must be substantially commenced; • Exercise discretion, determine and apply conditions to all applications made under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011 to amend or cancel a development approval made by a Development Assessment Panel; • Waive or vary a requirement in Part 8 or Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 in respect of an application where that application is considered to relate to a minor amendment to the development approval; and • Determine the type and extent of accompanying material requirements, and any modifications required by Council in respect to a Local Development Plan under Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015.
Delegate:	Chief Executive Officer
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. This delegation does not extend to applications for development approval that propose a new non-conforming use that is proposed to replace and effect the discontinuance of an existing non- conforming use; b. This delegation does not extend to applications for development approval that have received one or more substantiated objections (meaning an objection that, in the opinion of the Chief Executive Officer, specifically or generally relates to a contention of discretion within an application for Development Approval); c. This delegation does not extend to applications to amend a development approval that was determined by Council, unless the amendments proposed; <ul style="list-style-type: none"> i. meet all equivalent acceptable or deemed-to-comply standards, or does not propose any further departure to previously approved variations to acceptable or deemed-to- comply standards, set out in the Shire’s Local Planning Policies; ii. meet all of the deemed-to-comply standards or element objectives and acceptable outcomes, or does not propose any further departure to previously approved variations to deemed- to-comply standards, or element objectives and acceptable outcomes, as set out in State Planning Policy 7.3 Residential Design Codes; iii. would not change the impact of any condition imposed; and iv. relates to a modification, or modifications, imposed on a Local Structure Plan by the Western Australian Planning Commission pursuant to Pt 4 Cl.22(b)) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. d. This delegation does not extend to requests from the State Administrative Tribunal for a reconsideration of a Council decision under section 31 of the State Administrative Tribunal Act 2004;
Express Power to Sub-Delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates <i>Appointed by CEO</i>	Executive Manager Development Services

Delegation Register

Shire of Chittering



	Principal Planning Officer Senior Planning Officer
Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	
Record Keeping:	Decisions made under this delegation are to be recorded in the appropriate file and/or register.

Version Control:

1	15 June 2022 - Ref N222918
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 9th 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
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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 - Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

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

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



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

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	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p>		
<ul style="list-style-type: none"> • a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> 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 <i>Land Administration Act 1997</i> 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, 	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassen/Dean City of Bayswater 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 Canning Shire of Capel Shire of Carnamah 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 Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>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 <i>Planning and Development Act 2005</i> (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.</p>
<p>in respect of development applications being made under or referred to in:</p>		
<p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p>		
<p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p>		
<p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p>		
<p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p>		
<p>(v) section 162 of the <i>Planning and Development Act 2005</i> 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);</p>		
<p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p>	<p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Goswells Shire of Halla Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgoorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojoonup 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 Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray</p>	
<p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>		

Delegation Register

Shire of Chittering



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 Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickkepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yilgarn
Shire of York

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of *June* 2016

10.2.2 WA Planning Commission – Section 25 of the Strata Titles Act 1985

29 January 2021

GOVERNMENT GAZETTE, WA

449

The following row is inserted into Schedule 1 after item 1.31 on page 3829 of the Gazette (No. 150; 3 October 2018)—

<i>Payment in lieu of parking plan</i>		
1.32 Power to identify any information or material that should accompany a payment in lieu of parking plan. (c177J(1)(c))	<ul style="list-style-type: none"> • Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning 	Power only to be exercised after consultation with the Chairperson of the WAPC.

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.

PL403

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Joondalup
Local Planning Scheme No. 3—Amendment No. 5

Ref: TPS/2592

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Joondalup Local Planning Scheme amendment on 13 January 2021 for the purpose of—

- (a) Delete clause 26 (5) of Modifications of the R-codes, within Part 4 General Development Requirements, and replace it with the following—

(5) Clause 5.1.1 of the R-codes Volume 1 is modified by inserting the additional 'deemed-to-comply' criteria—

C1.5 In Residential areas where dual coding applies, the higher coding may be applied subject to the following—

- i. Development of single and grouped dwellings which complies with a minimum frontage of 9 metres at the primary street setback; or
- ii. Development of grouped dwellings on corner lots with frontages to two streets, with rear common property access, which complies with a minimum frontage of 6 metres.

- (6) Clause 5.4.2 of the R-codes Volume 1 is modified by inserting the additional 'deemed-to-comply' criteria—

C2.3 For Residential areas with a dual code and the higher code is applied, where a development site shares its southern boundary with any other adjoining property, its shadow cast at midday 21 June shall not exceed the following limits—

- i. On adjoining sites coded R60 or greater—40% of the site area.
- ii. On adjoining sites coded R30 to R40 inclusive—35% of the site area.
- iii. On adjoining sites coded R25 and lower—25% of the site area.
- iv. Where an adjoining site is subject to a dual density code and the site is yet to be developed to the higher code, the base density code applies for the purposes of determining the maximum amount of shadow cast permitted.
- v. Buildings orientated to maintain 4 hours per day solar access on 21 June for existing solar collectors on neighbouring sites.
- vi. Where a development site shares its southern boundary with a lot, and that lot is bound to the north by another lot(s), the limit of shading for the development site set out in clause 26(6)i-iii shall be reduced proportionate to the percentage of the affected property's northern boundary that the development site abuts.

- (7) In addition to the Primary Controls Table 2.1 of the R-Codes Volume 2, the following development standards apply—

- i. Development of multiple dwellings which complies with a minimum site width street boundary of 20 metres; and
- ii. For Residential areas coded R20/40 multiple dwellings shall comply with the average site area per dwelling requirement specified for a single or grouped dwelling for the applicable density coding under SPP 7.3—Volume 1 unless the site—
 - a. has primary street frontage to a road with scheme reservation classification of Local Distributor Road or Other Regional Road; or
 - b. is located within an 800m walkable catchment, as defined on the Scheme map, from any existing or proposed strategic metropolitan, secondary, or specialised activity centre or railway station on a high frequency rail route; or
 - c. is located with a 400m walkable catchment, as defined on the Scheme map, from any existing or proposed district activity centre.

10.3 Main Roads Act 1930

10.3.1 Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

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

**RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS**

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Delegation Register

Shire of Chittering



Dated:

**THE COMMON SEAL OF THE
COMMISSIONER OF MAIN ROADS**)

WAS AFFIXED BY)

COMMISSIONER OF MAIN ROADS)

FOR THE TIME BEING IN THE
PRESENCE OF:

Signature of Witness

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

.....(*Insert name of Local Government*)..... agrees to unconditionally observe,
perform and be bound by the above conditions.

THE COMMON SEAL of)

[Insert name of Local Government])

Was hereunto affixed pursuant to a
resolution of the Council in the
presence of:)

Signature of Chief Executive Officer

Signature of Witness

Name of Witness (please print)

10.3.2 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

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

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads (“the Commissioner”) hereby authorises (“Authorised Body”) by itself, its employees, consultants, agents and contractors (together “Representatives”) to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the “Traffic Management for Works on Roads Code of Practice” (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia (“the Code”) referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner’s delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

Delegation Register

Shire of Chittering



Dated:

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

Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to observe, perform and be bound by the above conditions.

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

Chief Executive Officer

Witness

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: