

Shire of East Pilbara
Register of Delegated Authority

REVIEW

There are no reviews to display

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INTRODUCTION

DELEGATIONS

Delegation	1.2.1 Appoint Authorised Persons
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p>Local Government (Financial Management) Regulations 1996 r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<p><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</p>
Function	<p>1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the <i>Local Government Act 1995</i>. [s.3.24 and s.9.10].</p> <p>2. Authority to appoint authorised person for the purposes of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power [s.15 of the <i>Graffiti Vandalism Act 2016</i>].</p>
Delegates	CEO
Conditions	<p>a. A register of Authorised Persons is to be maintained as a Local Government Record.</p> <p>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</p>
Express power to subdelegate	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>
Date adopted	22 July 2022
Adoption references	Item 11.1.1 OCM 17/12/2021

Delegation	1.2.2 Performing Functions outside the District
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district</p>
Function	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)].
Delegates	CEO
Conditions	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 adversely impact service levels within the District. Where these conditions are not met the matter must be referred to Council for determination.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Director Community Experience Director Corporate Services Director Infrastructure Services</p>
Subdelegate conditions	Nil.
Date adopted	22 July 2022
Adoption references	Item 11.2.4

Delegation	1.2.3 Compensation for Damage Incurred when Performing Executive Functions
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration</p>
Function	<ol style="list-style-type: none"> 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Delegates	CEO
Conditions	Delegation is limited to settlements which do not exceed a material value of \$20,000.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Corporate Services Director Infrastructure Services</p>
Subdelegate conditions	Sub-delegation is limited to settlements which do not exceed a material value of \$5,000.
Date adopted	22 July 2022
Adoption references	Item 11.2.4

Delegation	1.2.4 Powers of Entry
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><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 emergency s.3.36 Opening fences</p>
Function	<ol style="list-style-type: none"> 1. Authority to exercise powers of entry 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].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Community Safety Manager Development Services Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety Swimming Pool Inspector

Subdelegate conditions	Director Aviation and Regulatory Services (Function 1, 2, 3, 4, 5) Director Infrastructure Services (Function 1, 2, 3, 4, 5) Manager Development Services (Function 2) Manager Community Safety (Function 1, 2, 3, 4, 5) Senior Ranger Emergency and Community Safety (Function 1, 2, 3, 4, 5) Coordinator Environmental Health Services (Function 2) Environmental Health Officer (Function 2) Park Ranger – Cape Keraudren (Function 1, 4) Ranger(s) (Function 1, 4) Swimming Pool Inspectors (Function 2) Swimming Pool Inspectors designated by CEO
Date adopted	22 July 2022
Adoption references	Item 11.2.4

Amendments			
Date	Type	Amendment	References
22 Jul 2022	New delegation	Swimming Pool Inspector	---
22 Jul 2022	New delegation	Swimming Pool Inspectors	

Delegation	1.2.5 Declare Vehicle is Abandoned Vehicle Wreck
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken</p>
Function	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	CEO
Conditions	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 subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	Manager Community Safety Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Subdelegate conditions	Nil.
Date adopted	22 July 2022
Adoption references	Item 11.2.4

Delegation	1.2.6 Remove and Impound any goods and abandoned Vehicle
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.3.39 Power to remove and impound s.3.40(1) Vehicle may be removed if goods to be impounded are in or on vehicle s.3.40A Abandoned vehicle wreck may be taken</p>
Function	<ol style="list-style-type: none"> 1. Remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. 2. Remove and impound any goods that are in or on a vehicle and authority to enter the vehicle for the purpose of removing it to a place where the goods may be conveniently unloaded and impounded [s.3.40(1)]. 3. Remove and impound a vehicle that, in the opinion of the local government, is an abandoned vehicle wreck [s.3.40A(1)].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	Manager Community Safety Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.7 Confiscated or Uncollected Goods
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.3.39 Power to remove and impound 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</p>
Function	<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].
Delegates	CEO
Conditions	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 subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	Coordinator Environmental Health Services Director Corporate Services Environmental Health Officer Manager Community Safety Manager Corporate Services Manager Governance, Risk and Procurement Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety

Subdelegate conditions	Manager Community Safety Senior Ranger Emergency and Community Safety Park Ranger – Cape Keraudren (Function 1) Ranger(s) (Function 1) Coordinator Environmental Health Services(Function 1) Environmental Health Officer (Function 1) Director Corporate Services (Function 2,3) Manager Corporate Services (Function 2,3) Manager Governance, risk and Procurement (Function 2,3)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Amendments			
Date	Type	Amendment	References
22 Jul 2022	New delegation	Director Corporate Services Manager Corporate Services Manager Governance, Risk and Procurement	---

Delegation	1.2.8 Disposal of Sick or Injured Animals
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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 Local Government (Administration) Regulations 1996 r.18G Delegations to CEOs, limits on (Act s.5.43)
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	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Safety Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Subdelegate conditions	Manager Community Safety (Function 1, 2) Senior Ranger Emergency and Community Safety (Function 1, 2) Park Ranger – Cape Keraudren (Function 1) Ranger(s) (Function 1)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.9 Close Thoroughfares to Vehicles
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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 Local Government (Administration) Regulations 1996 r.18G Delegations to CEOs, limits on (Act s.5.43)
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	<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: <ol style="list-style-type: none"> i. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and ii. 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].
Delegates	CEO
Conditions	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)].
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Aviation & Regulatory Services Director Infrastructure Services Manager Operations
Subdelegate conditions	Director Infrastructure Services (Function 1, 2, 3, 4, 5) Manager Operations (Function 1, 2, 3) Determination shall be in accordance with the Road Traffic (Events on Roads) Regulations 1991.

Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.10 Control Reserves and Certain Unvested Facilities
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><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</p>
Function	<ol style="list-style-type: none"> 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the <i>Parks and Reserves Act 1895</i>. [s.3.54(1)].
Delegates	CEO
Conditions	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 subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Director Community Experience Director Corporate Services Director Infrastructure Services Manager Development Services</p>
Subdelegate conditions	<p>Director Corporate Services (Function 1) Director Aviation and Regulatory Services (Function 1) Director Infrastructure Services (Function 1, 2)</p> <p>Manager Development Services (Function 1) Director Community Experience (Function 1)</p>
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.11 Obstruction of Footpaths and Thoroughfares
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.3.25(1) Notices requiring certain things to be done by owner or occupier of land</p> <p><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)</p>
Function	<ol style="list-style-type: none"> 1. Authority to give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice [s.3.25(1)]. 2. 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"> i. prevent damage to the footpath; or ii. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 3. 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)]. 4. 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)]. 5. 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]. 6. 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].
Delegates	CEO

Conditions	<p>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>b. Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Director Community Experience Director Corporate Services Director Infrastructure Services Manager Community Safety Manager Operations Ranger Senior Ranger Emergency and Community Safety</p>
Subdelegate conditions	<p>Director Corporate Services (Function 1-6) Director Aviation and Regulatory Services Services (Function 1, 2, 3, 4, 5, 6) Director Infrastructure Services (Function 1, 2, 3, 4, 5, 6) Director Community Experience (Function 1, 2, 3, 4, 5, 6)</p> <p>Manager Operations (Function 1, 2, 3, 4, 5, 6) Coordinator Emergency Services and Community Safety (Function 5,6) Ranger(s) (Function 5,6)</p>
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.12 Gates across Public Thoroughfares
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)</p>
Function	<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)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Director Infrastructure Services Manager Development Services Manager Operations</p>
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.13 Public Thoroughfare – Dangerous Excavations
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) and (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6</p>
Function	<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)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Director Corporate Services Director Infrastructure Services Manager Development Services Manager Operations Work, Health and Safety Advisor</p>

Subdelegate conditions	Director Corporate Services (Function 1) Work, Health and Safety Advisor (Function 1)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.14 Crossing – Construction, Repair and Removal
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><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)</p>
Function	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Delegates	CEO
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	Director Aviation & Regulatory Services Director Infrastructure Services Manager Development Services Manager Engineering Manager Operations
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.15 Private Works on, over or under Public Places
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8</p>
Function	<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)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Director Infrastructure Services Manager Development Services Manager Operations</p>
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.16 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Function	Authority to give notice to an owner / occupier of land if it is considered that clearing the owner / occupier's land might cause local government land having a common boundary, will be adversely affected by wind erosion or sand drift [ULP r.21(1)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Community Safety Manager Development Services Senior Ranger Emergency and Community Safety</p>
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/o7/2022

Delegation	1.2.17 Expressions of Interest for Goods and Services
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services</p> <p><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</p>
Function	<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].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Director Community Experience Director Corporate Services Director Infrastructure Services</p>
Subdelegate conditions	All exercise of power must be consistent with Procurement and Tender Procedures Policy
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.18 Tenders for Goods and Services
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services</p> <p><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>

Function	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)] up to and including \$499,999 ex GST value. 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(2)(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Procurement and Tender Procedures Policy requirements, where the total consideration 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 an RFx, up to and including \$499,999 ex GST 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 approve a variation up to an amount of 10% of the original purchasing value of the total goods or services sought through the RFx, and to then negotiate minor variations (up to an amount of 10% of the original purchasing value) with the successful tenderer before 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: <ol style="list-style-type: none"> 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 and is limited to a 10% tolerance of the original purchasing value; and 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]. 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) and (7)], unless the tender was awarded by Council.
Delegates	CEO

Conditions	<ul style="list-style-type: none"> a. Sole supplier arrangements may only be approved where a record is retained that evidences: <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sourced through other suppliers. 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: <ul style="list-style-type: none"> i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; ii. current supply contract expiry is imminent; iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption; and iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. c. In accordance with s.5.43, tenders may only be accepted where the resulting expense is included in the adopted Annual Budget. d. All above delegations must be in accordance with the Procurement and Tender Procedures Policy
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Director Community Experience Director Corporate Services Director Infrastructure Services</p>

Subdelegate conditions	<p>Director Corporate Services (Function 1, 3, 4, 5, 6, 7, 8, 9*, 10, 11, 12, 15*)</p> <p>Director Aviation and Regulatory Services (Function 1, 3, 4, 5, 6, 7, 8, 9*, 10, 11, 12, 15*)</p> <p>Director Infrastructure Services (Function 1, 3, 4, 5, 6, 7, 8, 9*, 10, 11, 12, 15*)</p> <p>Director Community Experience (Function 1, 3, 4, 5, 6, 7, 8, 9*, 10, 11, 12, 15*)</p> <p>a. In accordance with s.5.43, tenders may only be accepted where the resulting expense is included in the adopted Annual Budget.</p> <p>b. * Directors are authorised to accept tenders under function 9 and 15 up to \$150,000 excluding GST within their Directorate only.</p> <p>c. All above sub-delegations must be in accordance with the Procurement and Tender Procedures Policy</p> <p>d. Directors exercising this function must provide a memorandum to the CEO (for calling of tenders)</p>
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Amendments			
Date	Type	Amendment	References
22 Jul 2022	New delegation	Deputy CEO/ Director Organisational Development	---
22 Jul 2022	New delegation	Deputy CEO/ Director Organisational Development	

Delegation	1.2.19 Disposal of Property
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.3.58(2) and (3) Disposing of Property</p>
Function	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> i. to the highest bidder at public auction [s.3.58(2)(a)]; and ii. to 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 tenders [s.3.58(2)(b)]. 2. Authority to dispose of property by private treaty only in accordance with section 3.58 (3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. 3. Authority to dispose of property to a person or body that is an exempt disposition pursuant to r. 30 of the Local Government (Functions and General) Regulations 1996.
Delegates	CEO

Conditions	<p>a. When determining the method of disposal:</p> <p>i. Where a public auction is determined as the method of disposal:</p> <ul style="list-style-type: none"> • Reserve price has been set by independent valuation; and • 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; <p>ii. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method; and</p> <p>iii. Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:</p> <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 that the reasons for such a decision are recorded. <p>b. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) may be undertaken:</p> <p>i. Without reference to Council for resolution; and</p> <p>ii. In any case, be undertaken to ensure that the best value return is achieved by gifting, donating, or destruction (including recycling or reusing) a property (not exceeding \$5,000).</p>
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegate conditions	Nil.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.20 Payments from the Municipal or Trust Funds
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p><i>Local Government (Financial Management) Regulations 1996</i> r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<p><i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making</p>
Function	Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Director Community Experience Director Corporate Services Director Infrastructure Services Manager Corporate Services</p>
Subdelegate conditions	<p>a. Sub-Delegates must comply with finance procedures approved by the CEO (Financial Management Regulation 5)</p> <p>b. The Municipal Fund and Trust Fund is to be signed by two (2) of the abovementioned officers.</p> <p><i>* Note – payments for investments are specifically outlined under section 1.2.24 and are not included in this section</i></p>
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.21 Defer, Grant Discounts, Waive or Write Off Debts
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p><i>Local Government (Financial Management) Regulations 1996</i> r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts</p>
Function	<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)].
Delegates	CEO
Conditions	<p><u>Waiver of Fee or Charge:</u></p> <p>-</p> <ol style="list-style-type: none"> 1. The Chief Executive Officer may waive fees and charges, up to a maximum value of \$3,000 (ex GST) per customer within a financial year; 2. The Chief Executive Officer, may waive fees and charges for amounts up to \$3,000 (ex GST) for any fee or charge whose imposition is inequitable during circumstances where the State Government has declared either an 'emergency situation' or 'state of emergency' pursuant to the Emergency Management Act 2005, or a 'public health emergency' declaration under the Public Health Act 2016, and in accordance with a prior Council resolution. <p><u>Grant a Concession:</u></p> <ol style="list-style-type: none"> 3. The Chief Executive Officer may provide a concession, in relation to money which is owed to the Shire [s.6.12(1)(b)], related to their operational responsibilities, where such concession is either to: <ol style="list-style-type: none"> i. a value up to \$3000 (ex GST) per customer within a financial year; or ii. assist a not for profit community group or charitable entity, or where appropriate, up to \$3,000 (ex GST) at the discretion of the Chief Executive Officer, in fulfilling a service, social or cultural outcome, within the Shire. <p><u>Write off Debts:</u></p> <ol style="list-style-type: none"> 4. The Chief Executive Officer may only write off debts, excluding rates, limited to a value up to \$3,000 (ex GST) per debtor within a financial year. <p>The Chief Executive Officer has discretion to determine any conditions applicable to use of sub-delegated powers or duties.</p>

Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Aviation & Regulatory Services Director Community Experience Director Corporate Services Director Infrastructure Services
Subdelegate conditions	<p>Director Corporate Services (Function 1, 2, 3, 4) Director Aviation and Regulatory Services (Function 1, 2, 3) Director Infrastructure Services (Function 1, 2, 3) Director Organisational Development</p> <p>A \$10,000 annual limit is imposed on Directors of Organisation Development, Aviation and Regulatory Services, Community Services and Infrastructure Services and \$20,000 for Corporate Services Director</p> <p>Fee waivers and concessions may only be granted by a Director with respect to their Directorate.</p> <p>Waiver of Fee or Charge:</p> <ol style="list-style-type: none"> 1. Each Director may waive fees and charges related to their operational responsibilities, where such waiver is to a value up to \$3,000 (ex GST) per customer within a financial year; 2. Each Director may waive fees and charges for amounts up to \$3,000 (ex GST) for any fee or charge whose imposition is inequitable during circumstances where the State Government has declared either an 'emergency situation' or 'state of emergency' pursuant to the Emergency Management Act 2005, or a 'public health emergency' declaration under the Public Health Act 2016, and in accordance with a prior Council resolution. <p>Grant a Concession:</p> <ol style="list-style-type: none"> 3. Each Director may provide a concession, in relation to money which is owed to the Shire [s.6.12(1)(b)], related to their operational responsibilities, where such concession is either to: <ol style="list-style-type: none"> i. a value up to \$3,000 (ex GST) per customer within a financial year; or ii. assist a not for profit community group or charitable entity, or where appropriate, up to \$3,000 (ex GST) at the discretion of the Director, in fulfilling a service, social or cultural outcome, within the Shire. 4. The Director Corporate Services may only write off debts, excluding rates, limited to a value up to \$3,000 (ex GST) per debtor within a financial year.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.22 Power to Invest and Manage Investments
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p><i>Local Government (Financial Management) Regulations 1996</i> r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.6.14 Power to invest</p> <p><i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for</p>
Function	<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].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council's Investment Policy. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. The placement or redemption of all investments requires dual authorisation by the Chief Executive Officer and a Director.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Corporate Services Manager Corporate Services</p>
Subdelegate conditions	Two (2) authorised signatories are required
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.23 Rate Record Amendment
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p><i>Local Government (Financial Management) Regulations 1996</i> r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.6.39(1) Rate record s.6.39(2)(b) Rate record s.6.40(1) and (2) Effect of amendment of rate record s.6.41 Service of rate notice</p>
Function	<ol style="list-style-type: none"> 1. Authority to compile rate record, at the time and in the form and manner prescribed, for that financial year after Council resolve to impose rates [6.39(1)]. 2. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)]. 3. Authority to reassess the rates payable on the land and to give notice to the owner of the land of any change in the amount of rates payable on the land [6.40(1) and (2)]. 4. Authority to provide the owner of rateable land a dated notice accompanied by the details and particulars described [6.41(1)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Corporate Services Manager Corporate Services Rates Revenue Finance Officer</p>
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.24 Agreement as to Payment of Rates and Service Charges
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p><i>Local Government (Financial Management) Regulations 1996</i> r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges</p>
Function	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Delegates	CEO
Conditions	Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Corporate Services Manager Corporate Services Rates Revenue Finance Officer Senior Finance Officer</p>
Subdelegate conditions	Payments of rates and service charges to be made in accordance with policy and procedures.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.25 Recovery of Rates or Service Charges
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p><i>Local Government (Financial Management) Regulations 1996</i> r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.6.55 Rates or service charges recovery s.6.56 Rates or service charges recoverable in court</p>
Function	<ol style="list-style-type: none"> 1. Authority to recover rates or service charges on land [s.6.55] 2. 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)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Corporate Services Manager Corporate Services Rates Revenue Finance Officer Senior Finance Officer</p>
Subdelegate conditions	Nil
Date adopted	17 December 2021
Adoption references	Item 11.1.1 OCM 17/12/2021

Delegation	1.2.26 Recover a Fee or Charge (Excluding Rates)
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p><i>Local Government (Financial Management) Regulations 1996</i> r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.6.16 Imposition of fees and charges</p>
Function	The power to recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed under Part 6, Division 5 of the <i>Local Government Act 1995</i> .
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	Director Corporate Services Manager Corporate Services Rates Revenue Finance Officer Senior Finance Officer
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Amendments			
Date	Type	Amendment	References
22 Jul 2022	Amended delegation	Rates Revenue Finance Officer	

Delegation	1.2.27 Recovery of Rates Debts – Require Lessee to Pay Rent
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p><i>Local Government (Financial Management) Regulations 1996</i> r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent</p>
Function	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Corporate Services Manager Corporate Services Rates Revenue Finance Officer</p>
Subdelegate conditions	Payments of rates and service charges to be made in accordance with policy and procedure .
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.28 Rate Record – Objections
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p><i>Local Government (Financial Management) Regulations 1996</i> r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Function	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76 (4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Corporate Services
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.29 Authority to Commence Prosecutions under the Local Government Act and Local Laws
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p><i>Local Government (Financial Management) Regulations 1996</i> r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.4.97 Prosecutions s.9.24 Prosecutions, commencing</p>
Function	<ol style="list-style-type: none"> 1. The power to commence a prosecution for an offence against the Local Government Act 1995 [s.9.24(1)(b)&(c)] 2. The power to commence a prosecution for an offence under a Shire of East Pilbara Local Law pursuant to Part 4, Division 11 [s.9.24(2)(a)&(b)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.2.30 Execute Documents and Contract Formalities
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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><i>Local Government (Administration) Regulations 1996</i> r.18G Delegations to CEOs, limits on (Act s.5.43)</p> <p><i>Local Government (Financial Management) Regulations 1996</i> r.6 Audits and performance review of accounting staff etc, who may conduct</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s.9.49A Execution of Documents s.9.49B Contract Formalities</p>
Function	<ol style="list-style-type: none"> 1. To sign documents on behalf of the local government subject to the conditions below [s.9.49A(4)]. 2. To vary or discharge a contract in the name of or on behalf of the local government subject to conditions below [s.9.49B(1)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. The authorised officers may only sign documents in accordance with the Council's Execution of Documents Policy. b. The authorised officers may only vary or discharge a contract that it has authorisation to sign pursuant to section 9.49A(4) and in accordance with the Council's Execution of Documents Policy. c. Records of executed documents must be maintained in accordance with State Records Act and Council's Record Keeping policy and procedures.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Director Community Experience Director Corporate Services Director Infrastructure Services</p>
Subdelegate conditions	Execution of documents must be reported in accordance with the Execution of Documents Policy.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Amendments			
Date	Type	Amendment	References
22 Jul 2022	Amended delegation	Deputy CEO/ Director organizational Development	

Delegation	1.2.31 Grants and Sponsorship Allocations
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	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
Function	<p>Authority to determine allocation [FM Reg 12(1)(a)] of the Shire's:</p> <ol style="list-style-type: none"> 1.Small Grants up to the value of \$1,000, in accordance with Council Policy 6.5 Grants and Sponsorship; 2.Event Grants up to the value of \$1,000, in accordance with Council Policy 6.5 Grants and Sponsorship; 3.Participation Grants up to a value of \$1,500, in accordance with Council Policy 6.5 Grants and Sponsorship; 4.Venue Support Grants up to a value of \$3,000, in accordance with Council Policy 6.5 Grants and Sponsorship. <p>Authority to decline applications for sponsorships in accordance with Council Policies. The above sponsorship decisions are appealable to Council.</p>
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1.All applications for Community Grants and Sponsorship requires a decision of Council. Decisions must be in accordance with the requirements of relevant Council Policies and be within Annual Budget allocations. 2.Records evidencing assessment against criteria must be retained.
Subdelegates	Director Community Experience
Subdelegate conditions	<p>The CEO sub-delegation does not include Community Grants or Sponsorship funding.</p> <p>All applications for Community Grants and Sponsorship made in round funding requires a decision of Council.</p> <p>The Deputy CEO, Director Community Experience has the authority to determine allocation of the Shire's:</p> <ol style="list-style-type: none"> 1.Small Grants up to the value of \$1,000, in accordance with Council Policy 6.5 Grants and Sponsorship; 2.Event Grants up to the value of \$1,000, in accordance with Council Policy 6.5 Grants and Sponsorship; 3.Participation Grants up to a value of \$1,500, in accordance with Council Policy 6.5 Grants and Sponsorship; 4.Venue Support Grants up to a value of \$3,000, in accordance with Council Policy 6.5 Grants and Sponsorship. <p>Authority to decline applications for sponsorships in accordance with Council Policies. The above sponsorship decisions are appealable to Council.</p>
Date adopted	24 February 2023
Adoption references	11.3.2 OCM

Delegation	1.2.32 Payments to Australian Taxation Office, Superannuation Funds and Authorised Deposit Taking Institutions
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.3.57 Tenders for providing goods and services
Function	Authority to approve payments to the Australian Taxation Office, Superannuation Funds and Authorised Deposit Taking Institutions.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Payments of taxation instalments on behalf of Shire Employees to the Australian Taxation Office. 2. Payments of employer and employee contributions on behalf of Shire Employees to Superannuation Funds approved by the Australian Taxation Office. 3. Payments to Authorised Deposit Taking Institutions for the purposes of the repayment of a loan facility authorised by Council.
Express power to subdelegate	As determined by the CEO (Condition 1 applies – conditions 2 and 3 may not be delegated).
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	22 March 2024
Adoption references	22 March 2024 Ordinary Council Meeting - Resolution 2024/34

Amendments			
Date	Type	Amendment	References
22 Mar 2024	New delegation	Authority to make payments to the Australian Taxation Office, superannuation funds approved by the Australian Taxation Office and Authorised Deposit Taking Institutions over and above the financial delegation granted by Council to the Chief Executive Officer	---
22 Mar 2024	New delegation	Authority to make payments to the Australian Taxation Office, superannuation funds approved by the Australian Taxation Office and Authorised Deposit Taking Institutions over and above the financial delegation granted by Council to the Chief Executive Officer.	

Delegation	1.3.1 Determine if an Emergency for Emergency Powers of Entry
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<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	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
Delegates	Coordinator Environmental Health Services Director Aviation & Regulatory Services Director Community Experience Director Corporate Services Director Infrastructure Services Environmental Health Officer Manager Community Safety Manager Development Services Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Conditions	In each instance that this delegation is exercised, the delegate must provide a report to the Chief Executive Officer.
Express power to subdelegate	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<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	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.11 Obstruction of Footpaths and Thoroughfares:</p> <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
Delegates	Director Aviation & Regulatory Services Director Infrastructure Services
Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.11 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>.
Express power to subdelegate	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2,4 OCM 22/07/2022

Delegation	1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<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.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Function	<p>When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.13 Public Thoroughfares – Dangerous Excavations:</p> <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.
Delegates	<p>Director Aviation & Regulatory Services Director Infrastructure Services Work, Health and Safety Advisor</p>
Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.13 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>.
Express power to subdelegate	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<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	<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)].
Delegates	Director Aviation & Regulatory Services Director Infrastructure Services Manager Development Services Manager Operations
Conditions	Nil.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<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) and (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 1997:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) and (4) Register - s.4.32(6)
Function	<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)].
Delegates	Director Corporate Services Manager Governance, Risk and Procurement

Conditions	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).
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.3.6 Destruction of Electoral Papers
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Elections) Regulations 1997:</i> r.82(4) Keeping election papers – s4.84(a)
Function	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
Delegates	Director Corporate Services Manager Governance, Risk and Procurement
Conditions	Memo to be kept on the file certifying the destruction of the election papers.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.3.7 Financial Management Systems and Procedures
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees Local Government (Financial Management) Regulations 1996 r.6 Audits and performance review of accounting staff etc, who may conduct
Express power or duty delegated	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
Function	Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the: <ul style="list-style-type: none"> i. Collection of money owed to the Shire; ii. Safe custody and security of money collected or held by the Shire; iii. Maintenance and security of all financial records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority; and vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
Delegates	Director Corporate Services Manager Corporate Services
Conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.3.8 Infringement Notices
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.16 Notice, giving of to alleged offender s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
Function	<ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to give an infringement notice to an alleged offender [9.16]. 3. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 4. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
Delegates	Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Community Safety Manager Development Services Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Conditions	Director Aviation and Regulatory Services (Function 1, 2, 3) Manager Community Safety (Function 1, 2, 3) Manager Development Services (Function 2) Senior Ranger Emergency and Community Safety (Function 1, 2) Park Ranger – Cape Keraudren (Function 1, 2) Ranger(s) (Function 1, 2) Coordinator Environmental Health Services (Function 2) Environmental Health Officer (Function 2) A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.3.9 Acting Chief Executive Officer
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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.5.39(1a)(a) An employee may act in the position of a CEO
Function	Senior Employee to act in the capacity of Chief Executive Officer during absences not exceeding three months [s.5.39(1a)(a)].
Delegates	Director Aviation & Regulatory Services Director Community Experience Director Corporate Services Director Infrastructure Services
Conditions	Only a senior permanent employee may be appointed as acting Chief Executive Officer and in accordance with Council's Appointment of Acting Chief Executive Officer Policy.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.3.10 Complaints Officer (For Council Members, Committee Members and Candidates)
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<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.5.120 Complaints officer
Function	An employee to be the designated Complaints Officer under the <i>Local Government Act 1995</i> [s.5.120(a)].
Delegates	Director Corporate Services
Conditions	All decisions and processes are to align with the Shire of East Pilbara Code of Conduct for Council Members, Committee Members and Candidates
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	1.3.11 Making Payments to Employees in Addition to Contract or Award
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<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.5.50 Payments to Employees in addition to Contract or Award
Function	Making Payments to Employees in addition to Contract or Award pursuant to Part 5, Division 4 of the <i>Local Government Act 1995</i> .
Delegates	CEO
Conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	2.1.1 Power of Local Government to Destroy Dangerous Vegetation or Premises in Cyclone Area
Head of power	02 Emergency Management Act 2005
Delegator	Local Government
Express power to delegate	<i>Emergency Management Act 2005:</i> s.45 Exercise of powers under this division
Express power or duty delegated	<i>Emergency Management Act 2005:</i> s.46 Power of local government to destroy dangerous vegetation or premises in cyclone area s.47 Local government may require owner or occupier of land to take action s.48 Additional powers when direction given
Function	Powers and functions of local government during a cyclone under Part 3 Division 3 of the <i>Emergency Management Act 2005</i> .
Delegates	CEO Director Aviation & Regulatory Services Director Community Experience Director Infrastructure Services Manager Community Safety Manager Development Services Manager Operations Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	3.1.1 Decisions Made Under the Freedom of Information Act 1992
Head of power	03 Freedom of Information Act 1992
Delegator	CEO
Express power to delegate	<i>Freedom of Information Act 1992:</i> s.100 Who in agency makes its decisions
Express power or duty delegated	<i>Freedom of Information Act 1992:</i> s.100 Who in agency makes its decisions
Function	<ol style="list-style-type: none"> 1. All primary decisions made under the <i>Freedom of Information Act 1992</i>; and 2. Internal review of primary decision as to access under section 41.
Delegates	Coordinator Customer Services Director Corporate Services Manager Customer Experience Manager Governance, Risk and Procurement
Conditions	Director Corporate Services (Function 2) Manager Governance, Risk and Procurement (Function 1, 2) Coordinator Customer Services (Function 1) Manager Customer Experience (Function 1,2) Delegates who perform Function 1 cannot undertake Function 2 in respect to the same application.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	4.1.1 Public Interest Disclosure Officers
Head of power	04 Public Interest Disclosures Act 2003
Delegator	CEO
Express power to delegate	<i>Public Interest Disclosures Act 2003:</i> s.23(1)(a) The principal executive officer of a public authority must designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information
Express power or duty delegated	<i>Public Interest Disclosures Act 2003:</i> S.23 Principal executive officer of public authority, duties of
Function	The person responsible for receiving disclosures of public interest information under the <i>Public Interest Disclosures Act 2003</i> .
Delegates	Customer Service and Library Officer - Marble bar Manager Governance, Risk and Procurement Manager Place Operations Coordinator
Conditions	Delegates must be authorised by the CEO and complete a Public Interest Disclosure Officer Declaration certifying they understand their responsibilities and obligations under the <i>Public Interest Disclosures Act 2003</i> .
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	5.1.1 Grant a Building Permit
Head of power	05 Building Act 2011
Delegator	Local Government
Express power to delegate	<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	<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) and (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)]; and 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].
Delegates	CEO
Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Assistant Building Surveyor/ Administration Officer Director Aviation & Regulatory Services Manager Building Services
Subdelegate conditions	Director Aviation and Regulatory Services (Function 1, 2, 3, 4, 5) Manager Building Services (Function 1, 2, 3, 4, 5) Assistant Building Surveyor/ Administartion Officer (Function 1, 2, 4, 5)

Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	5.1.2 Demolition Permits
Head of power	05 Building Act 2011
Delegator	Local Government
Express power to delegate	<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	<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) and (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].
Delegates	CEO
Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Aviation & Regulatory Services Manager Building Services
Subdelegate conditions	Nil.

Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	5.1.3 Occupancy Permits or Building Approval Certificates
Head of power	05 Building Act 2011
Delegator	Local Government
Express power to delegate	<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	<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].
Delegates	CEO
Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Aviation & Regulatory Services Manager Building Services
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	5.1.4 Authorised Persons (Building)
Head of power	05 Building Act 2011
Delegator	Local Government
Express power to delegate	<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
Function	<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)]. 3. Authority to undertake the following functions as authorised persons: <ol style="list-style-type: none"> a. Entry powers [s.100] b. Powers after entry and compliance purposes [s.101] c. Obtaining information and documents [s.102] d. Use of force and assistance [s.103] e. Entry warrant to enter a place [s.106] f. Execution of warrant [s.109] g. To carry out the functions to give effect to a building order [s.118]
Delegates	CEO
Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Aviation & Regulatory Services Manager Building Services
Subdelegate conditions	Director Aviation and Regulatory Services (Function 3a, 3b, 3c, 3d, 3e, 3f, 3g) Manager Building Services (Function 3a, 3b, 3c, 3g)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	5.1.5 Authorised Persons (Swimming Pool Inspectors)
Head of power	05 Building Act 2011
Delegator	Local Government
Express power to delegate	<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.53 Inspection of barrier to private swimming pool
Function	<ol style="list-style-type: none"> 1. To authorise persons to inspect the barrier of private swimming pools every 4 years to ensure compliance with the <i>Building Regulations 2012</i> [r.53]. 2. To inspect the barrier of private swimming pools every 4 years to ensure compliance with the <i>Building Regulations 2012</i> [r.53].
Delegates	CEO
Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Aviation & Regulatory Services Manager Building Services Swimming Pool Inspector
Subdelegate conditions	Director Aviation and Regulatory Services (Function 2) Manager Building Services (Function 2) Swimming Pool Inspectors* (Function 2) Swimming Pool Inspectors designated by CEO
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	5.1.6 Building Orders
Head of power	05 Building Act 2011
Delegator	Local Government
Express power to delegate	<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	<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; and 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 Building Act 2011.
Delegates	CEO
Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Aviation & Regulatory Services Manager Building Services

Subdelegate conditions	Director Aviation and Regulatory Services (Function 1, 2, 3, 4, 5, 6) Manager Building Services (Function 1, 2)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	5.1.7 Inspection and Copies of Building Records
Head of power	05 Building Act 2011
Delegator	Local Government
Express power to delegate	<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	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Delegates	CEO
Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Administration Officer - Airport Services Assistant Building Surveyor/ Administration Officer Director Aviation & Regulatory Services Manager Building Services
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	5.1.8 Referrals and Issuing Certificates
Head of power	05 Building Act 2011
Delegator	Local Government
Express power to delegate	<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	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)].
Delegates	CEO
Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Assistant Building Surveyor/ Administration Officer Director Aviation & Regulatory Services Manager Building Services
Subdelegate conditions	Director Aviation and Regulatory Services Manager Building Services (Function 1) Assistant Building Surveyor/ Adminsitration Officer (Function 1)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	5.1.9 Private Pool Barrier – Alternative and Performance Solutions
Head of power	05 Building Act 2011
Delegator	Local Government
Express power to delegate	<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 Application for occupancy permit or building approval certificate for unauthorised work
Function	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause 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)] 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)].
Delegates	CEO
Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Aviation & Regulatory Services
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	5.1.10 Smoke Alarms – Alternative Solutions
Head of power	05 Building Act 2011
Delegator	Local Government
Express power to delegate	<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	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	CEO
Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.
Subdelegates	Director Aviation & Regulatory Services Manager Building Services
Subdelegate conditions	Manager Building Services (Function 2) Director Aviation and Regulatory Services (Function 1 and 2)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	5.1.11 Appointment of approved officers and authorised officers
Head of power	05 Building Act 2011
Delegator	Local Government
Express power to delegate	<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
Function	<p>1. 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).</p> <p>NOTE: Only employees delegated under s 5.44(1) of the <i>Local Government Act 1995</i> with power under s 9.19 or 9.20 may be appointed as "approved officers".</p> <p>2. 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).</p> <p>NOTE: Only employees appointed under s 9.10 of the <i>Local Government Act 1995</i> 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).</p>
Delegates	CEO
Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express power to subdelegate	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	6.1.1 Powers, Duties and Functions of a Local Government
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i>
Function	Authority to perform all of the powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i> and <i>Bush Fires Regulations 1954</i> .
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	6.2.1 Make Request to FES Commissioner – Control of Fire
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<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	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)].
Delegates	CEO Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer Senior Ranger Emergency and Community Safety Shire President
Conditions	Nil
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	17 December 2021
Adoption references	Item 11.1.1 OCM 17/12/2021

Delegation	6.2.1 Prohibited Burning Times – Control Activities
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<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	<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)].
Delegates	Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer Senior Ranger Emergency and Community Safety
Conditions	Chief Bush Fire Control Officer (Department of Fire & Emergency Services [DFES]) (Function 1, 3, 4, 5) Decisions under s.17(7) must be undertake jointly by both the CEO and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).

Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	6.2.2 Prohibited Burning Times - Vary
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<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 <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	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)].
Delegates	CEO Chief Bush Fire Control Officer Shire President
Conditions	Decisions under s,17(7) must be undertake jointly by two of the Chief Executive Officer or Shire President, and Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	17 December 2021
Adoption references	Item 11.1.1 OCM 17/12/2021

Delegation	6.2.2 Control of Operations Likely to Create Bush Fire Danger
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<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	<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>
Delegates	Bush Fire Control Officer Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer Senior Ranger Emergency and Community Safety
Conditions	Chief Bush Fire Control Officer (Department of Fire and Emergency Services [DFES]) (Function 1, 2) Deputy Chief Bush Fire Control Officer (Function 1, 2) Bush Fire Control Officers (1,2)
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	6.2.3 Burning Garden Refuse / Open Air Fires
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<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	<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 plant 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 air 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)].
Delegates	Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer Senior Ranger Emergency and Community Safety
Conditions	Nil.

Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	6.2.4 Restricted Burning Times – Vary and Control Activities
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<p><i>Bush Fires Act 1954:</i></p> <p>s.18(5), (11) Restricted burning times may be declared by FES Commissioner</p> <p>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.15C Local Government may prohibit burning on certain days</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>

Function	<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)].
Delegates	CEO Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer Senior Ranger Emergency and Community Safety
Conditions	Nil.
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	17 December 2021
Adoption references	Item 11.1.1 OCM 17/12/2021

Delegation	6.2.4 Firebreaks
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<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	<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; 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)].
Delegates	Bush Fire Control Officer CEO Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer Director Aviation & Regulatory Services Manager Community Safety
Conditions	Director Aviation and Regulatory Services (Function 1, 2) Manager Community Safety (Function 1, 2) Chief Bush Fire Control Officer (Department of Fire & Emergency Services [DFES]) (Function 1) Deputy Chief Bush Fire Control (Function 1)
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	22 December 2021
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	6.2.5 Prosecution of Offences
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<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	<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)].
Delegates	Bush Fire Control Officer Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer Senior Ranger Emergency and Community Safety
Conditions	Nil
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	6.2.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<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	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i> <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)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	17 December 2021
Adoption references	Item 11.1.1 OCM 17/12/2021

Delegation	6.2.9 Control and Extinguishment of Bush Fires
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<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	<p>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)].</p> <p>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 officer 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)].</p>
Delegates	CEO Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer Ranger Senior Ranger Emergency and Community Safety
Conditions	Nil
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	17 December 2021
Adoption references	Item 11.1.1 OCM 17/12/2021

Delegation	6.2.10 Apply for Declaration as an Approved Area
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.52(1) Approved area may be declared
Function	<p>1. Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.52(1)]</p> <p>(Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	17 December 2021
Adoption references	Item 11.1.1 OCM 17/12/2021

Delegation	6.2.11 Recovery of Expenses Incurred through Contraventions of this Act
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<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	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].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Date adopted	17 December 2021
Adoption references	Item 11.1.1 OCM 17/12/2021

Delegation	6.2.13 Withdrawal of Infringement Notices
Head of power	06 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<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	Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)].
Delegates	CEO Director Aviation & Regulatory Services
Conditions	Nil
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	NIL
Date adopted	17 December 2021
Adoption references	Item 11.1.1 OCM 17/12/2021

Delegation	7.1.1 Cat Registrations
Head of power	07 Cat Act 2011
Delegator	Local Government
Express power to delegate	<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 s.13 Notice of decision regarding registrations <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Function	<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)]. 6. Authority to give notice to owner of a cat of decisions regarding to registrations [s.13 (1)].
Delegates	CEO
Conditions	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 subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Coordinator Customer Services Customer Service Administration Officer Customer Service and Library Officer - Marble bar Manager Community Safety Manager Customer Experience Manager Place Park Ranger - Cape Keraudren Place & Activities Officer - Nullagine Ranger Senior Ranger Emergency and Community Safety

Subdelegate conditions	<p>Manager Community Safety (Function 3, 4, 6)</p> <p>Senior Ranger Emergency and Community Safety (Function 1, 3, 6)</p> <p>Park Ranger – Cape Keraudren (Function 1, 3, 6)</p> <p>Ranger(s) (Function 1, 3, 6)</p> <p>Coordinator Customer Services (Function 1, 4)</p> <p>Customer Service/ Administration Officer(s) (Function 1, 4)</p> <p>Manager Customer Experience (Function 1, 4)</p> <p>Customer Service and Library Officer – Marble Bar (Function 1, 4)</p> <p>Place and Activities Officer – Nullagine (Function 1, 4)</p> <p>Manager Place (Function 3, 4, 6)</p>
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	7.1.2 Cat Control Notices
Head of power	07 Cat Act 2011
Delegator	Local Government
Express power to delegate	<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	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].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Manager Community Safety Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Subdelegate conditions	Nil.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	7.1.3 Approval to Breed Cats
Head of power	07 Cat Act 2011
Delegator	Local Government
Express power to delegate	Cat Act 2011: 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 s.40 Notice of decision
Function	<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 [s.39]. 5. Authority to give notice of a decision regarding an application to breed cats [s.40]
Delegates	CEO
Conditions	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 subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Customer Service Administration Officer Customer Service and Library Officer - Marble bar Manager Community Safety Place & Activities Officer - Nullagine Senior Ranger Emergency and Community Safety
Subdelegate conditions	Manager Community Safety (Function 1, 2, 3, 4, 5) Senior Ranger Emergency and Community Safety (Function 4) Customer Service/ Administration Officer(s) (Function 4) Customer Service and Library Officer – Marble Bar (Function 4) Place and Activities Officer – Nullagine (Function 4)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	7.1.4 Appoint Authorised Persons
Head of power	07 Cat Act 2011
Delegator	Local Government
Express power to delegate	<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	<ol style="list-style-type: none"> 1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.48]. 2. Authority to undertake the following functions as authorised persons: <ol style="list-style-type: none"> a. To seize a cat [s.27] b. To cause a cat to be destroyed [s. 49] c. To require a person's details [s. 50] d. To enter premises [s. 51] e. To carry out general powers of authorised person [s. 52] f. To apply for a warrant [s.57] g. To give an infringement notice [s. 62] h. To commence a prosecution [s. 73]
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Manager Community Safety Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Subdelegate conditions	Manager Community Safety (Function 2a, 2b, 2c, 2d, 2e, 2f and 2g) Senior Ranger Emergency and Community Safety (Function 2a, 2b, 2c, 2d, 2e, 2f and 2g) Park Ranger – Cape Keraudren (Function 2a, 2b, 2c, 2d, 2e, 2f and 2g) Ranger(s)s (Function 2 a, 2b, 2c, 2d, 2e, 2f and 2g)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	7.1.5 Recovery of Costs – Destruction of Cats
Head of power	07 Cat Act 2011
Delegator	Local Government
Express power to delegate	<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	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Director Corporate Services
Subdelegate conditions	Nil.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	7.1.6 Applications to Keep Additional Cats
Head of power	07 Cat Act 2011
Delegator	Local Government
Express power to delegate	<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	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 3. Authority to grant or refuse approval for additional number of (specified as two (2) in Shire of East Pilbara Health Local Law 2011) 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].
Delegates	CEO
Conditions	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 subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Manager Community Safety Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Subdelegate conditions	Manager Community Safety (Function 1, 2, 3) Senior Ranger Emergency and Community Safety (Function 1, 2) Park Ranger – Cape Keraudren (Function 1, 2) Ranger(s) (Function 1, 2)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	7.2.1 Infringement Notices – Extensions and Withdrawals
Head of power	07 Cat Act 2011
Delegator	CEO
Express power to delegate	<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	<ol style="list-style-type: none"> 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Delegates	Director Corporate Services
Conditions	Director Corporate Services (Function 1)
Express power to subdelegate	Nil.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	8.1.1 Dog Registrations
Head of power	08 Dog Act 1976
Delegator	Local Government
Express power to delegate	<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	<ol style="list-style-type: none"> 1. Authority to determine a dog registration [s.16(2)]. 2. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 3. 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>; ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; iii. the dog is required to be microchipped but is not microchipped; and iv. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 4. 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)]. 5. 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 be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)].
Delegates	CEO
Conditions	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 subdelegate	<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	Coordinator Customer Services Customer Service Administration Officer Customer Service and Library Officer - Marble bar Manager Community Safety Manager Customer Experience Park Ranger - Cape Keraudren Place & Activities Officer - Nullagine Ranger Senior Ranger Emergency and Community Safety
Subdelegate conditions	Manager Community Safety (Function 2, 3) Senior Ranger Emergency and Community Safety (Function 1, 2, 3) Park Ranger – Cape Keraudren (Function 1, 2, 3) Ranger(s) (Function 1, 2, 3) Coordinator Customer Services (Function 1) Customer Service / Administration Officer(s) (Function 1) Customer Service and Library Officer – Marble Bar (Function 1) Place and Activities Officer – Nullagine (Function 1) Manager Customer Experience (Function 1)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	8.1.2 Appoint Authorised Persons
Head of power	08 Dog Act 1976
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976 and Dog Regulations 2013</i>
Function	<ol style="list-style-type: none"> 1. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act. 2. Authority to undertake the following functions as authorised persons <ol style="list-style-type: none"> a. To seize dogs [s.29(1)] b. To declare a dog to be dangerous [s.33] c. To seize and destroy dogs [s.33G] d. Issue an order regarding a nuisance dog [s.38] e. Apply for an order that a dog be destroyed [s.39] f. Request personal details [s.43A] g. Commence enforcement proceedings [s.44] h. Veterinary services [s.47] i. To issue an infringement notice [r.35] j. To withdraw infringement notices [r.37]
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<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	Director Aviation & Regulatory Services Manager Community Safety Manager Place Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Subdelegate conditions	Manager Community Safety (Function 2(a), 2(c), 2(d), 2(f), 2(h), 2(i)) Senior Ranger Emergency and Community Safety (Function 2(a), 2(c), 2(d), 2(f), 2(h), 2(i)) Park Ranger – Cape Keraudren (Function 2(a), 2(c), 2(d), 2(f), 2(h), 2(i)) Ranger(s) (Function 2(a), 2(c), 2(d), 2(f), 2(h), 2(i)) Director Aviation and Regulatory Services (Function 2(a), 2(c), 2(d), 2(f), 2(h), 2(j)) Manager Place (Function 2(a), 2(c), 2(d), 2(f), 2(h), 2(i))
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Amendments			
Date	Type	Amendment	References
22 Oct 2022	Amended delegation	Addition of Manager Place as subdelegate	---

Delegation	8.1.4 Recovery of Moneys due under this Act
Head of power	08 Dog Act 1976
Delegator	Local Government
Express power to delegate	<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	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)].
Delegates	CEO
Conditions	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 subdelegate	<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	Director Corporate Services Manager Governance, Risk and Procurement
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	8.1.5 Dispose of or Sell Dogs Liable to be Destroyed
Head of power	08 Dog Act 1976
Delegator	Local Government
Express power to delegate	<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	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Delegates	CEO
Conditions	<p>a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p>b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</p>
Express power to subdelegate	<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	Manager Community Safety
Subdelegate conditions	Nil.
Date adopted	22 December 2021
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	8.1.6 Declare Dangerous Dog
Head of power	08 Dog Act 1976
Delegator	Local Government
Express power to delegate	<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	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Delegates	CEO
Conditions	The Chief Executive Officer may further delegate (sub-delegate).
Express power to subdelegate	<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	Manager Community Safety Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Subdelegate conditions	Nil.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	8.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke
Head of power	08 Dog Act 1976
Delegator	Local Government
Express power to delegate	<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	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 2. 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)].
Delegates	CEO
Conditions	The Chief Executive Officer may further delegate (sub-delegate). The original decision maker cannot be the review their own decision.
Express power to subdelegate	<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)
Subdelegate conditions	The original decision maker cannot be the review their own decision.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	8.1.8 Determine Recoverable Expenses for Dangerous Dog Declaration
Head of power	08 Dog Act 1976
Delegator	Local Government
Express power to delegate	<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	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)].
Delegates	CEO
Conditions	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 subdelegate	<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	Director Aviation & Regulatory Services Director Corporate Services
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	8.1.9 Determine Applications to Keep Dogs
Head of power	08 Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.26(3) Grant exemption to limit as to number of dogs kept in or at premises in the local government's district
Function	Authority to approve an application to keep additional dogs [s.26(3)]. Revoke an approved application to keep additional dogs [s.26(3)(c)].
Delegates	CEO
Conditions	Nil
Subdelegates	Director Aviation & Regulatory Services
Subdelegate conditions	Nil
Date adopted	24 February 2023
Adoption references	11.4.2 OCM

Delegation	9.1.1 General Inspector
Head of power	09 Animal Welfare Act 2002
Delegator	Department of Primary Industries and Regional Development
Express power to delegate	<i>Animal Welfare Act 2002:</i> a.33(2)(a)(v) Appointment of general inspectors
Express power or duty delegated	<i>Animal Welfare Act 2002:</i> a.33(2)(a)(v) Appointment of general inspectors
Function	Power to carry out duties as a General Inspector [s.33].
Delegates	Animal Welfare Officer
Conditions	Appointment from Chief Executive Officer – Department of Primary Industries and Regional Development, pursuant to section 33 of the <i>Animal Welfare Act 2002</i> (this is not a Council power to appoint).
Express power to subdelegate	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	10.1.1 Prohibition Orders
Head of power	10 Food Act 2008
Delegator	Local Government
Express power to delegate	<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	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Delegates	CEO Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Building Services
Conditions	Nil
Express power to subdelegate	Nil - Food Regulations 2009 do not provide for sub-delegation.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	10.1.2 Food Business Registrations
Head of power	10 Food Act 2008
Delegator	Local Government
Express power to delegate	<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	<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].
Delegates	Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Building Services
Conditions	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: <ol style="list-style-type: none"> i. Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA; ii. Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1; iii. WA Priority Classification System; and iv. Verification of Food Safety Program Guideline.
Express power to subdelegate	Nil - Food Regulations 2009 do not provide for sub-delegation.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	10.1.3 Appoint Authorised Officers and Designated Officers
Head of power	10 Food Act 2008
Delegator	Local Government
Express power to delegate	<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	<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 Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [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)].
Delegates	CEO
Conditions	<p>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:</p> <ol style="list-style-type: none"> i. Appointment of Authorised Officers as Meat Inspectors; ii. Appointment of Authorised Officers; iii. Appointment of Authorised Officers – Designated Officers only; and iv. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer.
Express power to subdelegate	Nil - Food Regulations 2009 do not provide for sub-delegation.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	10.1.4 Authorised Persons
Head of power	10 Food Act 2008
Delegator	Local Government
Express power to delegate	<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.38 Exercise the powers of authorised officers s.40 Power of seizure s.41 To make an application for a warrant
Function	To exercise the powers and functions of authorised persons under the <i>Food Act 2008</i> as described below <ol style="list-style-type: none"> 1. Exercise the powers of authorised officers. 2. To make a seizure as prescribed in section 40 of the <i>Food Act 2008</i>. 3. To make an application for a warrant.
Delegates	CEO Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Building Services
Conditions	Nil
Express power to subdelegate	Nil - Food Regulations 2009 do not provide for sub-delegation.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	10.1.5 Designated Officers and Infringement Notices
Head of power	10 Food Act 2008
Delegator	Local Government
Express power to delegate	<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.126(2) To give an infringement notice s.126(3) To inform and receive payment for modified penalties s.126(6) To extend the payment period for a modified penalty s.126(7) To withdraw an infringement notice
Function	To exercise the powers and functions relating to infringement notice under section 126 of the Food Act 2008 as described below: <ol style="list-style-type: none"> 1. To give an infringement notice; 2. To inform and receive payment for modified penalties; 3. To extend the payment period for a modified penalty; and 4. To withdraw an infringement notice.
Delegates	CEO Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Building Services
Conditions	Chief Executive Officer (Function 3, 4) Director Aviation & Regulatory Services (Function 3, 4) Manager Building Services (Function 1, 2) Coordinator Environmental Health Services (Function 1, 2) Environmental Health Officer (Function 1, 2) Original Decision Maker cannot review their own decision
Express power to subdelegate	Nil - Food Regulations 2009 do not provide for sub-delegation.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	10.1.6 Debt Recovery and Prosecutions
Head of power	10 Food Act 2008
Delegator	Local Government
Express power to delegate	<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	<ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].
Delegates	CEO Director Aviation & Regulatory Services Director Corporate Services
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. Director Corporate Services (Function 1)
Express power to subdelegate	Nil - Food Regulations 2009 do not provide for sub-delegation.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	10.1.7 Food Businesses List – Public Access
Head of power	10 Food Act 2008
Delegator	Local Government
Express power to delegate	<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.115(a) or (b) Register of food businesses to be maintained <i>Food Regulations 2009</i> r.51 Enforcement agency may make list of food businesses publicly available
Function	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Delegates	CEO Coordinator Environmental Health Services Director Aviation & Regulatory Services Manager Development Services
Conditions	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 subdelegate	Nil - Food Regulations 2009 do not provide for sub-delegation.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	11.1.1 Give Notice Requiring Obliteration of Graffiti
Head of power	11 Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Function	<ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegates	Director Aviation & Regulatory Services Manager Building Services Manager Community Safety Senior Ranger Emergency and Community Safety
Subdelegate conditions	Nil.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	11.1.2 Notices – Deal with Objections and Give Effect to Notices
Head of power	11 Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Function	<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)].
Delegates	CEO
Conditions	Original Decision Maker cannot review their own decision.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegates	Director Aviation & Regulatory Services
Subdelegate conditions	Original Decision Maker cannot review their own decision.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	11.1.3 Obliterate Graffiti on Private Property
Head of power	11 Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
Function	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)].
Delegates	CEO
Conditions	Subject to exercising Powers of Entry.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegates	Director Aviation & Regulatory Services
Subdelegate conditions	Subject to exercising Powers of Entry.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	11.1.4 Powers of Entry
Head of power	11 Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
Function	<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].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegates	Director Aviation & Regulatory Services Director Infrastructure Services
Subdelegate conditions	Nil.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	12.1.1 Register and Withdraw Infringement Notices
Head of power	12 Fines, Penalties and Infringement Notices Enforcement Act 1994
Delegator	Local Government
Express power to delegate	<i>Fines, Penalties and Infringement Notices Act 1994:</i> s.13(2) Approved prosecuting authorities and officers
Express power or duty delegated	<i>Fines, Penalties and Infringement Notices Act 1994:</i> s.16 Registration of infringement notice: enforcement certificate s.22 Prosecuting authority may withdraw proceedings
Function	The powers and functions of designated officers under the <i>Fines, Penalties and Infringement Enforcement Act 1994</i> : 1. To register an infringement notice / enforcement certificate [s.16]. 2. To withdraw proceedings [s.22].
Delegates	CEO
Conditions	Nil
Subdelegates	Administration Officer - Airport Services Assistant Building Surveyor/ Administration Officer Aviation Operations Contract Manager Director Aviation & Regulatory Services Manager Building Services Manager Community Safety Manager Corporate Services
Subdelegate conditions	Director Aviation and Regulatory Services (Function 1,2) Manager Building Services (Function 1) Manager Community Safety (Function 1) Manager Corporate Services (Function 2) Aviation Administration/Operations Contract Manager (Function 2) Assistant Building Surveyor/Administration Officer (Function 2) Administration Officer Airport Services (Function 2)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	13.1.1 Authorised Officers
Head of power	13 Litter Act 1979
Delegator	Local Government
Express power to delegate	<i>Litter Act 1979:</i> s.26 (1)(c)(ii) Authorised officers, appointment and jurisdiction of etc.
Express power or duty delegated	<i>Litter Act 1979:</i> s.27 Authorised officers, powers of s.27A Offences involving vehicles, presumptions as to offender etc. s.30 Infringement notices
Function	<ol style="list-style-type: none"> 1. To issue infringement notices [s.30(1)]. 2. To withdraw an infringement notice [s.30(4)&(4A)]. 3. The powers and functions of authorised officers [s.27]. 4. To institute a prosecution [s.27A].
Delegates	CEO Director Aviation & Regulatory Services Manager Community Safety Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Conditions	Chief Executive Officer (Function 2, 3, 4) Director Aviation and Regulatory Services (Function 2, 3) Manager Community Safety (Function 1, 3) Senior Ranger Emergency and Community Safety (Function 1, 3) Park Ranger – Cape Keraudren (Function 1, 3) Ranger(s) (Function 1, 3)
Express power to subdelegate	il
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	14.1.1 Authorised Officers
Head of power	14 Control of Vehicles (Off Road Areas) Act 1978
Delegator	Local Government
Express power to delegate	<i>Control of Vehicles (Off-road Areas) Act 1978:</i> s.38(3)(a) Authorised officers, who are, functions of etc.
Express power or duty delegated	<i>Control of Vehicles (Off-road Areas) Act 1978</i> s.37 Infringement notices s.38 Authorised Persons s.40 Prosecutions, who may commence
Function	The functions and powers of authorised officers under the <i>Control of Vehicles (Off Road Areas) Act 1978</i> : <ol style="list-style-type: none"> 1. To issue infringement notices [s37.(1)]. 2. To withdraw and infringement notice [s.37(5)]. 3. The powers and functions [s.38]. 4. Institute a prosecution [s.40].
Delegates	CEO
Conditions	Chief Executive Officer (Function 2, 3, 4)
Subdelegates	Director Aviation & Regulatory Services Manager Community Safety Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Subdelegate conditions	Manager Community Safety (Function 1, 3) Coordinator Emergency Services and Community Safety (Function 1, 3) Park Ranger – Cape Keraudren (Function 1, 3) Ranger(s) (Function 1, 3) Director Aviation and Regulatory Services (Function 2, 3) Exercised in accordance with Work Procedures
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	15.1.1 Compliance Certificates
Head of power	15 Liquor Control Act 1998
Delegator	Local Government
Express power to delegate	<i>Liquor Control Act 1988:</i> s.39 Certificate of local government as to whether premises comply with laws s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Express power or duty delegated	<i>Liquor Control Act 1988</i> s.39 Certificate of local government as to whether premises comply with laws s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Function	<ol style="list-style-type: none"> 1. The power to issue a certificate of local government as to whether premises comply with laws [s.39]. 2. The power to issue a certificate of planning authority as to whether use of premises complies with planning laws [s.40].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Liquor Control Act 1988:</i> s.39 Certificate of local government as to whether premises comply with laws s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Subdelegates	Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Building Services
Subdelegate conditions	Director Aviation and Regulatory Services (Function 1, 2) Manager Building Services (Function 1, 2) Coordinator Environmental Health Services (Function 1) Environmental Health Officer (Function 1)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	16.1.1 Enforcement Agency Reports to the Chief Health Officer
Head of power	16 Public Health Act 2016
Delegator	Local Government
Express power to delegate	<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	<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)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	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)].
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	16.1.2 Designate Authorised Officers
Head of power	16 Public Health Act 2016
Delegator	Local Government
Express power to delegate	<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	<p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> i. The <i>Public Health Act 2016</i> or other specified Act; ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act; and iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; b. a person who is not an environmental health officer or a class of persons who are not environmental health officers; and c. a mixture of the two. [s.24(1) and (3)].
Delegates	CEO
Conditions	<ul style="list-style-type: none"> a. Subject to each person so appointed being: <ul style="list-style-type: none"> i. Appropriately qualified and experienced [s.25(1)(a)]; and ii. 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 subdelegate	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	16.1.3 Determine Compensation for Seized Items
Head of power	16 Public Health Act 2016
Delegator	Local Government
Express power to delegate	<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	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].
Delegates	CEO Director Aviation & Regulatory Services
Conditions	Compensation is limited to a maximum value of \$10,000 with any proposal for compensation above this value to be referred for Council's determination.
Express power to subdelegate	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	16.1.4 Commence Proceedings
Head of power	16 Public Health Act 2016
Delegator	Local Government
Express power to delegate	<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	Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	17.1.1 Functions of Authorised Persons
Head of power	17 Health (Miscellaneous Provisions) Act 1911
Delegator	Local Government
Express power to delegate	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Health (Miscellaneous Provisions) Act 1911:</i> s.354 Service of notice s.349 Entry
Function	<p>To exercise the powers and functions of an authorised persons and deputies under the <i>Health (Miscellaneous Provisions) Act 1911</i>:</p> <ol style="list-style-type: none"> 1. Serve health orders in connection with requirements and repairs to businesses, shops and dwellings in accordance with the provisions of s.354. 2. Sign and issue licences and registrations issued. 3. Enter premises under s.349 and administer the provisions in the regulations.
Delegates	CEO Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Development Services
Conditions	<p>Chief Executive Officer (Function 1, 2) Director Aviation & Regulatory Services (Function 1, 2) Manager Development Services (Function 1, 2, 3) Coordinator Environmental Health Services (Function 1, 2, 3) Environmental Health Officer (Function 1, 2, 3)</p> <ol style="list-style-type: none"> a. Authority is limited to the forming of opinion and issuing notices, requisitions, directions and orders and does not include the carrying out or causing to be carried out, of works in default of duly served notices, the undertaking or contracting of works, the provision of sanitary conveniences. b. Authority is limited to the forming of opinions and issuing notices and directions and does not include carrying out, or the arranging for the carrying out, of works in default of duly served notices. c. Authority extends to the issue of requisitions and, in the case of default, the causing of requisite work to be done. d. Delegations with respect to the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> includes the approval of applications for effluent disposal systems as described in regulation 4 and issue permits to use effluent disposal systems as described in regulation 10.
Express power to subdelegate	Nil

Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	18.1.1 Grant of Licence
Head of power	18 Caravan and Camping Grounds Act 1995
Delegator	Local Government
Express power to delegate	<i>Caravan Parks and Camping Ground Act 1995</i> s.5 Terms used s.23 Infringement notices
Express power or duty delegated	<i>Caravan Parks and Camping Ground Act 1995</i> s.7 Application for grant or renewal of licence s.9 Renewal after expiry s.10 Prohibition notice s.12 Cancellation of licence
Function	The powers and functions relating to licensing of a facility under Part 2, Division 1 of the <i>Caravan Parks and Camping Ground Act 1995</i> : <ol style="list-style-type: none"> 1. To determine a licence for a facility [s.7]. 2. To renew a licence for facility [s.9]. 3. To give a licence holder a prohibition notice [s.10]. 4. To cancel a licence [s.12].
Delegates	CEO Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Building Services
Conditions	Chief Executive Officer (Function 1, 2, 3, 4) Director Aviation and Regulatory Services (Function 1, 2, 3, 4) Manager Building Services (Function 1, 2, 3, 4) Coordinator Environmental Health Services (Function 1, 2) Environmental Health Officer (Function 1, 2)
Express power to subdelegate	<i>Caravan Parks and Camping Ground Act 1995</i> s.17 Appointment of authorised person
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	18.1.2 Appointment of Authorised Persons
Head of power	18 Caravan and Camping Grounds Act 1995
Delegator	Local Government
Express power to delegate	<i>Caravan Parks and Camping Ground Act 1995</i> s.5 Terms used s.23 Infringement notices
Express power or duty delegated	<i>Caravan Parks and Camping Ground Act 1995</i> s.18 Powers of entry s.20 Entry of occupied caravan or camp s.21 Inspections and works specification notices
Function	The following powers of entry and inspection under Part 3 of the <i>Caravan Parks and Camping Ground Act 1995</i> : 1. Powers of entry [s.18]. 2. Entry of an occupied caravan or camp [s.20]. 3. Inspections and work specification notices [s.21].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Caravan Parks and Camping Ground Act 1995</i> s.17 Appointment of authorised person
Subdelegates	Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Building Services Manager Community Safety Park Ranger - Cape Keraudren Ranger Senior Ranger Emergency and Community Safety
Subdelegate conditions	Director Aviation and Regulatory Services(Function 1, 2, 3) Manager Community Safety(Function 1, 2) Manager Building Services (Function 1, 2, 3) Coordinator Environmental Health Services (Function 1, 2, 3) Environmental Health Officer (Function 1, 2) Senior Ranger Emergency and Community Safety (Function 1, 2) Park Ranger – Cape Keraudren (Function1, 2) Ranger(s) (Function 1, 2)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	18.1.3 Infringement Notices
Head of power	18 Caravan and Camping Grounds Act 1995
Delegator	Local Government
Express power to delegate	<i>Caravan Parks and Camping Ground Act 1995</i> s.5 Terms used s.23 Infringement notices
Express power or duty delegated	<i>Caravan Parks and Camping Ground Act 1995</i> s.23 Infringement notices
Function	The following powers and functions regarding infringement notices under the <i>Caravan Parks and Camping Ground Act 1995</i> : <ol style="list-style-type: none"> 1. To give an infringement [s.23(2)] notice. 2. To extend the period for payment of the modified penalty [s.23(5)]. 3. To withdraw an infringement notice [s.23(7)].
Delegates	CEO Coordinator Environmental Health Services Director Aviation & Regulatory Services Environmental Health Officer Manager Building Services
Conditions	Chief Executive Officer (Function 2, 3) Director Aviation and Regulatory Services (Function 2, 3) Manager Building Services (Function 1, 2) Coordinator Environmental Health Services (Function 1) Environmental Health Officer (Function 1)
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	18.1.4 Camping other than at Caravan Park or Camping Ground
Head of power	18 Caravan and Camping Grounds Act 1995
Delegator	Local Government
Express power to delegate	<i>Caravan Parks and Camping Ground Act 1995</i> s.5 Terms used s.23 Infringement notices
Express power or duty delegated	<i>Caravan Parks and Camping Grounds Regulations 1997</i> r.11 Camping other than at caravan park or camping ground
Function	To provide written approval for a person to camp on land referred to in r.11(1)(a) of the <i>Caravan Parks and Camping Grounds Regulations 1997</i> [r.11(2)(a)].
Delegates	CEO Director Aviation & Regulatory Services Manager Building Services
Conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	19.1.1 Illegal Development
Head of power	19 Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	<p><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</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express power or duty delegated	<p><i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5) Illegal development, responsible authority's powers as to</p>
Function	<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.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Manager Strategic and Statutory Planning</p>
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	19.1.2 Subdivision
Head of power	19 Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	<p><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</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express power or duty delegated	<p><i>Planning and Development Act 2005:</i> S.142 To make recommendations and objections with respect to a subdivision plan</p>
Function	<p>Provide correspondence regarding the powers and functions described below in the <i>Planning and Development Act 2005</i> To make recommendations and objections with respect to a subdivision plan [s.142].</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Manager Strategic and Statutory Planning</p>
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	19.1.3 Enforcement Powers
Head of power	19 Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	<p><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</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express power or duty delegated	<p><i>Planning and Development Act 2005</i> s.216 Breach of Act etc. or development approval, injunctions as to s.218 Planning scheme or condition on development, contravening etc.</p>
Function	<p>The enforcement powers and functions described below in the <i>Planning and Development Act 2005</i>:</p> <ol style="list-style-type: none"> 1. Apply for an injunction [s.216(1)]. 2. Commence a prosecution [s.218].
Delegates	CEO
Conditions	Nil
Subdelegates	Manager Strategic and Statutory Planning
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	19.1.4 Reports to the Development Assessment Panel
Head of power	19 Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	<p><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</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express power or duty delegated	<p><i>Planning and Development (Development Assessment) Panels Regulation 2011</i> r.12 Responsible authority must report to Development Assessment Panel (DAP)</p>
Function	Provide the presiding member of a DAP a report on the development application [r.12].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Manager Strategic and Statutory Planning</p>
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	19.1.5 Authorised Person – Infringement Notices and Enforcement Powers
Head of power	19 Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	<p><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</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express power or duty delegated	<p><i>Planning and Development Act 2005</i> s.228 Giving of infringement notice s.230 Extending time to pay modified penalty s.231 Withdrawal of infringement notice</p>
Function	<p>The powers and functions relating to enforcement, and infringement notices for prescribed planning offences in Part 13, Division 3 of the <i>Planning and Development Act 2005</i> and the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> respectively:</p> <ol style="list-style-type: none"> 1. To give an infringement notice for a prescribed planning offence [s.228(1)]. 2. To extend time to pay the modified penalty [s.230]. 3. To withdraw an infringement notice [s.231].
Delegates	CEO
Conditions	Delegate is the Chief Executive Officer, pursuant to section 234 of the Act and 79 of the Regulations (both these are the CEO's powers to appoint, not the Council's power).
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Manager Strategic and Statutory Planning</p>
Subdelegate conditions	<p>Director Aviation and Regulatory Services (Function 3) Manager Strategic & Statutory Planning (Function 1, 2)</p>
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	19.2.1 Development Applications
Head of power	19 Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	<p><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</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express power or duty delegated	<p>Under Part 9 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.68 Determination of applications r.77 Amending or cancelling development approval</p>
Function	<ol style="list-style-type: none"> 1. To determine development applications and impose conditions [r.68]. 2. To determine whether to amend or cancel development applications and impose conditions [r.77].
Delegates	CEO
Conditions	The delegated power under 1 and 2 (regulations 68 and 77) must be consistent with Town Planning Scheme No.4
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Aviation & Regulatory Services Manager Strategic and Statutory Planning</p>
Subdelegate conditions	Nil
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	20.2.1 Instrument of Authorisation - Sign Development Applications for Crown Land as Owner
Head of power	20 Statutory Authorisations and Delegations to Local Government from State Government Entities
Delegator	Minister of Lands
Express power to delegate	The Minister of Lands pursuant to section 267A of the Act delegated this power directly to the CEO of any local government (see Government Gazette dated 2 June 2016)
Express power or duty delegated	The power to sign as owner in respect of Crown land relating to development applications under the <i>Planning and Development Act 2005</i> , subject to the below conditions.
Function	The power to sign as owner in respect of Crown land.
Delegates	CEO
Conditions	The powers in Column 1 subject to the conditions in Column 3 of the Schedule to Government Gazette dated 2 June 2016.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

Delegation	20.2.2 WA Planning Commission – Section 25 of the Strata Titles Act 1985
Head of power	20 Statutory Authorisations and Delegations to Local Government from State Government Entities
Delegator	Local Government
Express power to delegate	The WAPC delegated the above power and function to the local government, and to members and officers of those local governments (see Government Gazette, Delegation 2009/03 on 9 January 2009)
Express power or duty delegated	The functions and powers under section 25 of the <i>Strata Titles Act 1985</i> subject to the below conditions:
Function	Power to determine applications for the issuing of a certificate of approval under section 25 of the Act for a plan of subdivision, re-subdivision or consolidation subject to the below conditions and reporting requirements.
Delegates	CEO Director Aviation & Regulatory Services Manager Building Services Manager Planning
Conditions	<p>The delegation excludes applications that:</p> <ul style="list-style-type: none"> i. propose a vacant lot; ii. propose vacant air stratas in multi-tiered strata scheme developments; iii. 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: <ul style="list-style-type: none"> • a type of development; • land within an area; and • 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. iv. To provide the WAPC with data on all applications determined under the Instrument of Delegation at the conclusion of each financial year in a format prescribed by the WAPC.
Date adopted	22 July 2022
Adoption references	Item 11.2.4 OCM 22/07/2022

AMENDMENTS

Delegation	Date	Type	Amendment	References
1.2.4 Powers of Entry	22 Jul 2022	New delegation	Swimming Pool Inspector	Nil
1.2.4 Powers of Entry	22 Jul 2022	New delegation	Swimming Pool Inspectors	
1.2.7 Confiscated or Uncollected Goods	22 Jul 2022	New delegation	Director Corporate Services Manager Corporate Services Manager Governance, Risk and Procurement	Nil
1.2.18 Tenders for Goods and Services	22 Jul 2022	New delegation	Deputy CEO/ Director Organisational Development	Nil
1.2.18 Tenders for Goods and Services	22 Jul 2022	New delegation	Deputy CEO/ Director Organisational Development	
1.2.26 Recover a Fee or Charge (Excluding Rates)	22 Jul 2022	Amended delegation	Rates Revenue Finance Officer	
1.2.30 Execute Documents and Contract Formalities	22 Jul 2022	Amended delegation	Deputy CEO/ Director organizational Development	
1.2.32 Payments to Australian Taxation Office, Superannuation Funds and Authorised Deposit Taking Institutions	22 Mar 2024	New delegation	Authority to make payments to the Australian Taxation Office, superannuation funds approved by the Australian Taxation Office and Authorised Deposit Taking Institutions over and above the financial delegation granted by Council to the Chief Executive Officer	Nil
1.2.32 Payments to Australian Taxation Office, Superannuation Funds and Authorised Deposit Taking Institutions	22 Mar 2024	New delegation	Authority to make payments to the Australian Taxation Office, superannuation funds approved by the Australian Taxation Office and Authorised Deposit Taking Institutions over and above the financial delegation granted by Council to the Chief Executive Officer.	
8.1.2 Appoint Authorised Persons	22 Oct 2022	Amended delegation	Addition of Manager Place as subdelegate	Nil