



Shire of EAST  
**Pilbara**  
AUSTRALIA'S LARGEST SHIRE

# Shire of East Pilbara Authorisations and Delegations Manual 2020-21

Adopted by Council on 24 July 2020

## REVIEW

There are no reviews to display

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## INTRODUCTION

### 1. INTRODUCTION

#### 1.1 Legislation

The *Local Government Act 1995* ("the Act"), was introduced on 1 July 1996 and made significant changes to the way local government conducts its business. Its general aim is to enable local governments to provide good, open and accountable government to the community.

One of the changes is the degree of delegated authority available to be passed onto the Chief Executive Officer (CEO) or a Committee in order to perform the functions of a local government.

The Act allows the Council, as the governing body of a local government, to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act, subject to some exceptions. However, all delegations made by the Council must be by absolute majority decision (s5.42 (1) of the Act).

#### 1.2 Associated Legislation

Legislation other than the *Local Government Act 1995* ("the Act"), its regulations and the local government's local laws created under the Act, where delegations or authorisations may occur, are as follows:

- *Building Act 2011* and regulations;
- *Bush Fires Act 1954*, regulations and local laws created under that Act;
- *Caravan Parks and Camping Grounds Act 1995*;
- *Cat Act 2011*, regulations and local laws created under that Act;
- *Control of Vehicles (Off-road Areas) Act 1978* and regulations;
- *Dog Act 1976* regulations and local laws created under that Act;
- *Food Act 2008* and regulations;
- *Freedom of Information Act 1992*;
- *Public Health Act 2016*, subsidiary legislation and local laws created under that Act;
- *Land Administration Act 1997* (as amended) and regulations;
- *Local Government (Miscellaneous Provisions) Act 1960* (as amended);
- *Planning and Development Act 2005*, including regulations and adopted policies.

NB: This is not an exhaustive list.

#### 1.3 Delegations by the Chief Executive Officer

The *Local Government Act 1995* ("the Act"), allows the CEO to delegate any of the powers to another employee (s5.44(1) of the Act). This must be done in writing (s5.44(2) of the Act). The Act allows the CEO to place conditions on any delegations if desired (s5.44(4) of the Act).

A register of delegations relevant to the CEO and other employees is to be kept and reviewed at least once every financial year (s5.46(1), (2) of the Act). If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used (s5.46(3) of the Act).

The record is to contain the following information:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than Council or Committee members or employees of the local governments, directly affected by the exercise of the power or the discharge of the duty (reg 19 *Local Government (Administration) Regulations 1996*).

A person to whom a power is delegated under the Act is considered to be a 'designated employee' under s5.74(b) and is required to complete a primary and annual return each year.

There is no power for a person, other than the CEO to delegate a power (s5.44(1) of the Act).

## 1.4 Matters which cannot be delegated

There are a number of matters that cannot be delegated and which remain the right of Council.

Refer to s5.43 of the *Local Government Act 1995*:

*"A local government cannot delegate to a CEO any of the following powers or duties -*

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under sections 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor; or*
- (i) such other power or duties as may be prescribed."*

## 2. BACKGROUND

Delegations and authorisations are the means by which decision making bodies can access the power to undertake certain statutory functions.

A delegation is the conferral of the ability to exercise a power or duty to a person or body from a person or body that is vested with the responsibility to exercise that power or duty.

An authorisation is the designation of an officer or a body as a person or body that is capable of exercising a specific statutory power or duty.

When a person or body exercises delegated authority they do so "on behalf" of the delegator and in doing so the person or body exercising delegated authority forms the relevant state of mind to make the decision "on behalf" of the delegator. An authorised person or body exercises a statutory function in their own right.

The Western Australian local government statutory regime also provides for the Council and CEO to "act through" other officers, agents and bodies to achieve statutory functions. "Acting through" in this manner is not the exercise of delegated authority or an authorised power and must be handled differently.

### 2.1 The governance structure

The Western Australian local government governance regime provides that the Council appoints a CEO and the CEO appoints employees. Similarly, all local government employees are responsible to the CEO who in turn is responsible to the Council.

Wherever possible, the Shire of East Pilbara will endeavor to ensure authorisations and delegations conform to this governance structure. Delegations will be established from the Council to the CEO and this will enable the CEO to either delegate power to officers or authorise officers as the CEO sees fit.

Delegations and authorisations from the Council directly to officers other than the CEO will be avoided unless legislation specifically provides that this is the only manner in which the power can be provided to an officer other than the CEO.

### 2.2 Delegations

This section provides guidance on the statutory framework for delegated authority. It addresses the two statutory requirements for delegated authority – the power to delegate and the power being delegated. This section also addresses some common conditions on delegation that apply in the local government setting.

### 2.3 The power to delegate

The ability to delegate a statutory function, power or duty must be described in a piece of legislation and is known as the power of delegation. This is the first statutory requirement for an effective delegation; the ability to delegate powers. The following powers of delegation are contained in legislation relevant to local government.

*Building Act 2011* - s.127

*Bush Fires Act 1954* - s.48 and s.59(3)

*Cat Act 2011* - s.44 and s.45

*Food Act 2008* - s.118

*Local Government Act 1995* - s.5.16, s.5.42, and s.5.44

*Western Australian Planning Commission Act 1985* - s.19A and s.20

## 2.4 The power being delegated

The second statutory requirement for an effective delegation is the existence of a power to be delegated. The power must be able to be exercised by the person or body wanting to delegate that power and it must be contained in legislation that has an associated power of delegation.

A range of different powers can be delegated. An important aspect of any delegation of power is certainty as to the power being delegated. The person or body delegating authority should clearly specify in the instrument of delegation the statutory power or duty being delegated. This will ensure that the person exercising delegated authority can be certain of the extent of authority conferred by the delegation. The statutory reference to the power being delegated should be included in the instrument of delegation.

Reviewing the above list it is clear that there is a limited range of legislation under which powers can be delegated. There is no express provision for a local government to delegate its functions under any other legislation. However, this does not prohibit the local government from "acting through" its officers for the purpose of other legislation and the manner in which this can be achieved is discussed below.

## 2.5 General conditions of delegations

Each power of delegation may be subject to its own conditions and these are noted in the above list. However, there are some broad conditions of delegation that are discussed as follows:

## 2.6 The Interpretation Act 1984

Sections 58 and 59 of the *Interpretation Act 1984* place restrictions upon the exercise of the power of delegation and effects of delegation. These sections apply to all delegations under written laws however they may be varied by the statute which provides the power of delegation.

*"58. Delegates, performance of functions by*

*Where under a written law the performance of a function by a person is dependent upon the opinion, belief, or state of mind of that person in relation to a matter and that function has been delegated under a written law, the function may be performed by the delegate upon the opinion, belief, or state of mind of the delegate in relation to that matter."*

*"59. Power to delegate, construction of*

*(1) Where a written law confers power upon a person to delegate the exercise of any power or the performance of any duty conferred or imposed upon him under a written law –*

*(a) such a delegation shall not preclude a person so delegating from exercising or performing at any time a power or duty so delegated;*

*(b) such a delegation may be made subject to such conditions, qualifications, limitations or exceptions as the person so delegating may specify;*

*(c) if the delegation may be made only with the approval of some person, such delegation, and any amendment of the delegation, may be made subject to such conditions, qualifications, limitations or exceptions as the person whose approval is required may*

*specify;*

*(d) such a delegation may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of office;*

*(e) such a delegation may be amended or revoked by instrument in writing signed by the person so delegating;*

## **2.7 The concept of acting through**

(Extracted from DLGRD Guideline 17 – Delegations)

In addition to covering delegations, the Local Government Act 1995 (“the Act”) introduces the concept of ‘acting through’. Section 5.45 of the Act states that in relation to delegations, nothing prevents a “local government from performing any of its functions by acting through a person other than the CEO” or “a CEO from performing any of his or her functions by acting through another person.” The Act does not specifically define the meaning of the term ‘acting through.’ However, the key difference between a delegation and ‘acting through’ is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the ‘acting through’ concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For administrative purposes, a person may sign a letter in his or her name on behalf of the CEO while, with delegated powers, the person would sign a letter in his or her own name, in accordance with the delegated authority.

An appropriate method for a council of a local government to make a decision which will be implemented by its officers is for it to make a policy about particular functions that it performs. In that case there is no need for a delegation as it will be the role of the organisation to implement those policy decisions.

## DELEGATIONS

<b>Delegation</b>	<b>3.1 Bush Fires Act 1954 - Appointment of Bush Fire Control Officers</b>
<b>Category</b>	A. AUTHORISATIONS from Council
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s.38 Local Government may appoint bush fire control officer.
<b>Function</b>	<p>The Chief Executive Officer is authorised to appoint such persons, as is necessary, to be bush fire control officers under and for the purposes of the Bush Fires Act 1954. Of those people, appoint the following:</p> <ul style="list-style-type: none"> <li>• Department of Fire &amp; Emergency Services Area Officer De Grey as Chief Bush Fire Control Officer.</li> <li>• Coordinator Ranger &amp; Emergency Services as the Deputy Chief Bush Fire Control Officer.</li> <li>• Manager Community Safety &amp; Rangers as Fire Control Officers.</li> </ul> <p>Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of East Pilbara [s.38(5A)].</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The local government shall cause notice of an appointment to be published at least once in a newspaper circulating in its district [s38(2A) of the <i>Bush Fires Act 1954</i>].</p> <p>A bush fire control officer appointed by the local government shall be issued with a certificate of appointment [s38(2E) of the <i>Bush Fires Act 1954</i>].</p>
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<p><i>Bush Fires Act 1954</i></p> <p><b>s38(1)</b> A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall, subject to section 38A(2), appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.</p> <p><b>s48(1)</b> A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	18 September 2020

<b>Adoption references</b>	OCM 18/09/2020 - Item 9.1.4
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	In accordance with the MOU signed between the SoEP and DFES - change the bush fire control officers as below: DFES Hedland Area Officer as Chief Bush Fire Control Officer Manager Community Safety as Deputy Chief Bush Fire Control Officer Coordinator Ranger & Emergency Services & Rangers as Fire Control Officers	
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
27 Mar 2020	Amended delegation	Previously, the DFES Hedland Area Officer was appointed as the Chief Bush Fire Control Officer. DFES has recently gone through a restructure and the position of 'Hedland Area Officer' has been renamed to 'Area Officer De Grey.'	Nil
26 Jun 2020	Amended delegation	Add in the following function:  Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of East Pilbara [s.38(5A)].  Remove subdelegates - subdelegation is prohibited by s.48(3).	Nil
18 Sep 2020	Amended delegation	OCM 18/09/2020 - Item 9.1.4 Amend the 2020-21 Authorisations & Delegations Manual as follows: a. Appoint the Coordinator Ranger & Emergency Services as the Deputy Chief Bush Fire Control Officer. b. Appoint the Management Community Safety as a Fire Control Officer.	Nil

<b>Delegation</b>	<b>3.2 Caravan Parks and Camping Grounds Act 1995 - Appointments</b>
<b>Category</b>	A. AUTHORISATIONS from Council
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>The Chief Executive Officer is authorised to exercise the powers and duties of a local government, and to administer and enforce the provisions of the <i>Caravan Parks and Camping Grounds Act 1995</i>.</p> <p>To appoint certain persons as Authorised Persons for the purpose of s23(11) of the <i>Caravan Parks and Camping Grounds Act 1995</i>.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Authorised Persons for the purposes of s17 of the Act:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Executive Manager Infrastructure Services</li> <li>* Executive Manager Customer &amp; Community Services</li> <li>• Manager Development Services – Building</li> <li>• Manager Development Services – Health</li> <li>• Manager Land Use &amp; Strategy</li> <li>• Manager Community Safety</li> <li>• Coordinator Ranger and Emergency Services</li> <li>• Rangers</li> <li>• Environmental Health Officer</li> </ul> <p>In accordance with s23 (2) and (3) the following are appointed as authorised persons for the purpose of serving infringement notices :</p> <ul style="list-style-type: none"> <li>• Rangers</li> <li>• Coordinator Ranger and Emergency Services</li> <li>• Manager Community Safety</li> <li>• Environmental Health Officer</li> </ul> <p>Authorised Persons for the purposes of s23 (5 ): extension period and 23 (7): infringement notice withdrawal are:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Executive Manager Infrastructure Services</li> <li>* Executive Manager Customer &amp; Community Services</li> </ul> <p>ss17 and 23 of the <i>Caravan Parks and Camping Grounds Act 1995</i>:</p> <p>A local government must issue each person appointed as an Authorised Person, with an identity card, in the prescribed form, certifying that the person is an Authorised Person for the purposes of this Act (s17(1)(b) <i>Caravan Parks and Camping Grounds Act 1995</i>).</p>

<b>Subdelegates</b>	<p>Coordinator Ranger &amp; Emergency Services                  Environmental Health Officer                  Executive Manager Customer &amp; Community Services                  Executive Manager Infrastructure Services                  Manager Community Safety                  Manager Development Services - Building                  Manager Land Use &amp; Strategy                  Ranger                  Senior Environmental Health Officer</p>
<b>Statutory framework</b>	<p><i>Caravan Parks and Camping Grounds Act 1995</i></p> <p><b>s17(1)</b> The chief executive officer of the Department or a local government —                  (a) may appoint such persons to be authorised persons for the purposes of this Act as the Chief Executive Officer or the local government considers necessary.</p> <p><b>s23(5)</b> an authorised person may, in a particular case, 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.</p> <p><b>s23(7)</b> an authorised person may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.</p> <p><b>s23(11)</b> A local government may in writing, appoint persons or classes of persons to be authorised persons for the purposes of subsection (2),(3), (5) or (7) or for the purposes of 2 or more of those subsections, but a person who is authorised to give infringement notices under subsection (2) is not eligible to be an authorised person for the purposes of any of the other subsections.</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy	Nil

<b>Delegation</b>	<b>3.4 Control of Vehicles (Off-road Areas) Act 1978</b>
<b>Category</b>	A. AUTHORISATIONS from Council
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Control of Vehicles (Off-road Areas) Act 1978</i> s.38(3)(a)
<b>Function</b>	<p>The Chief Executive Officer is delegated the authority to exercise the powers and duties of a local government and to administer and enforce the provisions in accordance with s38(3) of the Control of Vehicles (Off-road Areas) Act 1978.</p> <p>For the Chief Executive Officer to sign withdrawals of infringement notices on behalf of the local government as an authorised person.</p>
<b>Delegates</b>	<p>CEO                      Coordinator Ranger &amp; Emergency Services                      Executive Manager Customer &amp; Community Services                      Executive Manager Infrastructure Services                      Manager Community Safety                      Ranger</p>
<b>Conditions</b>	<p>s38(3) <i>Control of Vehicles (Off-road Areas) Act 1978</i>, requires a resolution of Council to approve the authorisation.</p> <p>Authorised persons to issue infringement notices:</p> <ul style="list-style-type: none"> <li>• Manager Community Safety</li> <li>• Coordinator Ranger &amp; Emergency Services</li> <li>• Rangers</li> </ul> <p>Only the Chief Executive Officer or Executive Manager may sign a withdrawal of a Control of Vehicle (Off-Road Areas) infringement notice.</p> <p>The local government shall issue each Authorised Person with a certificate of his/her appointment as an authorised person, in the prescribed form, evidencing the area of jurisdiction entrusted to him/her under this Act, which he/she shall, on reasonable demand, produce for inspection by any person (s38(4)(a) <i>Control of Vehicles (Off-road Areas) Act 1978</i>).</p>
<b>Statutory framework</b>	<p><i>Control of Vehicles (Off-road Areas) Act 1978</i></p> <p>s38(3)(a) A local government may by resolution appoint —                      (a) any employee of the local government to be an ‘authorised officer’ for the purposes of the <i>Control of Vehicles (Off-Road Areas) Act 1978</i>.</p>
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>3.6 Public Health Act 2016 - Delegation to the Chief Executive Officer</b>
<b>Category</b>	A. AUTHORISATIONS from Council
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Public Health Act 2016</i> s.21 Enforcement agency may delegate
<b>Function</b>	<p>The Chief Executive Officer is delegated the authority in writing to exercise the power or duty to fulfill the functions stipulated under s16 of the <i>Public Health Act 2016</i> on behalf of the local government which is an enforcement agency.</p> <p>s16 A local government has the following functions in relation to the administration of this Act —</p> <p>(a) to initiate, support and manage public health planning for its local government district;  (b) to develop and implement policies and programmes to achieve the objects of this Act within its local government district;  (c) to perform the functions that are conferred on local governments by or under this Act;  (d) to administer and enforce this Act within its local government district in accordance with the objects and principles of this Act.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	s21(2) A delegation under subsection (1)(b) or (c) must be in writing.
<b>Statutory framework</b>	<p><i>Public Health Act 2016</i></p> <p><b>s21.</b> Enforcement agency may delegate  (1) A power or duty conferred or imposed on an enforcement agency may be delegated —  (b) if the enforcement agency is a local government, to —  (i) the chief executive officer of the local government;</p>
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Delegation</b>	<b>3.7 Public Health Act 2016 - Appointments and Designations of Authorised Officers</b>
<b>Category</b>	A. AUTHORISATIONS from Council
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Public Health Act 2016</i> s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
<b>Function</b>	<p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> <li>• The <i>Public Health Act 2016</i> or other specified Act;</li> <li>• Specified provisions of the <i>Public Health Act 2016</i> or other specified Act;</li> <li>• Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ul> <p>Authority to designate a person or class of persons as the Environmental Health Officer, under and for the purposes of the <i>Public Health Act 2016</i>, to perform such duties as the local government from time to time directs and also such as are specially prescribed by any order addressed by the Chief Health Officer, Public Health to the local government.</p>
<b>Delegates</b>	Environmental Health Officer Senior Environmental Health Officer

<p><b>Conditions</b></p>	<p><i>Public Health Act 2016</i></p> <p><b>s17(3)</b> A local government must not appoint a person as an environmental health officer unless the person has the qualifications and experience approved by the Chief Health Officer under section 18.</p> <p><b>s27</b> Each enforcement agency must prepare and maintain a list of —                  (a) the persons (if any) who are individually designated as authorised officers by the agency; and                  (b) the classes of persons (if any) who are designated as authorised officers by the agency.</p> <p><b>s30</b> Certificates of authority                  (1) An enforcement agency must issue to each person who is an authorised officer by virtue of a designation by the agency a certificate of authority as an authorised officer.                  (2) The certificate of authority must —                  (a) state that it is issued under this Act; and                  (b) state the name of the person to whom it is issued and bear —                  (i) a photograph or digital image of that person; and                  (ii) the person’s signature; and                  (c) state the date, if any, on which it expires; and                  (d) specify —                  (i) the Acts or the provisions of the Acts for the purposes of which the person is designated as an authorised officer; and                  (ii) any provisions of an Act that are excluded from the designation; and                  (e) specify any conditions or restrictions to which the person’s authority is subject; and                  (f) bear the signature of the person by whom it is issued and state the capacity in which the person is acting in issuing the certificate.                  (3) An authorised officer must produce the certificate of authority —                  (a) if asked to do so by the person in charge of any premises entered under this Act by the authorised officer; or                  (b) if asked to do so by a person who, under this Act, is required by the authorised officer to produce anything or to answer any question.</p> <p><b>Authorised Persons are empowered to perform the following functions:</b></p> <p>Issue improvement notices according to s212.</p> <p><b>s214</b> Before the end of the period specified in the improvement notice under section s213(2) (e), an authorised officer may, on his or her own initiative or on the application of the person given the notice, extend by written notice given to the person the period within which the person must take action in accordance with the improvement notice.</p> <p>Authority for the Manager Development Services - Health includes the ability to sign such documents and initiate appropriate legal action on behalf of the local government when a breach of the Act and related legislation warrants such action, provided that the power to prosecute any person is ONLY exercised with the agreement of the Chief Executive Officer.</p>
<p><b>Statutory framework</b></p>	<p><i>Public Health Act 2016</i></p> <p><b>s17(1)</b> A local government may appoint one or more persons as environmental health officers.</p> <p><b>s24(1)</b> An enforcement agency may designate a person or class of person as authorised officers</p> <p><b>s24(3)</b> An enforcement agency that is a local government may designate under subsection (1) —(a) an environmental health officer or environmental health officers as a class</p>

<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Delegation</b>	<b>4.0 Election of Presiding Members and Deputies - Delegation</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> Section 3 and 4 of Schedule 2.3
<b>Function</b>	The Chief Executive Officer delegates authority to the Executive Managers or the Manager Corporate Services to fulfill the duties of Section 3 and 4 of Schedule 2.3 of the <i>Local Government Act 1995</i> at any meeting where the Chief Executive Officer is not present and it is required.
<b>Delegates</b>	Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services

<p><b>Statutory framework</b></p>	<p><i>Local Government Act 1995</i></p> <p>s2.11(1)(b) Alternative methods of filling office of mayor or president  (1) When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —  (b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.</p> <p>s2.15 Filling office of deputy mayor or deputy president  The deputy mayor or deputy president is to be elected by the council under Schedule 2.3, Division 2.</p> <p>Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council</p> <p>1. Terms used  In this Division —  <b>extraordinary vacancy</b> means a vacancy that occurs under section 2.34(1);  <b>office</b> means the office of councillor mayor or president.</p> <p>2. When council elects mayor or president  (1) The office is to be filled as the first matter dealt with —  (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and  (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.  (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.</p> <p>3. CEO to preside  The CEO is to preside at the meeting until the office is filled.</p> <p>4. How mayor or president is elected  (1) The council is to elect a councillor to fill the office.  (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.  (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.  (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.  (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.  (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.  (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.  (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.</p>
<p><b>Date adopted</b></p>	<p>24 July 2020</p>
<p><b>Adoption references</b></p>	<p>Resolution: 202021/003</p>
<p><b>Last reviewed</b></p>	<p>24 July 2020</p>

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Remove reference to section 5.12 - Presiding members and deputies, election of. This is a reference to Committees. Correct section to reference is s.2.11(1)(b) and s.2.15 which refers to Council.	Nil
15 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	

<b>Delegation</b>	<b>4.1 Acting Chief Executive Officer</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	
<b>Function</b>	The Chief Executive Officer is delegated the power to approve one of the following officers to be in the position of Acting Chief Executive Officer during unscheduled or scheduled absences of the Chief Executive Officer, and for periods of up to 35 days: Executive Manager Corporate Services Executive Manager Commercial Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services
<b>Delegates</b>	CEO
<b>Conditions</b>	Should the Chief Executive Officer be absent for more than 35 days, the authority to appoint an Acting Chief Executive Officer shall be determined by Council.
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  <b>s5.42</b> Delegation of some powers and duties to CEO  <b>s5.43</b> Limits on delegations to CEO  <b>s5.44</b> CEO may delegate powers and duties to other employees
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change Deputy CEO title to Executive Managers. Also include the following officers to be appointed Acting CEO (CEO wanted to be able to rotate between the 4 executives): EM Corporate Services EM Commercial Services EM Customer & Community Services EM Infrastructure Services	

<b>Delegation</b>	<b>4.2 Appoint Authorised Persons</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land]  s.9.10 Appointment of authorised persons
<b>Function</b>	<p>1. Authority to appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <p>(a) <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act..</p> <p>(b) <i>Caravan Parks and Camping Grounds Act 1995</i>;</p> <p>(c) <i>Cat Act 2011</i>;</p> <p>(d) <i>Cemeteries Act 1986</i>;</p> <p>(e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</p> <p>(f) <i>Dog Act 1976</i>;</p> <p>(g) <i>Graffiti Vandalism Act 2016</i> – refer s.15; and</p> <p>(e) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</p> <p>2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i> and section 6(b) of the <i>Criminal Procedure Act 2004</i>.</p>
<b>Delegates</b>	Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. A register of Authorised Persons is to be maintained as a Local Government Record.</li> <li>2. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>3. The local government is to issue each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person [s9.10(2) <i>Local Government Act 1995</i>].</li> </ol>
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  <b>s3.18 (1)</b> A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.

<b>Date adopted</b>	11 December 2020
<b>Adoption references</b>	Item 9.1.7 OCM 11/12/2020
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Under conditions add the following: A register of Authorised Persons, appointed to administer local laws, is to be maintained.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
11 Dec 2020	Amended delegation	Delegation amended in accordance with amendments to the Local Government Act 1995, as contained within the Local Government Legislation Amendment Act 2019, and gazetted on 6 November 2020.	Nil

<b>Delegation</b>	<b>4.3 Certain Provisions About Land</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 - Certain provisions about land] s9.10 Appointment of Authorised persons
<b>Function</b>	Authority to appoint any person to exercise on behalf of the Council, the powers given to it in Subdivision 2, of Division 3 of Part 3 of the <i>Local Government Act 1995</i> .
<b>Delegates</b>	CEO
<b>Conditions</b>	A register of Authorised Persons is to be maintained.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees.
<b>Subdelegates</b>	Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  <b>s3.24</b> The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	

<b>Delegation</b>	<b>4.4 Disposing of Property</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.58(2)( & (3) Disposing of property
<b>Function</b>	Authority to dispose of property to: (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]. Authority to dispose of property by private treaty only in accordance with section 3.58(3) of the <i>Local Government Act 1995</i> , and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Conditions and exceptions of Chief Executive Officer:  <ul style="list-style-type: none"> <li>• Limit to \$5,000 for the disposition of land in accordance with Reg 30(2)(a) and (c) of the <i>Local Government (Functions and General) Regulations 1996</i>.</li> <li>• Limit to \$20,000 for the disposition of property, other than land, in accordance with Reg 30(3) of the <i>Local Government (Functions and General) Regulations 1996</i>.</li> </ul> Executive Managers are each limited to \$2,000.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  s3.58: Disposing of property  <i>Local Government (Functions and General) Regulations 1996</i> .  r 30: Dispositions of property excluded from Act s. 3.58
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	

<b>Delegation</b>	<b>4.5 Execution of Documents</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s9.49A Execution of Documents
<b>Function</b>	1. Authority to sign documents on behalf of the local government.
<b>Delegates</b>	CEO Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services Manager Martumili Shire President
<b>Conditions</b>	The Chief Executive Officer and/or Executive Managers may only sign documents where: <ul style="list-style-type: none"> <li>• The Council has authorised entering into a formal contract; or</li> <li>• A formal contract is required as a part of the day to day operation of the Council; or</li> <li>• A formal contract is authorised under a delegated authority of the Council.</li> </ul> <p>The Manager Martumilli may only sign the following Martumilli agreements that are with and on behalf of the artists:</p> <ul style="list-style-type: none"> <li>• Consignment agreements;</li> <li>• Copyright agreements;</li> <li>• Artist agreements; and</li> <li>• Collaborative agreements.</li> </ul>
<b>Express power to subdelegate</b>	There is no power to sub-delegate the authority to sign documents on behalf of the local government (s5.43 (ha) of the Act).
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  s9.49A(4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
<b>Policy</b>	4.5 - Execution of Documents (Use of Common Seal)
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Add Manager Martumilli as a sub-delegate. Add the following condition for the Manager Martumilli: The Manager Martumilli may only sign the following Martumilli agreements that are with and on behalf of the artists: • Consignment agreements; • Copyright agreements; • Artist agreements; and • Collaborative agreements.	Nil
20 Sep 2018	---	Under the heading Policy - change policy number from 4.6 to 4.5 - Execution of Documents (Use of Common Seal). Incorrect reference was made.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>4.6 Issue of Notices, Cautions and Infringements</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s9.10 Appointment of authorised persons
<b>Function</b>	Authority to appoint persons or classes of persons to be authorised for the purpose of issuing notices, cautions and infringements relating to various Acts, Regulations and Local Laws.
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The local government is to issue each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person (s9.10(2) <i>Local Government Act 1995</i>).</p> <p>A register of Authorised Persons, appointed to issue notices, cautions and infringements, is to be maintained.</p>
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i></p> <p><b>s9.10(1)</b> The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.</p> <p><b>s9.16(1) (1)</b> An authorised person who has reason to believe that a person has committed a prescribed offence against a regulation or local law made under this Act may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.</p>
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Add condition that a register of Authorised Persons, appointed to issue notices, cautions and infringements, is to be maintained.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>4.7 Legal Matters</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s9.10 Appointment of authorised persons
<b>Function</b>	Authority to appoint an employee to represent the local government in legal proceedings either generally or in a particular case.
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The Chief Executive Officer may only appoint the following people to represent local government in legal proceedings:</p> <ul style="list-style-type: none"> <li>• Executive Manager Corporate Services</li> <li>• Executive Manager Commercial Services</li> <li>* Executive Manager Customer &amp; Community Services</li> <li>* Executive Manager Infrastructure Services</li> <li>• Manager Development Services – Building</li> <li>• Manager Development Services – Health</li> <li>• Manager Development Services – Planning</li> <li>• Manager Human Resources</li> <li>• Manager Community Safety</li> </ul> <p>An employee appointed to represent the Shire of East Pilbara in legal proceedings, must be appointed in writing signed by the CEO [s.9.29(2)(b)].</p> <p>Legal proceedings may only be initiated with prior approval from the Chief Executive Officer or Executive Manager.</p> <p>Subject to adequate provision existing in the budget.</p>
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i></p> <p><b>s9.10(1)</b> The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.</p> <p><b>s9.29</b> Representing local government in court.</p>
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Remove requirement that the CEO has authority to obtain legal advice and opinions - this is an operational matter - delegation not required. Add condition that an employee appointed to represent the Shire in legal proceedings must be appointed in writing signed by the CEO [s9.29(2)(b)].	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>4.8 Expressions of Interest for Goods &amp; Services</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.57 Tenders for providing goods or services  <i>Local Government (Functions and General) Regulations 1996</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
<b>Function</b>	Authority to determine when to seek expressions of interest, and to invite expressions of interest, for the supply of goods or services and to choose acceptable tenderers [F&G r.21 & r.23].
<b>Delegates</b>	CEO
<b>Conditions</b>	Authority to reject or accept expressions of interest to be acceptable tenderers is limited by regulation 23 of the <i>Local Government (Functions and General) Regulations 1996</i> .
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees.
<b>Subdelegates</b>	Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services
<b>Statutory framework</b>	<i>Local Government (Functions and General) Regulations 1996</i>  <b>r.21</b> Limiting who can tender, procedure for  <b>r.23</b> Rejecting and accepting expressions of interest to be acceptable tenderer
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Change of title from 'Limitation may be placed on who can tender' to 'Expressions of Interest for Goods & Services.' to align with wording in the Act.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>4.9 Tenders for Goods and Services</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation on some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.57 Tenders for providing goods or services  <i>Local Government (Functions and General) Regulations 1996</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to, because of the unique nature of the goods or services, or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G r.11(f)].</li> <li>3. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>4. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>5. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>6. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> <li>7. Authority to evaluate tenders, by written evaluation and decide which is the most advantageous [F&amp;G r.18(4)].</li> <li>8. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Authority to authorise a tender to be called is subject to the allocation of funding in the budget.</li> <li>2. Authority to authorise the decision to seek expressions of interest is subject to regulation 21(1) of the <i>Local Government (Functions and General) Regulations 1996</i>.</li> <li>3. Written authorisation should be prepared for the CEO's consideration. The officer seeking the tender to be called, or expression of interest, shall provide supporting information for the tender or expression of interest.</li> </ol>

<b>Statutory framework</b>	<p><i>Local Government Act 1995</i></p> <p><b>s3.57 (1)</b> A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.</p> <p><b>s3.57(2)</b> Regulations may make provision about tenders.</p> <p><i>Local Government (Functions and General) Regulations 1996</i></p> <p><b>r 17(2)</b> The tenders register is to include, for each invitation to tender —                  (b) particulars of the making of —                  (i) the decision to invite tenders; and                  (ii) if applicable, the decision to seek expressions of interest under regulation 21(1);</p>
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Change of title from 'Making of the decision to invite tenders' to 'Authority to invite tenders' to align with wording in the Act.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
26 Jun 2020	Amended delegation	Added in points 2-8 under function.	Nil

<b>Delegation</b>	<b>4.10 Payments to employees in addition to contract or award</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s5.50(2) Payments to employees in addition to contract or award
<b>Function</b>	Authority to make a payment to an employee whose employment with the local government is finishing, and that is more than the additional amount set out in the policy prepared under section 5.50(1) of the <i>Local Government Act 1995</i> and adopted by the local government.
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Where a payment is made to an employee whose employment is finishing, and is more than set out in Council's Gratuity Policy, the CEO must cause local public notice to be given in relation to the payment made [s.5.50(2)].</p> <p>The value of a payment or payments made to a person is not to exceed such amount as is prescribed or provided for by regulations [s5.50(3)].</p> <p>Any salary change that is likely to result in expenditure over budget will require Council authorisation.</p> <p>Regard must also be made for Council's Gratuity Policy.</p>
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  <b>s5.50(2)</b> A local government may make a payment — (a) to an employee whose employment with the local government is finishing; and (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government but local public notice is to be given in relation to the payment made, but local public notice is to be given in relation to the payment made.
<b>Policy</b>	Gratuity Policy
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Add condition - where a payment is made to an employee whose employment is finishing, and is more than set out in Council's Gratuity Policy, the CEO must cause local public notice to be given in relation to the payment made [s5.50(2)].	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
26 Jun 2020	Amended delegation	<p>Delete the following paragraphs – delegation is not required as it is already a function of the CEO under s5.41(g):</p> <p>Authority to vary salaries payable to all staff that are not employed on performance based term contracts. The alteration may be within the employee's assigned band/classification, may involve a change of salary band/classification or may involve an appropriate over award payment.</p> <ul style="list-style-type: none"> <li>• Where it is proposed to vary the salary of an employee, not subject to a performance based term contract, any variation must be as a result of a satisfactory performance appraisal and appropriate funding must be available within the budget.</li> </ul>	Nil

<b>Delegation</b>	<b>4.11 Development and performance bonds</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	The Chief Executive Officer is delegated the authority to administer the requirement for development or performance bonds as conditions of planning approval and/or subdivision approval to ensure compliance with any landscaping, car parking or other conditions of approval.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Executive Manager Commercial Services Manager Land Use & Strategy
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  s3.18(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
<b>Policy</b>	Nil
<b>Date adopted</b>	28 June 2019
<b>Adoption references</b>	OCM 28 June 2019 - Report 10.1.2
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates & replace with EM Commercial Services	Nil

<b>Delegation</b>	<b>4.12 Administration of Town Planning Scheme No. 4</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>For the purposes of this Delegation, the following definitions apply:</p> <p><b>Deemed Provisions</b> means the Deemed Provisions for Local Planning Schemes contained in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, as amended from time to time.</p> <p><b>R-Codes</b> means State Planning Policy 3.1 Residential Design Codes, as amended from time-to-time.</p> <p><b>Scheme</b> means Shire of East Pilbara Town Planning Scheme No.4, as amended from time-to-time.</p> <p>Authority to exercise the following powers or the discharge of the following duties under the Scheme:</p> <ol style="list-style-type: none"> <li>1. Assess an application for a structure plan under clause 17 of the Deemed Provisions;</li> <li>2. Advertise a proposed structure plan under clause 18 of the Deemed Provisions;</li> <li>3. Assess an application for an activity centre plan under clause 33 of the Deemed Provisions;</li> <li>4. Advertise a proposed activity centre plan under clause 34 of the Deemed Provisions;</li> <li>5. Provide further services or information to the Western Australian Planning Commission as required under clauses 23 and 39 of the Deemed Provisions;</li> <li>6. Assess an application for a local development plan under clause 49 of the Deemed Provisions;</li> <li>7. Advertise a proposed local development plan under clause 50 of the Deemed Provisions;</li> <li>8. Waive the fee payable for an application for development approval where the applicant and/or owner (as appropriate) is a registered not-for-profit organisation and the purpose of the development is for the benefit of the general community;</li> <li>9. Refuse to accept for the purposes of assessment any application for development approval that has not complied with the form of application and/or accompanying material requirements of clauses 62 and 63 of the Deemed Provisions;</li> <li>10. Determine the breadth and scope of accompanying material required for each application for development approval under clause 63 of the Deemed Provisions;</li> <li>11. Determine the method and extent of advertising required under clause 64 of the Deemed Provisions for each application for development approval;</li> <li>12. Approve all applications for land use and development approval where the proposed use is a;             <ol style="list-style-type: none"> <li>1. "P" (permitted) land use, in the LPS Zoning Table and that land use does not require significant variations to the site and development standards or requirements contained in the Scheme, R-Codes or relevant adopted Local Planning Policy;</li> <li>2. Discretionary land use or development listed in the LPS Zoning Table and is included at Table 1 below, under designated zones, may be approved subject to:                 <ol style="list-style-type: none"> <li>1. that land use does not require significant variations to the site and development standards or requirements contained in the Scheme, R-Codes or relevant adopted Local Planning Policy</li> <li>2. There being no objection received during advertising, where required, in accordance with Table 1. Below;</li> </ol> </li> </ol> </li> </ol> <p style="text-align: center;"><i>Table 1. Delegated Discretionary Land Uses</i></p>

**Land Use Development**

Caretaker Dwelling  
*Designated zones:* All zones listed

Display Home Centre  
*Designated zones:* All zones listed

Grouped Dwelling  
*Designated zones:* All zones listed

Home Occupation  
*Designated zones:* All zones listed

Home Office  
*Designated zones:* Nullagine Townsite

Multiple Dwelling  
*Designated zones:* Residential & Nullagine Townsite

Residential Building  
*Designated zones:* Residential & Nullagine Townsite

Shared Dwelling  
*Designated zones:* Residential & Nullagine Townsite

Bank  
*Designated zones:* Nullagine Townsite  
*Additional Criteria:*

Car Park  
*Designated zones:* All zones listed.  
*Additional Criteria:* Compliance with Local Planning Policy and Scheme provisions.

Health Studio  
*Designated zones:* All zones listed.

Laundromat  
*Designated zones:* All zones listed.

Market  
*Designated zones:* Town Centre, Mixed Business & Rural

Office  
*Designated zones:* Nullagine Townsite/Industry & Rural

Shop  
*Designated zones:* Nullagine Townsire/Mixed Business

Child Day Care Centre  
*Designated zones:* Town Centre/Rural

Civic Use  
*Designated zones:* All zones listed

Public Amusement  
*Additional Criteria:* Where temporary planning approval of not more than 30 days is required

Public Exhibition

*Additional Criteria:* Where temporary planning approval of not more than 30 days is required

Industry- light, service and rural

*Designated zones:* All zones listed

Motor Vehicle/boat/caravan sales

*Designated zones:* Mixed Business

Cattery

*Designated zones:* Industry & Rural

Kennels

*Designated zones:* Industry & Rural

*Additional Criteria:* Consider Environmental Protection Authority separation distances to sensitive land uses.

Veterinary Centre

*Designated zones:* Industry & Rural

Stables

*Designated zones:* All zones

Abattoir

*Designated zones:* Rural

*Additional Criteria:* Consider Environmental Protection Authority separation distances to sensitive land uses.

Aquaculture

*Designated zones:* All zones

*Additional Criteria:* Consider Environmental Protection Authority separation distances to sensitive land uses.

Farm Supply centre

*Designated zones:* All zones listed

Produce Store

*Designated zones:* All zones listed

Garden Centre

*Designated zones:* Mixed Business, Industry and Rural

Nursery

*Designated zones:* Mixed Business, Industry & Rural

Home Business

*Designated zones:* All zones listed

Single Persons Quarters

*Designated zones:* All zones listed

Child Day Care Centre

*Designated zones:* Town Centre, Nullagine Townsite Zone, Rural & Community and Cultural Purpose

General Industry

*Designated zones:* All zones listed

	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Storage Yard <i>Designated zones:</i> Nullagine Townsite Zone</p> <p>Building Storage Yard <i>Designated zones:</i> Nullagine Townsite Zone</p> <p>Contractors Yard <i>Designated zones:</i> Nullagine Townsite Zone</p> </div> <ol style="list-style-type: none"> <li>13. Amend or cancel a development approval under clause 77 of the Deemed Provisions, including extensions of time and renewal of periodic approvals;</li> <li>14. Require the owner of an advertisement to repair an advertisement under clause 80 of the Deemed Provisions;</li> <li>15. Refuse to accept an application for development approval under clause 85 of the Deemed Provisions where there is no agreement in place for the local government to use any copyrighted material provided in support of the application;</li> <li>16. Determine the appropriate use class to be applied to each application for development approval under clause 4.3 of the Scheme;</li> <li>17. Determine under clause 4.4.2(a) of the Scheme, that a use not specifically mentioned in the Zoning Table is consistent with the objectives of the particular zone in which the use is proposed and is therefore permitted;</li> <li>18. Determine under clause 4.4.2(b) of the Scheme, that a use not specifically mentioned in the Zoning Table may be consistent with the objectives of the particular zone in which the use is proposed and thereafter follow the advertising procedures of clause 64 of the Deemed Provisions;</li> <li>19. Approve extensions and changes to a non-conforming use under clause 4.9 of the Scheme;</li> <li>20. Determine under clause 4.10 of the Scheme that a non- conforming use has been discontinued for a period of 6 months;</li> <li>21. Determine under clause 4.12 of the Scheme that a building used for a non-conforming use has been destroyed by a minimum of 75%;</li> <li>22. Approve variations to site and development standards and requirements under clause 4.5 of the Scheme; and</li> <li>23. Determine applications under clause 4.13.2 of the Scheme for the parking of a commercial vehicle in excess of 3 tonnes combined tare weight on a residential zoned lot.</li> </ol>
<b>Delegates</b>	CEO

<p><b>Conditions</b></p>	<p><u>All delegations:</u></p> <p>i. Compliance with the Planning and Development Act 2005 and Local Government Act 1995 as these statutes relate to the carrying out of delegated authority.</p> <p><u>Delegations 1-7 (Structure Plans, Activity Centre Plans and Local Development Plans):</u></p> <p>i. The consideration of submissions relating to structure plans, activity centre plans and local development plans under clauses 19, 35 and 51 of the Deemed Provisions is to be undertaken by Council;</p> <p>ii. Local government reports to the Western Australian Planning Commission prepared under clauses 20 and 36 of the Deemed Provisions are to be endorsed by Council prior to forwarding to the Commission; and</p> <p>iii. A decision on a local development plan under clause 52 of the Deemed Provisions is to be made by Council.</p> <p><u>Delegation 12 (Determination of Applications for Development Approval):</u></p> <p>i. Any application for development approval can be approved under delegated authority, unless:</p> <ul style="list-style-type: none"> <li>• It has been advertised and a submission by way of objection raising matters of a material planning nature has been received, and which cannot be satisfied by either modification of the application by agreement of the applicant, or by conditions of approval;</li> <li>• The application has not required advertising, but by its nature, has potential to be contentious; or</li> <li>• It requires significant variations to the site and development standards or requirements contained in the Scheme, R-Codes or relevant adopted Local Planning Policy;</li> </ul> <p>ii. An application for development approval can be refused under delegated authority in the following circumstances:</p> <ul style="list-style-type: none"> <li>• The use proposed is identified as 'X' (use not permitted) in the Zoning Table at clause 4.4 of the Scheme;</li> </ul> <p>iii. All determinations under delegated authority must be subject to an assessment report that outlines the level of compliance of an application with the relevant requirements of the Scheme, Local Planning Policies and Residential Design Codes of Western Australia (as applicable) and justifies the determination made.</p> <p><u>Delegation 22 (Variations to Scheme Requirements):</u></p> <p>i. Any variation that is considered to be a significant departure from the relevant standard or requirement, or contrary to previous decision in similar applications, shall be considered by Council.</p>
<p><b>Subdelegates</b></p>	<p>Executive Manager Commercial Services  Manager Development Services - Building  Manager Land Use &amp; Strategy</p>
<p><b>Statutory framework</b></p>	<p>Shire of East Pilbara Town Planning Scheme No.4</p>
<p><b>Date adopted</b></p>	<p>24 July 2020</p>
<p><b>Adoption references</b></p>	<p>Resolution: 202021/003</p>
<p><b>Last reviewed</b></p>	<p>24 July 2020</p>

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	Amended delegation	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
28 Jun 2019	Amended delegation	<p>Remove EM Customer &amp; Community Services and EM Infrastructure Services from subdelegates and replace with EM Commercial Services.</p> <p>Amend all reference to Clause 4 to Clause 3.</p> <p>Insert Zoning Table land use Delegations at Delegation 12.</p> <p>Include provision for Council only consideration under Delegation 13.</p> <p>Remove Delegation 17 &amp; 18 – Use Not Listed.</p> <p>Remove Conditions attached to Delegation at Delegation 12 (ii) Dot Point 2- Remove Delegation to refuse planning approval due to non-compliance with Local Planning Policy.</p>	Nil

<b>Delegation</b>	<b>4.13 Planning and Development Act 2005</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>The Chief Executive Officer is delegated the authority to object to or make recommendations in response to a plan of subdivision which, in the opinion of the Western Australian Planning Commission, may affect the functions of a local government, pursuant to Section 142 of the <i>Planning and Development Act 2005</i>. This function will include:</p> <ul style="list-style-type: none"> <li>• The setting of standards for the satisfaction of conditions;</li> <li>• Advising that conditions have been satisfied;</li> <li>• The acceptance and release of performance bonds.</li> </ul> <p>For the purpose of the above powers of delegation, vacant lot strata and survey strata applications shall be regarded as subdivision.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Power is delegated to the Chief Executive Officer subject to any objection to, or recommendation on, any application for subdivision which is not consistent with adopted Council Policy being referred to Council for determination.
<b>Subdelegates</b>	Executive Manager Commercial Services Manager Development Services - Building Manager Land Use & Strategy
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i> 5.42. Delegation of some powers and duties to CEO (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —  (a) this Act other than those referred to in section 5.43; or  (b) the Planning and Development Act 2005 section 214(2), (3) or (5).  * <i>Absolute majority required.</i>  (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.  <i>Planning and Development Act 2005</i>  Part 10 Subdivision and development control</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates and replace with EM Commercial Services.	Nil

<b>Delegation</b>	<b>4.15 Procurement of Goods and Services required to address a State of Emergency</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.57 Tenders for providing goods or services  <i>Local Government (Functions and General) Regulations 1996</i> r.11 When tenders have to be publicly invited - tender exemption under subregulation 11(2) (aa)
<b>Function</b>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ul style="list-style-type: none"> <li>• Determine that particular goods or services with a purchasing value &gt;\$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&amp;G r.11(3)(b)]; and</li> <li>• Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&amp;G r.11(2)(aa)].</li> </ul>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe.</li> <li>2. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with the Purchasing Policy must be evidenced in accordance with the Record Keeping Plan.</li> <li>3. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Shire President (i.e. before the expense is incurred) in accordance with LGA s6.8.</li> <li>4. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration.</li> <li>5. The CEO cannot sub-delegate this authority.</li> </ol>
<b>Express power to subdelegate</b>	Sub-delegation of this authority is not recommended.
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020



<b>Delegation</b>	<b>4.17 Tenders for Goods and Services - Exercising Contract Extension Options and Variations</b>
<b>Category</b>	B. EXECUTIVE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.57 Tenders for providing goods or services  <i>Local Government (Functions and General) Regulations 1996</i> r.11(2)(j) Exercising contract extension options r.20(1), (2) and (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>2. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</li> <li>3. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% for tenders where the total original contract is more than \$501,000, and 20% for tenders where the total original contract is less than \$500,000 [F&amp;G r.21A].</li> <li>4. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. A decision to vary a tendered contract <u>before</u> entry into the contract [F&amp;G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply, and does not impact on the procurement evaluation outcomes, in consideration of all tenderers.</li> <li>2. A decision to vary a tendered contract <u>after</u> entry into the contract [F&amp;G r.21A(a)] must include evidence that the variation is necessary and does not change the scope of the contract.</li> <li>3. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) <u>and</u> that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</li> <li>4. The total original contract &amp; sum of all variations must be within the approved budget.</li> <li>5. That the total sum of all variations does not exceed 10% for tender where the original contract exceeds \$501,000, and 20% for tenders that are less than \$500,000.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees.
<b>Date adopted</b>	30 April 2021

<b>Adoption references</b>	OCM 30/04/2021
<b>Last reviewed</b>	24 July 2020

<b>Delegation</b>	<b>5.1 Authority to waive fees</b>
<b>Category</b>	C. CORPORATE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.12 Power to defer, grant discounts, waive or write off debts
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to waive a fee or grant a concession in relation to any amount of money which is owed to the Shire of East Pilbara.</li> <li>2. Authority to grant an extension of time to pay in relation to any amount of money which is owed to the Shire of East Pilbara.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. The authority to waive a fee or grant a concession does not apply to an amount of money owing in respect of rates and service charges [s6.12(2)].</li> <li>2. Any agreement to extend time to pay shall be made in writing.</li> <li>3. A list of waivers, concessions and debts written-off under this authority will be presented back to Council on a monthly basis.</li> <li>4. At the expiry of 3 months after the end of the State of Emergency Declaration in Western Australia, this delegation will automatically revert back to its original status (prior to 24 April 2020).</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  <b>s6.12.</b> Power to defer, grant discounts, waive or write off debts (1) Subject to subsection (2) and any other written law, a local government may — (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or (b) waive or grant concessions in relation to any amount of money; or (c) write off any amount of money, * <i>Absolute majority required.</i>
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Add delegation as follows: 2. Authority to grant an extension of time to pay in relation to any amount of money which is owed to the Shire of East Pilbara. Add condition as follows: Any agreement to extend time to pay must be made in writing.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
24 Apr 2020	Amended delegation	<p>Remove condition 1 - The authority to waive a fee or grant a concession is limited to the amount of \$5,000.</p> <p>Add the following conditions:</p> <p>A list of waivers, concessions and debts written off under this authority will be presented back to Council on a monthly basis; and</p> <p>Require the CEO to present to Council a subsequent review of this delegation by 31 July 2020.</p>	OCM 24 April 2020. Item 10.1.5.
24 Jul 2020	Amended delegation	<p>Remove condition 4 and replace with the following:</p> <p>At the expiry of 3 months after the end of the State of Emergency Declaration in Western Australia, this delegation will automatically revert back to its original status (prior to 24 April 2020).</p>	Nil

<b>Delegation</b>	<b>5.2 Authority to write off monies</b>
<b>Category</b>	C. CORPORATE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.12 Power to defer, grant discounts, waive or write off debts.
<b>Function</b>	1. Authority to write off any amount of money which is owed to the Shire of East Pilbara [s6.12(1)(c)].
<b>Delegates</b>	CEO
<b>Conditions</b>	1. A list of monies written off is to be presented back to Council on a monthly basis; and 2. At the expiry of 3 months after the end of the State of Emergency Declaration in Western Australia, this delegation will automatically revert back to its original status (prior to 24 April 2020).
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees.
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  <b>s6.12.</b> Power to defer, grant discounts, waive or write off debts (1) Subject to subsection (2) and any other written law, a local government may — (c) write off any amount of money,
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Under conditions remove 'The maximum rates write off is \$500' - under section 6.12(2) of the LGA the power to write off monies does not apply to an amount of money owing in respect of rates or service charges.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
24 Apr 2020	Amended delegation	<p>Remove the following conditions:</p> <ul style="list-style-type: none"> <li>* The debt must not exceed \$1000 for an individual;</li> <li>* All necessary measures have been taken to recover the money; and</li> <li>* The debt has remained outstanding for not less than 90 days.</li> </ul> <p>Add the following conditions:</p> <ul style="list-style-type: none"> <li>* A list of monies written off is to be presented back to Council on a monthly basis; and</li> <li>* Require the CEO to present to Council a subsequent review of this delegation by 31 July 2020.</li> </ul>	OCM 24 April 2020. Item 10.1.5.
24 Jul 2020	Amended delegation	<p>Remove condition 2: The CEO shall present a review of this delegation back to Council by 31 July 2020.</p> <p>And replace with the following: At the expiry of 3 months after the end of the State of Emergency Declaration in Western Australia, this delegation will automatically revert back to its original status (prior to 24 April 2020).</p>	Nil

<b>Delegation</b>	<b>5.3 Extension of payment time, waiver or reduction of penalties, withdrawal of infringement notices</b>
<b>Category</b>	C. CORPORATE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.12 Power to defer, grant discounts, waive or write off debts
<b>Function</b>	1. Authority to grant extensions of time to pay, waive or reduce penalties and withdraw infringement notices related to local laws.
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Any agreement to extend the time to pay, waive or reduce penalties shall be made in writing.</li> <li>2. If an Executive Manager makes a decision NOT to withdraw an infringement, and an objection is received as a result of that decision being made, the matter shall be referred to the Chief Executive Officer for determination.</li> <li>3. The local government is to issue each Authorised Person a certificate stating that the person is an authorised person for the purposes of granting an extension of time to pay, waive or reduce penalties and withdraw infringement notices related to local laws.</li> <li>4. A list of extensions granted, waivers or reduction of penalties and withdrawals of infringement notices is to be presented back to Council on a monthly basis; and</li> <li>5. At the expiry of 3 months after the end of the State of Emergency Declaration in Western Australia, this delegation will automatically revert back to its original status (prior to 24 April 2020).</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  <b>s6.12(1)(b)</b> Subject to subsection (2) and any other written law, a local government may — waive or grant concessions in relation to any amount of money;  <b>s6.12(3)</b> The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.  <b>s9.10</b> Appointment of authorised persons  <b>s9.11</b> Persons found committing breach of Act to give name on demand
<b>Date adopted</b>	24 July 2020

<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Added the following conditions: 1. Any agreement to extend the time to pay, waive or reduce penalties shall be made in writing. 2. Authority to waive or reduce penalties is limited to \$5,000. 3. If a Director/Deputy Chief Executive Officer makes a decision NOT to withdraw an infringement, and an objection is received as a result of that decision being made, the matter shall be referred to the Chief Executive Officer for determination.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
24 Apr 2020	Amended delegation	Remove condition 2 - Authority to waive or reduce penalties is limited to \$5,000.  Add the following conditions:  A list of extensions granted, waivers or reduction of penalties and withdrawals of infringement notices is to be presented back to Council on a monthly basis; and  Require the CEO to present to Council a subsequent review of this delegation by 31 July 2020.	OCM 24 April 2020. Item 10.1.5
24 Jul 2020	Amended delegation	Remove condition 5: The CEO shall present a review of this delegation back to Council by 31 July 2020.  And replace with the following: At the expiry of 3 months after the end of the State of Emergency Declaration in Western Australia, this delegation will automatically revert back to its original status (prior to 24 April 2020).	Nil

<b>Delegation</b>	<b>5.4 Grants and subsidies - Application and acceptance</b>
<b>Category</b>	C. CORPORATE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.15 Local government's ability to receive revenue and income
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to apply for grants and subsidies.</li> <li>2. Authority to accept grants and subsidies.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. All applications must be in accordance with the Council's strategic objectives.</li> <li>2. Council approval is required prior to acceptance unless the grant or subsidy is included in the budget.</li> <li>3. The impact on subsequent budgets must be considered prior to the acceptance of the grant or subsidy.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  <b>s6.15(1)</b> A local government may receive revenue or income from various sources authorised by the act or another written law or from dealings in property or grants or gifts.
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	In paragraph 1 and 2 under Power or Duty remove the words "The Chief Executive Officer is delegated the..."	Nil

<b>Delegation</b>	<b>5.5 Payment of accounts</b>
<b>Category</b>	C. CORPORATE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Financial Management) Regulations 1996</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to make payments from the municipal fund and the trust fund within budget limits [r.12(1)(a)].</li> <li>2. Authority to develop procedures for the authorisation of and the payment of accounts.</li> <li>3. Authority to develop procedures for the approval of accounts.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Each payment is to be noted on a list compiled for each month, which is to be presented to the next Ordinary Meeting of Council, showing: <ul style="list-style-type: none"> <li>• The payee's name;</li> <li>• The amount of the payment;</li> <li>• The date of the payment; and</li> <li>• Sufficient information to identify the transaction.</li> </ul> </li> <li>2. Ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, petty cash systems, purchasing cards and any other devices or methods by which goods, services or money or other benefits may be obtained.</li> <li>3. Ensure that before payment of an account, a determination is made that: <ul style="list-style-type: none"> <li>• The relevant debt was incurred by a person who was properly authorised to do so;</li> <li>• The goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, as the case requires.</li> </ul> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees.
<b>Subdelegates</b>	Coordinator Financial Services Executive Manager Corporate Services Manager Corporate Services
<b>Statutory framework</b>	<i>Local Government (Financial Management) Regulations 1996</i>  r.11 Payments, procedures for making etc.
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>5.6 Power to invest</b>
<b>Category</b>	C. CORPORATE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.14 Power to invest  <i>Local Government (Financial Management) Regulations 1996</i> r.19 Investments, control procedures for
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to invest monies held in the trust fund or the municipal fund that is not, for the time being, required by the local government for any other purpose, may be invested in accordance with Part III of the Trustees Act 1962, in association with Council's Policy [s6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed by employees in the investment and management of investments [FM r.19].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 3.9 - Investment Policy.</li> <li>2. Investment decisions for sums greater than \$15 million are to be made by Council.</li> <li>3. Control procedures are to enable identification of: <ul style="list-style-type: none"> <li>• The nature and location of all investments; and</li> <li>• The transactions related to each investment.</li> </ul> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees.
<b>Subdelegates</b>	Executive Manager Corporate Services Manager Corporate Services
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>1. A decision to invest must be jointly confirmed by two delegates.</li> </ol>
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  <b>s6.14(1)</b> Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.
<b>Policy</b>	Investment Policy
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003

<b>Last reviewed</b>	24 July 2020
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<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	In paragraph 1 and 2 under Power or Duty remove the words "The Chief Executive Officer is delegated the..."	Nil

<b>Delegation</b>	<b>5.7 Rate record</b>
<b>Category</b>	C. CORPORATE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.39(2)(b) Rate record
<b>Function</b>	<p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Compile the necessary rate records as specified in the Local Government Act 1995 (“the Act”) and reassess rates payable;</li> <li>2. Serve rates notices in accordance with the Act [s.6.41];</li> <li>3. Enter into agreements in accordance with the Act for payment of rates and service charges [s.6.49];</li> <li>4. Determine the date that a rate or service charge becomes due and payable under the Act [s.6.50];</li> <li>5. Recover rates and service charges in accordance with the Act, as well as costs of proceedings for the recovery [s.6.56(1)];</li> <li>6. Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled [s.6.64(3)];</li> <li>7. Extend the time for a person to make an objection to a rate record [s.6.76(4)];</li> <li>8. Allow or disallow any objection to the rate record lodged and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection [s.6.76(5)];</li> <li>9. Extend the period for receipt of a notice and to refer notices received to the land valuation tribunal;</li> <li>10. Amend the rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with the <i>Local Government Act 1995</i> and issue an interim rate assessment, refund or credit as a result of such an amendment [s.6.39(1)]; and</li> <li>11. Authority to amend the rate record for the five years preceding the current financial year [s.6.39(2)(b)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Delegates must comply with the requirements of s.6.40 of the Act;</li> <li>2. Any agreement for the payment of rates or service charges must be made in writing, and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied, except in exceptional circumstances where a payment plan has been entered into.</li> <li>3. A delegate who has participated in any matter contributing to a decision relating to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination to grant an extension of time or to allow or disallow any objection to the rate record.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees

<b>Subdelegates</b>	Executive Manager Corporate Services Manager Corporate Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  Division 6 Rates and service charges ss6.39 (1), 6.39(2), 6.41, 6.49, 6.50(1), 6.50(2), 6.56(1), 6.60(2), 6.60(3), 6.60(4), 6.64(3), 6.76(1), 6.76(4), 6.76(5), 6.76(6) and 6.69(3)
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Combine delegations 5.1 - Agreement as to payment of rates and service charges - and 5.10 - Rates or service charges recoverable in court. Add the following conditions: Delegates must comply with the requirements of s.6.40 of the Act; Any agreement for the payment of rates or service charges must be made in writing, and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. A delegate who has participated in any matter contributing to a decision relating to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination to grant an extension of time or to allow or disallow any objection to the rate record.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
26 Apr 2019	---	As per resolution at the Council meeting on 26/04/2019. At point 2 under the conditions, add in the following words "Except in exceptional circumstances, where a payment plan has been entered into" The change is due to several owners being in financial hardship and wanting to negotiate payment arrangements.	

<b>Delegation</b>	<b>5.8 Recovery of impounding expenses</b>
<b>Category</b>	C. CORPORATE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.48 Impounding expenses, recovery of
<b>Function</b>	1. Authority to recover expenses incurred for removing, impounding and disposing of confiscated or uncollected goods [s.3.48].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Coordinator Ranger & Emergency Services Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services Manager Community Safety Senior Environmental Health Officer
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  <b>s3.48</b> If goods are removed and impounded under section 3.39 and the alleged offender is convicted, the local government may, by action in a court of competent jurisdiction, recover from the alleged offender
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Added Director Technical & Development Services as subdelegate.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>6.1 Community Assistance Grants</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Function</b>	<p><b>Fast Track Grants</b> Authority to approve fast-track grants up to an amount of \$1,000.</p> <p>Applications that do not fit the criteria but can demonstrate merit and benefit may be assessed at the CEO's discretion for up to an amount of \$1,000.</p> <p><b>Fast Track Grants - Schools</b> Authority to approve fast-track grants (schools) up to an amount of \$500.</p> <p><b>Fast Track Grants - Country Week</b> Authority to approve fast-track grants (country week) up to an amount of \$100 per applicant, or \$500 if 5 or more individuals are attending from the same sporting association.</p> <p><b>Excellence Grants</b> Authority to approve excellence grants up to an amount of \$500.</p>
<b>Delegates</b>	CEO Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services
<b>Conditions</b>	Applicants must complete the relevant application forms and approvals must be in accordance with budget allocations.
<b>Statutory framework</b>	<i>Local Government (Financial Management) Regulations 1996</i>  r12(1) A payment may only be made from the municipal fund or the trust fund — (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO.
<b>Policy</b>	Nil
<b>Date adopted</b>	11 December 2020
<b>Adoption references</b>	Item 9.1.7 OCM 11/12/2020
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	In paragraphs 1 and 2 under conditions remove the word "Director"and replace with "Executive Manager."	Nil
11 Dec 2020	Amended delegation	Amended delegation to align with the current policy on Community Grants.  Add all Executive Managers as delegateses so that they have authority to sign off on Community Grants up to \$1000 in accordance with the delegation.	Nil

<b>Delegation</b>	<b>6.2 Bush Fires Act 1954 - Powers and duties</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> <i>various</i>
<b>Function</b>	1. Authority to exercise the powers and duties of a local government, and to administer and enforce the provisions of the Bush Fires Act 1954 [s.48(1)].
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	A delegation under this section does not include the power to sub-delegate [s.48(3)].
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i> s48 Delegation by local governments
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>6.3 Bush Fires Act 1954 - Prohibited and restricted burning times</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s.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 Haversters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc, use of in restricted or prohibited burning times
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to vary the prohibited and restricted burning times, in accordance with s.17(7) and (8) and s.18(5) of the Bush Fires Act 1954, regarding shortening, extending, suspending or reimposing a period of prohibited or restricted burning times; or imposing a further period of prohibited burning times [s.17(7)].</li> <li>2. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>5. Authority to prohibit the use of tractors, engines or a self-propelled harvester, during a Prohibited Burning Time, and to give permission for use of the same during the Restricted Burning Time subject to compliance with the requirements specified in an notice [s.27(2) and (3)].</li> <li>6. Authority to recover the cost of measures taken by the Shire of East Pilbara or the Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with the requirements under s.28(1) to take all possible measures to extinguish a fire on the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol>
<b>Delegates</b>	Chief Bush Fire Control Officer Executive Manager Customer & Community Services Manager Community Safety Shire President
<b>Conditions</b>	1. Decisions under this delegation must be a decision made jointly between the delegates and must comply with the procedural requirements of s.17(7B) and (8).
<b>Express power to subdelegate</b>	sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i>
<b>Date adopted</b>	24 July 2020

<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>6.4 Bush Fires Act 1954 - Prosecutions</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s.59 Prosecution of offences s.59A Alternative procedure - infringement notices
<b>Function</b>	1. Authority to consider allegations of offences alleged to have been committed under the Bush Fires Act 1954, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences, and to pay out of its funds any costs and expenses incurred in or about the proceedings [s.59]. 2. Authority to serve an infringement notice for an offence against the Bush Fires Act [s.59A].
<b>Delegates</b>	CEO Chief Bush Fire Control Officer
<b>Conditions</b>	1. Only the Chief Executive Officer or Shire President may withdraw an infringement notice (r.4 (a) of the <i>Bush Fires (Infringements) Regulations 1978</i> ).
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3) of the <i>Bush Fires Act 1954</i> .
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i>  s59 Prosecution of offences
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>6.5 Disposing of confiscated or uncollected goods</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.47 Confiscated or uncollected goods, disposal of s3.48 Impounding expenses, recovery of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s3.43 [s3.47].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s3.48].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Authority to dispose of goods up to the value of \$1500 only. Where the value of any tender exceeds the amount of \$1500, it is to be determined by Council.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Ranger & Emergency Services Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services Manager Community Safety Senior Environmental Health Officer
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  s3.47 Confiscated or uncollected goods, disposal of
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Remove reference to s3.47A sick or injured animals, disposal of. New delegation created for this.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>6.6 Cat Act 2011 - Delegations</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags
<b>Function</b>	1. Authority to fulfill, carry out, undertake or enforce any power or duty of the local government under the Cat Act 2011 and to do all other things that are necessary or convenient to be done for or in connection with performing its functions under the Cat Act 2011.
<b>Delegates</b>	CEO
<b>Conditions</b>	<p><b>Registration of Cats</b> The following officers are delegated authority to grant, refuse to grant or cancel cat registrations under sections 9, 10 and 11 of the <i>Cat Act 2011</i>:</p> <ul style="list-style-type: none"> <li>• Coordinator Administration Services</li> <li>• Technical &amp; Development Services Administration Officer</li> <li>• Customer Service Officers</li> </ul> <p><b>Issue of Infringement Notices</b> The following officers are delegated authority to issue infringement notices under the <i>Cat Act 2011</i>:</p> <ul style="list-style-type: none"> <li>• Manager Community Safety</li> <li>• Coordinator Ranger and Emergency Services</li> <li>• Rangers</li> <li>• Manager Development Services - Health</li> <li>• Environmental Health Officer</li> </ul> <p><b>Extensions and Withdrawals of Infringements</b> The following officers are delegated authority to extend time for payment or withdraw infringements under sections 64 and 65 the <i>Cat Act 2011</i>:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Executive Manager Corporate Services</li> <li>• Executive Manager Commercial Services</li> <li>• Executive Manager Customer &amp; Community Services</li> <li>• Executive Manager Infrastructure Services</li> </ul>
<b>Express power to subdelegate</b>	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government

<b>Subdelegates</b>	Coordinator Administration Services Coordinator Ranger & Emergency Services Customer Service Administration Officer Customer Services Officer Environmental Health Officer Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services Manager Community Safety Ranger Senior Environmental Health Officer
<b>Statutory framework</b>	<i>Cat Act 2011</i>  s.44 Delegation by local government  s.45 Delegation by CEO of local government
<b>Date adopted</b>	11 December 2020
<b>Adoption references</b>	Removed 'Coordinator Infrastructure Services'
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Remove "Commercial & Development Services Administration Officer" from list of subdelegates. This position is not required to register Cats.	

<b>Delegation</b>	<b>6.7 Entry to property</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.28 When this subdivision applies s3.32 Notice of entry s3.33 Entry under warrant s3.34 Entry in an emergency s3.36 Opening fences
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of entry to enter land to perform any of the local government functions under the Local Government Act 1995, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32]</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33]</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services Manager Development Services - Building Senior Environmental Health Officer
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  s.3.28 Powers of entry, 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  <i>Animal Welfare Act 2002</i>
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003

<b>Last reviewed</b>	24 July 2020
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<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Re-word delegation, as below, to allow for the proper execution of officer functions and duties: (copied WALGA template) 1. Authority to exercise powers of entry to enter land to perform any of the local government functions under the Local Government Act 1995, 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]. Also, add the following condition: Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>6.8 Impounded non-perishable goods</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.42 Impounded non-perishable goods
<b>Function</b>	Authority to - (a) institute proceedings; or (b) give a notice stating where goods may be collected from, when any non-perishable goods have been removed and impounded under s3.39 of the Local Government Act 1995.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Ranger & Emergency Services Executive Manager Commercial Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services Manager Community Safety Ranger Senior Environmental Health Officer
<b>Statutory framework</b>	<i>Local Government Act 1995</i> s3.42 Impounded non-perishable goods
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Add EM Commercial Services to subdelegates.	Nil

<b>Delegation</b>	<b>6.9 Notice to collect goods if not confiscated</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.44 Notice to collect goods if not confiscated
<b>Function</b>	Authority to give notice that goods may be collected, where non-perishable goods have been removed and impounded under s.3.39 and a prosecution is instituted, if the alleged offender - (a) is not convicted; or (b) is convicted but the court does not order that the goods be confiscated.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Ranger & Emergency Services Executive Manager Commercial Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services Manager Community Safety Ranger Senior Environmental Health Officer
<b>Statutory framework</b>	<i>Local Government Act 1995</i> s.3.44 Notice to collect goods if not confiscated
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Add EM Commercial Services to subdelegates.	Nil

<b>Delegation</b>	<b>6.10 Power to remove and impound goods</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.39 Power to remove and impound
<b>Function</b>	Authority to remove and impound goods from a public place if the goods present a hazard to public safety or they obstruct the lawful use of any place or otherwise are involved in a contravention that can lead to impounding.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Ranger & Emergency Services Executive Manager Commercial Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services Manager Community Safety Ranger
<b>Statutory framework</b>	<i>Local Government Act 1995</i> s.3.39 Power to remove and impound
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Add EM Commercial Services to subdelegates.	Nil

<b>Delegation</b>	<b>6.11 Graffiti Vandalism Act 2016 - Notices</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>Function</b>	<ol style="list-style-type: none"> <li>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 removed in an acceptable manner, and within the time set out in the notice [s.18(2)].</li> <li>2. Authority, where a person fails to comply with a notice, to do anything necessary to remove the graffiti in an acceptable manner [s.19(3)], and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</li> <li>3. Authority to deal with an objection to a notice [s.22(3)].</li> <li>4. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>(a) determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)]; and</li> <li>(b) to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p><b>Authorised persons to issue infringement notices:</b></p> <p>The following are authorised officers to issue infringement notices excluding the withdrawal of infringement notices.</p> <ul style="list-style-type: none"> <li>• Manager Community Safety</li> <li>• Coordinator Ranger and Emergency Services</li> <li>• Rangers</li> </ul> <p><b>Authorised persons to withdraw infringement notices:</b></p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Executive Manager Corporate Services</li> <li>• Executive Manager Commercial Services</li> <li>* Executive Manager Customer &amp; Community Services</li> <li>* Executive Manager Infrastructure Services</li> </ul> <p><b>Certificate of Authorisation</b></p> <p>The local government is to issue each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person [s.9.10(2) <i>Local Government Act 1995</i>].</p>

<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Ranger & Emergency Services Executive Manager Commercial Services Executive Manager Corporate Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services Manager Community Safety Ranger
<b>Statutory framework</b>	<i>Graffiti Vandalism Act 2016</i>  s16 (1) Delegation by local government  s17 (1) Delegation by CEO of local government  <i>Local Government Act 1995</i>  s9.10 Appointment of Authorised Persons
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Re-name delegation from 'Graffiti Vandalism Act 2016 - Delegations' to 'Graffiti Vandalism Act 2016 - Notices'. Re-word delegation, as follows, in line with WALGA template: 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 removed in an acceptable manner, and 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 necessary to remove 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)]. 3. Authority to deal with an objection to a notice [s.22(3)]. 4. Authority, where an objection has been lodged, to: (a) 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 (b) to give notice to the affected person, before taking the necessary actions [s.24(3)].	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>6.12 Disposal of sick or injured animals</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.47A Sick or injured animals, disposal of s3.48 Impounding expenses, recovery of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s3.47A(1)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s3.48].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Delegation only to be used where reasonable efforts have been made to identify and contact an owner.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Ranger & Emergency Services Executive Manager Customer & Community Services Manager Community Safety Ranger
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  s3.47A Sick or injured animals, disposal of  <i>Animal Welfare Act 2002</i>
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates.	Nil

<b>Delegation</b>	<b>6.13 Declare Vehicle is Abandoned Wreck</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.40A(4) Abandoned vehicle wreck may be taken
<b>Function</b>	Authority to declare a vehicle to be an abandoned vehicle wreck if -  (a) after 7 days from the removal of the vehicle under s.3.40A(1) of the Local Government Act 1995, the owner of the vehicle has not collected it; or (b) after 7 days from being given notice under s3.40A(2) of the Local Government Act 1995, the owner of the vehicle has not collected it.
<b>Delegates</b>	CEO
<b>Conditions</b>	Disposal of a declared abandoned vehicle wreck is to be undertaken in accordance with delegated authority 7.5 Disposing of confiscated or uncollected goods.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Ranger & Emergency Services Executive Manager Customer & Community Services Manager Community Safety Ranger
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  s.3.40A(4) Abandoned vehicle wreck may be taken.
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates.	Nil

<b>Delegation</b>	<b>6.14 Graffiti Vandalism Act 2016 - Remove Graffiti on Private Property</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.25(1) Local government graffiti powers on land not local government property s.28 Notice of entry s.29 Entry under warrant
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to remove graffiti, or appoint a contractor to do so, without the 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)].</li> <li>2. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].</li> <li>3. Authority to obtain a warrant to enable entry onto land, premises or thing for the purposes of the Graffiti Vandalism Act 2016 [s.29].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Authority to remove graffiti on private property is subject to exercising Powers of Entry.
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Ranger & Emergency Services Executive Manager Customer & Community Services Executive Manager Infrastructure Services Manager Community Safety Ranger
<b>Statutory framework</b>	<i>Graffiti Vandalism Act 2016</i>  s.16 Delegation by local government  s.17 Delegation by CEO of local government
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>6.15 Bush Fires Act 1954 - Firebreaks</b>
<b>Category</b>	D. CUSTOMER & COMMUNITY SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s.33 Local government may require occupier of land to plough or clear fire breaks
<b>Function</b>	<p>1. Authority to approve format and content, and authorise the issue of the annual Shire of East Pilbara Firebreak Order.</p> <p>2. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District requiring:</p> <ul style="list-style-type: none"> <li>• clearing of fire breaks as determined necessary and specified in the notice; and</li> <li>• act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>• as a separate or coordinated action with any other person carry out similar actions [s.33 (1)].</li> </ul> <p>3. 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)].</p> <p>4. 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)].</p>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	A delegation under this section does not include the power to subdelegate [s.48(3)].
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i>  s.33 Local government may require occupier of land to plough or clear fire-breaks  s.48 Delegation by local government
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
24 Jul 2020	Amended delegation	Add points 2-4 under function.	Nil

<b>Delegation</b>	<b>7.1 Exemptions under clause 3.1(2) - Public Places and Local Government Property Local Law 2011</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Function</b>	The Chief Executive Officer is delegated the authority to determine persons or groups which may be exempt, under clause 3.1(2) of the Shire of East Pilbara Public Places and Local Government Property Local Law 2011, from the requirement in clause 3.1(1) of that same local law to obtain a licence and pay the applicable fees.
<b>Delegates</b>	CEO
<b>Conditions</b>	<ul style="list-style-type: none"> <li>• Every person or group seeking an exemption under clause 3.1(2) of the <i>Public Places and Local Government Property Local Law 2011</i>, must apply in writing in a form approved by the Shire.</li> <li>• Although that person or group may be exempted from paying the appropriate application fees, they will still be required to complete the appropriate forms for the application for licence.</li> <li>• Exemptions will only be available to persons or groups based in the Shire of East Pilbara which positively contribute to the wellbeing of the community.</li> <li>• Exemptions will not be available to State or Federal Agencies or profit organisations.</li> </ul>
<b>Statutory framework</b>	<p>Cl 3.1(2) Shire of East Pilbara <i>Public Places and Local Government Property Local Law 2011</i>. 3.1 Activities requiring a licence.</p> <p>Cl 3.1 (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>7.2 Building Act 2011 - Building and demolition permits</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<p><i>Building Act 2011</i></p> <p>s.18 Further information  s.20 Grant of building permit  s.21 Grant of demolition permit  s.22 Further grounds for not granting an application  s.27(1) and (3) Impose conditions on permits</p> <p><i>Building Regulations 2012</i></p> <p>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))</p>

<p><b>Function</b></p>	<p>The Chief Executive Officer is delegated the power to perform the following functions:</p> <ol style="list-style-type: none"> <li>1. Refer an uncertified application to a building surveyor [in circumstances set out in s.17 (1)].</li> <li>2. Require the applicant to provide any document or information that it requires to determine the application and to verify the information by statutory declaration [s.18 (1)].</li> <li>3. Refuse to consider an application [s.18(2)].</li> <li>4. Grant a building permit [ss.20 and 23].</li> <li>5. Refuse to grant a building permit [ss.20 and 23, including in the circumstances in ss.22 (1) and (2)].</li> <li>6. Grant a demolition permit [ss.21 and 23].</li> <li>7. Refuse to grant a demolition permit [ss.21 and 23, including in the circumstances in ss.22(1) and (2)].</li> <li>8. Refund the fee that accompanied an application to the applicant if no decision is made within the time mentioned in ss.23(1) and (2) [s.23(4)].</li> <li>9. Record the grounds on which a decision to refuse to grant a building permit or demolition permit is based on and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review [s.24].</li> <li>10. Impose conditions on the grant of a permit in addition to any provided for in the Regulations, including specifying the way in which an outward facing side of a particular close wall must be finished [ss.27(1) and 88(3)].</li> <li>11. Add, vary or revoke conditions imposed on a permit before the building work or demolition work is completed [s.27(3)].</li> <li>12. Refuse to accept an application to extend the time during which a permit has effect made after the expiry day for the permit [r.23(3)].</li> <li>13. Extend the time during which a permit has effect and impose conditions on the extended permits [s.32, rr.24(1) and (2)].</li> <li>14. Refuse to extend the time during which a permit has effect [r.24(1)].</li> <li>15. Approve a new person to be named as the builder on the building permit and amend the details set out in the permit accordingly [r.26(3) and (4)].</li> <li>16. Approve a new person to be named as the demolition contractor on the demolition permit and amend the details set out in the permit accordingly [r.26(3) and (4)].</li> </ol>
<p><b>Delegates</b></p>	<p>CEO</p>
<p><b>Conditions</b></p>	<p>Authority to delegate is limited by s127 <i>Building Act 2011</i>.  s127 (6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty —  (a) the CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and  (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.</p> <p>Records of determinations made under delegation to be kept on appropriate file or register.</p>
<p><b>Express power to subdelegate</b></p>	<p><i>Building Act 2011</i>  s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>

<b>Subdelegates</b>	Executive Manager Commercial Services Manager Development Services - Building Manager Land Use & Strategy Senior Environmental Health Officer
<b>Statutory framework</b>	<p><i>Building Act 2011</i></p> <p>s18 (1) A permit authority to which an application is made may require the applicant to give the permit authority, within a specified time of not more than 21 days, any document or information that it requires to determine the application and may require the applicant to verify the information by statutory declaration.</p> <p>s20 (1) (a) A permit authority to which a certified application or an uncertified application is made must grant the building permit if it is satisfied — that the applicant has complied with section 16;</p> <p>s21 (1) (a) The permit authority to which an application for a demolition permit is made must grant the demolition permit if it is satisfied — that the applicant has complied with section 16;</p> <p>s27(1) A permit authority may impose conditions on the grant of a building permit or demolition permit in addition to any provided for in the regulations.</p> <p>s127 (1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.</p> <p><i>Building Regulations 2012</i></p> <p>r23 Application to extend time during which permit has effect (s. 32)</p> <p>r24 Extension of time during which permit has effect (s. 32(3))</p> <p>r26 Approval of new responsible person (s. 35(c))</p>
<b>Date adopted</b>	29 January 2021
<b>Adoption references</b>	Add Senior Environmental Health Officer as sub-delegate.
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil
29 Jan 2021	Amended delegation	Add Senior Environmental Health Officer as sub-delegate.	OCM 29/001/2021

<b>Delegation</b>	<b>7.3 Building Act 2011 - Building information</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> s.131(2) Inspection, copies of building records
<b>Function</b>	<p>The Chief Executive Officer is delegated the power to perform the following functions:</p> <ol style="list-style-type: none"> <li>1. Keep a register of all building permits, demolition permits, occupancy permits and building approval certificates granted by it, and all building orders made by it, in an approved manner and form [s.128(1), (2)].</li> <li>2. Amend the register to reflect the variation or revocation of a condition of, or any other change reflecting to that effect of, a building permit, a demolition permit, an occupancy permit, a building approval certificate or a building order resulting from a decision of the permit authority or information given to the permit authority [s.128(3)].</li> <li>3. Make the register available for inspection by members of the public during normal office hours [s.129(1)].</li> <li>4. On application by any person and on payment of the prescribed fee, if any, provide to the person a copy of a building permit, a demolition permit, an occupancy permit, a building approval certificate or a building order that is kept in the register [s.129(2)].</li> <li>5. Keep in the manner and for the prescribed period such of the prescribed documents that comprise, accompany, are provided for in, are issued as a result of, or otherwise relate to the building or incidental structure that is the subject of -             <ol style="list-style-type: none"> <li>a. An application for a building permit or demolition permit, or</li> <li>b. An application of a kind mentioned in Part 4 Division 2; or</li> <li>c. An inspection of a prescribed kind [s.130].</li> </ol> </li> <li>6. Allow an interested person to inspect a building record and provide to the interested person a copy of the building record [s.131(2)].</li> <li>7. Give the Building Commissioner prescribed information for inclusion in the annual report submitted under the Financial Management Act 2006 Part 5 by the accountable authority [s.132(1)] and provide a record or information requested by the Building Commissioner [s.132(3), r.14].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Authority to delegate is limited by s127 <i>Building Act 2011</i>.</p> <p>Records of determinations made under delegation to be kept on appropriate file or register.</p>
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).

<b>Subdelegates</b>	Commercial & Development Services Administration Officer Executive Manager Commercial Services Manager Development Services - Building Manager Land Use & Strategy Senior Environmental Health Officer
<b>Statutory framework</b>	<i>Building Act 2011</i>  s110 Building orders  s 117 Revocation of building order  s 118 Permit authority may give effect to building order if non-compliance
<b>Date adopted</b>	29 January 2021
<b>Adoption references</b>	Add Senior Environmental Health Officer as sub-delegate.
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil
29 Jan 2021	Amended delegation	Add Senior Environmental Health Officer as sub-delegate.	Add Senior Environmental Health Officer as sub-delegate.

<b>Delegation</b>	<b>7.4 Building Act 2011 - Building orders</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Function</b>	The Chief Executive Officer is delegated the power to perform the following functions: 1. Make an order in respect of one or more of the following – a. Particular building work; b. Particular demolition work; c. A particular building or incidental structure, whether completed before or after commencement day [s.110(1)].  2. Specify the way in which an outward facing side of a particular close wall must be finished [s.88(3)]. 3. Before making a building order, give each person to whom the order is proposed to be directed written notice of the terms of the proposed order and reasons for it and advise each person of time in which they may make submissions and consider each submission received [s.111(1)]. 4. Serve a copy of the order on each person to whom the order is directed in accordance with s.76 of the Interpretation Act 1994 [s.1114(1)]. 5. Revoke a building order at any time [s.117(1)]. 6. Decide whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect, within 28 days of receiving a notification under s.112(3)(c) [s.117(2)]. 7. Cause an authorised person to – a. Take any action specified in the order; or b. To 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 in the circumstances to cause the action to cease [s.118(2)].  8. Recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under s.118(2) [s.118(3)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Authority to delegate is limited by s127 <i>Building Act 2011</i> .  Records of determinations made under delegation to be kept on appropriate file or register.
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO).

<b>Subdelegates</b>	Executive Manager Commercial Services Manager Development Services - Building Manager Land Use & Strategy
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	

<b>Delegation</b>	<b>7.5 Building Act 2011 - Enforcement - Authorised persons</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i>
<b>Function</b>	<p>The Chief Executive Officer: is delegated the authority to perform the following functions:</p> <ol style="list-style-type: none"> <li>1. Designate a person employed by the local government. According to s.96 (3) of the Building Act., a local government may, by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government.</li> <li>2. Revoke a designation at any time [s.96(6)].</li> <li>3. Limit the powers of an authorised person by imposing conditions on a person's instrument of designation or by written notice and at any time revoke or vary such condition or notice [s.99(2) (3)].</li> <li>4. Give an identity card to each person designated by it as an authorised person [s.97]</li> <li>5. Cause an authorised person to – <ol style="list-style-type: none"> <li>a. Take any action specified in the order; or</li> <li>b. To commence or complete any work specified in the order; or</li> <li>c. If any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease [s.118(2)].</li> </ol> </li> <li>6. Recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under s.118(2) [s.118(3)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Authority to delegate is limited by s127 <i>Building Act 2011</i>.</p> <p>Records of determinations made under delegation to be kept on appropriate file or register.</p>
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Commercial Services Manager Development Services - Building Manager Land Use & Strategy
<b>Statutory framework</b>	<i>Building Act 2011</i>  s96 Authorised Persons  s99 Limitation on powers of authorised person
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003

<b>Last reviewed</b>	24 July 2020
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<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil

<b>Delegation</b>	<b>7.6 Building Act 2011 - Infringement notices</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012</i> r9.16
<b>Function</b>	Authority to appoint authorised officers under Regulation 70(2) of the Building Regulations 2012 and section 9.16 of the Local Government Act 1995, for the purpose of issuing Building Act 2011 infringement notices in accordance with section 6(b) of the Criminal Procedures Act 2004, and/or to extend the period for payment of, or the withdrawal of infringement notices.
<b>Delegates</b>	CEO
<b>Conditions</b>	<p><b>Authorised persons to issue infringement notices</b></p> <ul style="list-style-type: none"> <li>• Executive Manager Commercial Services</li> <li>• Manager Development Services – Building</li> <li>• Manager Land Use &amp; Strategy</li> </ul> <p><b>Withdrawal of infringement notices</b></p> <p>Only the Chief Executive Officer may withdraw infringement notices. Authority to delegate is limited by s127 <i>Building Act 2011</i>.</p> <p>Records of determinations made under delegation to be kept on appropriate file or register.</p>
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Commercial Services Manager Development Services - Building Manager Land Use & Strategy
<b>Statutory framework</b>	<i>Building Regulations 2012</i>  Regulation 70 (2) <i>Building Regulations 2012</i> – a permit authority that is a local government may, in writing, appoint to be an authorised officer for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(b) a person appointed under the <i>Local Government Act 1995</i> section 9.10(1) and authorised for the purpose of performing functions under section 9.16 of that Act.
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services. In paragraph 1 under conditions remove EM Infrastructure Services and replace with EM Commercial Services. And remove Manager Development Services Planning and replace with Manager Land Use & Strategy. Under Power/Duty - remove the paragraph that was previously there and replace with: Authority to appoint authorised officers under Regulation 70(2) of the Building Regulations 2012 and section 9.16 of the Local Government Act 1995, for the purpose of issuing Building Act 2011 infringement notices in accordance with section 6(b) of the Criminal Procedures Act 2004, and/or to extend the period for payment of, or the withdrawal of infringement notices.	

<b>Delegation</b>	<b>7.7 Building Act 2011 - Occupancy permits and building approval certificates</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration  <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate
<b>Function</b>	The Chief Executive Officer is delegated the power to perform the following functions:  <ol style="list-style-type: none"> <li>1. Requires the applicant of an occupancy permit or building approval certificate to provide any document or information that it requires to determine the application and to verify the information by statutory declaration [s.55(1)].</li> <li>2. Refuse to consider an application [s.55(2)].</li> <li>3. Grant or modify the occupancy permit or grant the building approval certificate [ss.58(1) and 59].</li> <li>4. Refuse to grant or modify the occupancy permit or grant the building approval certificate [including in the circumstances set out in ss.58(2) and (3)].</li> <li>5. Record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right to review [s.60].</li> <li>6. Impose conditions on the occupancy permit or modification or building approval certificate in addition to any provided for in the Regulations [s.62(1)].</li> <li>7. Add, vary or revoke conditions while the occupancy permit or building approval certificate has effect [s.62(3)].</li> <li>8. Give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right of review [s.62(4) and (5)].</li> <li>9. Extend the period in which the occupancy permit or modification or the building approval certificate has effect [s.65(4)].</li> <li>10. Refuse to extend the time during which an occupancy permit or a building approval certificate has effect or extend the permit or certificate for shorter period than requested by the applicant and, if so, record the grounds on which a decision is based and the reasons for the decision, and give written notice of the decision together with those grounds and reasons, and the person's right of review [s.65, r.40(5)]</li> <li>11. Refuse to accept an application to extend the time during which an occupancy permit or a building approval certificate has effect [r.40(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Authority to delegate is limited by s127 <i>Building Act 2011</i> .  Records of determinations made under delegation to be kept on appropriate file or register.

<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Commercial Services Manager Development Services - Building Manager Land Use & Strategy Senior Environmental Health Officer
<b>Statutory framework</b>	<i>Building Act 2011</i>  s55 Further information s58 Grant of occupancy permit, building approval certificate s62 Conditions imposed by permit authority s65 Extension of period of duration
<b>Date adopted</b>	29 January 2021
<b>Adoption references</b>	Add Senior Environmental Health Officer as sub-delegate.
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil
29 Jan 2021	Amended delegation	Add Senior Environmental Health Officer as sub-delegate.	Add Senior Environmental Health Officer as sub-delegate.

<b>Delegation</b>	<b>7.8 Building Act 2011 - Private swimming pools</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012</i> r.51 Approvals by permit authority
<b>Function</b>	The Chief Executive Officer is delegated the power to: <ol style="list-style-type: none"> <li>1. Approve alternative requirements to r.50(4)(b) if satisfied that the alternative requirements will restrict access by young children to the swimming pool as effectively as if there were compliance with Australian Standard AS 1926.1 [r.51(2)].</li> <li>2. Approve a door for the purposes of r.50(4)(c)(ii) if the door is in accordance with the requirements of Australian Standard AS 1926.1 and the conditions in r.51(3) are satisfied [r.51(3)].</li> <li>3. Arrange for an authorised person to inspect the enclosures of private swimming pools in the district at intervals of no more than 4 years for the purpose of monitoring whether the provisions in rr.50 and 52 the Regulations are complied with [rr.50, 52 and 53(1)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Authority to delegate is limited by s127 <i>Building Act 2011</i> .  Records of determinations made under delegation to be kept on appropriate file or register.
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Commercial Services Manager Development Services - Building Senior Environmental Health Officer
<b>Statutory framework</b>	<i>Building Regulations 2012</i>  r51 Approvals by permit authority and  r53 Inspection of barrier to private swimming pool
<b>Date adopted</b>	29 January 2021
<b>Adoption references</b>	Add Senior Environmental Health Officer as sub-delegate.
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil
29 Jan 2021	Amended delegation	Add Senior Environmental Health Officer as sub-delegate.	Add Senior Environmental Health Officer as sub-delegate.

<b>Delegation</b>	<b>7.9 Building Act 2011 - Smoke Alarms</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> r.55 Terms used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Authority to delegate is limited by s127 <i>Building Act 2011</i>.</p> <p>Records of determinations made under delegation to be kept on appropriate file or register.</p>
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
<b>Subdelegates</b>	Executive Manager Commercial Services Manager Development Services - Building Senior Environmental Health Officer
<b>Statutory framework</b>	<i>Building Regulations 2012</i>  r61 Local government approval of battery powered smoke alarms
<b>Date adopted</b>	29 January 2021
<b>Adoption references</b>	Add Senior Environmental Health Officer as sub-delegate.
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil
24 Jul 2020	Amended delegation	Add in the following point under function:  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].	Nil
29 Jan 2021	Amended delegation	Add Senior Environmental Health Officer as sub-delegate.	Add Senior Environmental Health Officer as sub-delegate.

<b>Delegation</b>	<b>7.10 Building permit fees - refunds and exemptions</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine applications for the refund of building permit fees where a building project is abandoned after issue of the permit.</li> <li>2. Authority to determine any applications from sporting, charitable or community organisations for exemption from payment of any building permit fees.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Any refund shall not exceed 50% of the fee paid and no refund is to be made when the project is abandoned after the expiry of 12 months from the date of issue of the permit.</p> <p>Refund provisions only relate to that part of the fee retained by Council and not to any other part collected on behalf of a State Government agency including the Builder's Registration Board levy that commenced on 1 August 2001.</p>
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Commercial Services Manager Development Services - Building Manager Land Use & Strategy
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i></p> <p>s6.12(1) Subject to subsection (2) and any other written law, a local government may_ (b), waive or grant concessions in relation to any amount of money or</p> <p>6.12(1)(c) write off any amount of money</p> <p>6.12(3) The grant of a concession under subsection (1)(b) maybe subject to any conditions determined by the local government</p>
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services. In paragraphs 1 and 2 under Power or duty remove the words "The Chief Executive Officer has the..."	Nil

<b>Delegation</b>	<b>7.11 Food Act 2008 - Appointment of authorised persons and designated officers</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement officers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].</li> <li>2. Authority to appoint an Authorised Officer under s.122(2) of this Act or s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing infringement notices under the <i>Food Act 2008</i> [s.126(13)].</li> <li>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)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. A person who is a Designated Officer for the purposes of issuing infringements, cannot be a Designated Officer for the purposes of extending time for payment or withdrawing infringements.</li> <li>2. A list of authorised and designated officers must be prepared and maintained in accordance with s.122(3) of the <i>Food Act 2008</i>.</li> <li>2. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> </ol>
<b>Express power to subdelegate</b>	N/A - the <i>Food Regulations 2009</i> do not provide for sub-delegation
<b>Statutory framework</b>	<i>Food Act 2008</i>  s.118 Functions of enforcement agencies and delegation  s122 Appointment of authorised officers  s126 Issuing of Infringement notices
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Add conditions, as below: 1. A person who is a Designated Officer for the purposes of issuing infringements, cannot be a Designated Officer for the purposes of extending time for payment or withdrawing infringements. 2. A list of authorised and designated officers must be prepared and maintained in accordance with s.122(3) of the Food Act 2008. 2. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.	Nil
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
24 Jul 2020	Amended delegation	Add in point 3 under power or duty that is being delegated (function), as below:  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)].	Nil

<b>Delegation</b>	<b>7.12 Food Act 2008 - Prohibition orders</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the Food Act 2008 [s.65(1)].</li> <li>2. Authority to give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices [s.66].</li> <li>3. Authority to give written notice to the proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</li> </ol>
<b>Delegates</b>	CEO Executive Manager Commercial Services Senior Environmental Health Officer
<b>Conditions</b>	1. In accordance with s.118(3)(b) of the <i>Food Act 2008</i> , this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	N/A - <i>Food Regulations 2009</i> do not provide for sub-delegation
<b>Statutory framework</b>	<i>Food Act 2008</i>  s.118 Functions of enforcement agencies and delegation  s65 Prohibition order  s66 Certificate of clearance to be given in certain circumstances  s67 Request for re-inspection
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates and replace with EM Commercial Services.	Nil
24 Jul 2020	Amended delegation	Remove sub-delegates as the Food Regulations 2009 do not provide for sub-delegation. Add them to the list of delegates instead.	Nil

<b>Delegation</b>	<b>7.13 Food Act 2008 - Prosecutions</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> s.54 Cost of destruction or disposal of forfeited item
<b>Function</b>	<ol style="list-style-type: none"> <li>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 court [s.54(2)].</li> <li>2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].</li> </ol>
<b>Delegates</b>	CEO Executive Manager Commercial Services Senior Environmental Health Officer
<b>Conditions</b>	1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	N/A - <i>Food Regulations 2009</i> do not provide for sub-delegation
<b>Statutory framework</b>	<i>Food Act 2008</i>  s125 Institution of proceedings
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates and replace with EM Commercial Services.	Nil
24 Jul 2020	Amended delegation	Remove sub-delegates. The Food Regulations 2009 do not provide for sub-delegation. Add them to the list of delegates instead.	Nil

<b>Delegation</b>	<b>7.14 Food Act 2008 - Registration of a food business</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to register a food business in respect of any premises for the purposes of Part 9 of the Food Act 2008 and issue a certificate of registration.</li> <li>2. Authority to consider applications, determine registration of a food business and to grant the application (with or without conditions) or refuse the registration [s.110(1) and (5)].</li> <li>3. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Delegates</b>	CEO Environmental Health Officer Executive Manager Commercial Services Senior Environmental Health Officer
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	N/A - <i>Food Regulations 2009</i> do not provide for sub-delegation
<b>Statutory framework</b>	<i>Food Act 2008</i>  s.110 Registration of Food Business  s.112 Variation of conditions or cancellation of registration of food businesses  s.118 Functions of enforcement agencies and delegation
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates and replace with EM Commercial Services.	Nil
24 Jul 2020	Amended delegation	Remove sub-delegates. The Food Regulations 2009 do not provide for sub-delegation. Add them to the list of delegates instead.	Nil

<b>Delegation</b>	<b>7.15 Food Act 2008 - Food Businesses List - Public Access</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	<i>Food Regulations 2009</i> r.51 Enforcement agency may make list of food businesses
<b>Function</b>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
<b>Delegates</b>	CEO Executive Manager Commercial Services Senior Environmental Health Officer
<b>Conditions</b>	1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	N/A - <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Statutory framework</b>	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation  <i>Food Regulations 2009</i> r.51 Enforcement agency may make list of food businesses
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Delegation</b>	<b>7.16 Food Act 2008 - Determine Compensation</b>
<b>Category</b>	E. COMMERCIAL SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) Sub-delegation permissible only if expressly provided in regulations
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)].</li> <li>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>2. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$1,000. Compensation requests above this value are to be reported to Council.</li> </ol>
<b>Express power to subdelegate</b>	N/A - <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Delegation</b>	<b>8.1 Acquisition of land</b>
<b>Category</b>	F. INFRASTRUCTURE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.55 Acquisition of land
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to take appropriate action to acquire any privately owned land that is required for the realignment of road reserves to accommodate the implementation of Council's annual road works program.</li> <li>2. Authority to offer the landowner, as compensation, the valuation as determined by the Valuer General, plus an amount of 10%.</li> <li>3. Authority to negotiate arrangements with affected landowners whereby the Council may carry out works to the value of the compensation payable.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	A local government can only take land under Part 9 of the <i>Land Administration Act 1997</i> , if it is in, or is to be regarded as being included in, its own district [s.3.55]
<b>Statutory framework</b>	<i>Local Government Act 1995</i>  s.3.55 Acquisition of land
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2018	---	Re-name delegation from 'Resumption of land' to 'Acquisition of land'. Add the following condition: A local government can only take land under Part 9 of the Land Administration Act 1997, if it is in, or is to be regarded as being included in, its own district [s.3.55]	
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>8.2 Road train and extra mass permits</b>
<b>Category</b>	F. INFRASTRUCTURE SERVICES
<b>Delegator</b>	Council
<b>Function</b>	Authority to determine any application recommending approval or refusal, with or without conditions, for referral to Main Roads WA to use road trains and for extra mass permits on any local road within the district.
<b>Delegates</b>	Executive Manager Infrastructure Services Manager Technical Services - Newman Manager Technical Services - Rural
<b>Conditions</b>	Nil
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>8.3 Temporary closure of thoroughfares</b>
<b>Category</b>	F. INFRASTRUCTURE SERVICES
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.50 Closing certain thoroughfares to vehicles s3.50A Partial closure of thoroughfare for repairs or maintenance s3.51 Affected owners to be notified of certain proposals
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s3.50(1)].</li> <li>2. Authority to revoke an order to close a thoroughfare [s3.50(6)].</li> <li>3. Authority to partially or temporarily close a thoroughfare without a public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s3.50A].</li> <li>4. 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 [s3.51].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Any proposal to close a thoroughfare for longer than 4 weeks must be referred to Council.</li> <li>2. The permanent closure of thoroughfares is to be referred to Council.</li> <li>3. Roads shall only be temporarily closed for major infrastructure works, services and land developments. However, where it is likely to have a significant adverse effect on users, public notice should be given.</li> <li>4. All notices and advertisements are to clearly demonstrate that Council is not committed to the closure proposal, but is simply wanting comment to assist in determining whether to proceed with the closure or not.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees.
<b>Subdelegates</b>	Executive Manager Infrastructure Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> s3.50 Closing certain thoroughfares to vehicles s3.50A Partial closure of thoroughfare for repairs or maintenance
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
24 Jul 2020	Amended delegation	Add in points 2-4 under the power or duty that is being delegated (function).	Nil

<b>Delegation</b>	<b>8.4 Traffic regulatory and other signs</b>
<b>Category</b>	F. INFRASTRUCTURE SERVICES
<b>Delegator</b>	CEO
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to make applications to Main Roads WA for approval to install stop and give way signs at such places as warranted and on receipt of the necessary approval to the appropriate signs erected in accordance with the approval.</li> <li>2. Authority to arrange installation of "School Bus Stop" signs and other traffic regulatory signs as may be necessary.</li> <li>3. Authority to erect street name signs and approved direction signs.</li> </ol>
<b>Delegates</b>	Executive Manager Infrastructure Services
<b>Conditions</b>	Ensure that Council Policies are adhered to.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Date adopted</b>	24 July 2020
<b>Adoption references</b>	Resolution: 202021/003
<b>Last reviewed</b>	24 July 2020

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

## AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
3.1 Bush Fires Act 1954 - Appointment of Bush Fire Control Officers	29 Jun 2018	---	In accordance with the MOU signed between the SoEP and DFES - change the bush fire control officers as below: DFES Hedland Area Officer as Chief Bush Fire Control Officer Manager Community Safety as Deputy Chief Bush Fire Control Officer Coordinator Ranger & Emergency Services & Rangers as Fire Control Officers	
3.1 Bush Fires Act 1954 - Appointment of Bush Fire Control Officers	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
3.1 Bush Fires Act 1954 - Appointment of Bush Fire Control Officers	27 Mar 2020	Amended delegation	Previously, the DFES Hedland Area Officer was appointed as the Chief Bush Fire Control Officer. DFES has recently gone through a restructure and the position of 'Hedland Area Officer' has been renamed to 'Area Officer De Grey.'	Nil
3.1 Bush Fires Act 1954 - Appointment of Bush Fire Control Officers	26 Jun 2020	Amended delegation	Add in the following function:  Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of East Pilbara [s.38(5A)].  Remove subdelegates - subdelegation is prohibited by s.48(3).	Nil
3.1 Bush Fires Act 1954 - Appointment of Bush Fire Control Officers	18 Sep 2020	Amended delegation	OCM 18/09/2020 - Item 9.1.4 Amend the 2020-21 Authorisations & Delegations Manual as follows: a. Appoint the Coordinator Ranger & Emergency Services as the Deputy Chief Bush Fire Control Officer. b. Appoint the Management Community Safety as a Fire Control Officer.	Nil
3.2 Caravan Parks and Camping Grounds Act 1995 - Appointments	28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy	Nil
3.3 Cat Act 2011 - Appointments	28 Jun 2019	---	Under paragraph 1 of the conditions add "Customer Service Administration Officer."	Nil

Delegation	Approved or adopted	Type	Amendment	References
3.3 Cat Act 2011 - Appointments	24 Jul 2020	Repealed	Local Government Regulations Amendment Regulations (No.2) 2020 were published in the Government Gazette on 6 November 2020. Under these regulations, the process for appointing authorised persons (under a range of legislation) has been harmonised through an amendment to s9.10 of the Local Government Act 1995, which now means the CEO is the prescribed decision maker to make appointments.	Resolution: 202021/003
3.4 Control of Vehicles (Off-road Areas) Act 1978	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
3.5 Dog Act 1976 - Appointments	28 Jun 2019	---	Under paragraph 1 of the conditions add "Customer Service Administration Officer."	Nil
3.5 Dog Act 1976 - Appointments	24 Jul 2020	Repealed	The Local Government Regulations Amendment Regulations (No.2) 2020 were published in the Government Gazette on 6 November 2020. Under these regulations, the process for appointing authorised persons (under a range of legislation) has been harmonised through an amendment to s9.10 of the Local Government Act 1995, which now means the CEO is the prescribed decision maker to make appointments.	Resolution: 202021/003
4.0 Election of Presiding Members and Deputies - Delegation	29 Jun 2018	---	Remove reference to section 5.12 - Presiding members and deputies, election of. This is a reference to Committees. Correct section to reference is s.2.11(1)(b) and s.2.15 which refers to Council.	Nil
4.0 Election of Presiding Members and Deputies - Delegation	15 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	
4.1 Acting Chief Executive Officer	26 Oct 2018	---	Change Deputy CEO title to Executive Managers. Also include the following officers to be appointed Acting CEO (CEO wanted to be able to rotate between the 4 executives): EM Corporate Services EM Commercial Services EM Customer & Community Services EM Infrastructure Services	

Delegation	Approved or adopted	Type	Amendment	References
4.2 Appoint Authorised Persons	29 Jun 2018	---	Under conditions add the following: A register of Authorised Persons, appointed to administer local laws, is to be maintained.	Nil
4.2 Appoint Authorised Persons	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
4.2 Appoint Authorised Persons	11 Dec 2020	Amended delegation	Delegation amended in accordance with amendments to the Local Government Act 1995, as contained within the Local Government Legislation Amendment Act 2019, and gazetted on 6 November 2020.	Nil
4.3 Certain Provisions About Land	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	
4.4 Disposing of Property	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	
4.5 Execution of Documents	29 Jun 2018	---	Add Manager Martumilli as a sub-delegate. Add the following condition for the Manager Martumilli: The Manager Martumilli may only sign the following Martumilli agreements that are with and on behalf of the artists: • Consignment agreements; • Copyright agreements; • Artist agreements; and • Collaborative agreements.	Nil
4.5 Execution of Documents	20 Sep 2018	---	Under the heading Policy - change policy number from 4.6 to 4.5 - Execution of Documents (Use of Common Seal). Incorrect reference was made.	Nil
4.5 Execution of Documents	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
4.6 Issue of Notices, Cautions and Infringements	29 Jun 2018	---	Add condition that a register of Authorised Persons, appointed to issue notices, cautions and infringements, is to be maintained.	Nil
4.6 Issue of Notices, Cautions and Infringements	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

Delegation	Approved or adopted	Type	Amendment	References
4.7 Legal Matters	29 Jun 2018	---	Remove requirement that the CEO has authority to obtain legal advice and opinions - this is an operational matter - delegation not required. Add condition that an employee appointed to represent the Shire in legal proceedings must be appointed in writing signed by the CEO [s9.29(2) (b)].	Nil
4.7 Legal Matters	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
4.8 Expressions of Interest for Goods & Services	29 Jun 2018	---	Change of title from 'Limitation may be placed on who can tender' to 'Expressions of Interest for Goods & Services.' to align with wording in the Act.	Nil
4.8 Expressions of Interest for Goods & Services	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
4.9 Tenders for Goods and Services	29 Jun 2018	---	Change of title from 'Making of the decision to invite tenders' to 'Authority to invite tenders' to align with wording in the Act.	Nil
4.9 Tenders for Goods and Services	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
4.9 Tenders for Goods and Services	26 Jun 2020	Amended delegation	Added in points 2-8 under function.	Nil
4.10 Payments to employees in addition to contract or award	29 Jun 2018	---	Add condition - where a payment is made to an employee whose employment is finishing, and is more than set out in Council's Gratuity Policy, the CEO must cause local public notice to be given in relation to the payment made [s5.50(2)].	Nil
4.10 Payments to employees in addition to contract or award	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

Delegation	Approved or adopted	Type	Amendment	References
4.10 Payments to employees in addition to contract or award	26 Jun 2020	Amended delegation	<p>Delete the following paragraphs – delegation is not required as it is already a function of the CEO under s5.41(g):</p> <p>Authority to vary salaries payable to all staff that are not employed on performance based term contracts. The alteration may be within the employee’s assigned band/classification, may involve a change of salary band/classification or may involve an appropriate over award payment.</p> <ul style="list-style-type: none"> <li>• Where it is proposed to vary the salary of an employee, not subject to a performance based term contract, any variation must be as a result of a satisfactory performance appraisal and appropriate funding must be available within the budget.</li> </ul>	Nil
4.11 Development and performance bonds	28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates & replace with EM Commercial Services	Nil
4.12 Administration of Town Planning Scheme No. 4	26 Oct 2018	Amended delegation	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
4.12 Administration of Town Planning Scheme No. 4	28 Jun 2019	Amended delegation	<p>Remove EM Customer &amp; Community Services and EM Infrastructure Services from subdelegates and replace with EM Commercial Services.</p> <p>Amend all reference to Clause 4 to Clause 3.</p> <p>Insert Zoning Table land use Delegations at Delegation 12.</p> <p>Include provision for Council only consideration under Delegation 13.</p> <p>Remove Delegation 17 &amp; 18 – Use Not Listed.</p> <p>Remove Conditions attached to Delegation at Delegation 12 (ii) Dot Point 2- Remove Delegation to refuse planning approval due to non-compliance with Local Planning Policy.</p>	Nil

Delegation	Approved or adopted	Type	Amendment	References
4.13 Planning and Development Act 2005	28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates and replace with EM Commercial Services.	Nil
5.1 Agreement as to payment of rates and service charges	29 Jun 2018	---	Remove delegation. Already accounted for in delegation 5.9 - Rate record.	
5.1 Authority to waive fees	29 Jun 2018	---	Add delegation as follows: 2. Authority to grant an extension of time to pay in relation to any amount of money which is owed to the Shire of East Pilbara. Add condition as follows: Any agreement to extend time to pay must be made in writing.	Nil
5.1 Authority to waive fees	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
5.1 Authority to waive fees	24 Apr 2020	Amended delegation	<p>Remove condition 1 - The authority to waive a fee or grant a concession is limited to the amount of \$5,000.</p> <p>Add the following conditions:</p> <p>A list of waivers, concessions and debts written off under this authority will be presented back to Council on a monthly basis; and</p> <p>Require the CEO to present to Council a subsequent review of this delegation by 31 July 2020.</p>	OCM 24 April 2020. Item 10.1.5.
5.1 Authority to waive fees	24 Jul 2020	Amended delegation	<p>Remove condition 4 and replace with the following:</p> <p>At the expiry of 3 months after the end of the State of Emergency Declaration in Western Australia, this delegation will automatically revert back to its original status (prior to 24 April 2020).</p>	Nil
5.2 Authority to write off monies	29 Jun 2018	---	Under conditions remove 'The maximum rates write off is \$500' - under section 6.12(2) of the LGA the power to write off monies does not apply to an amount of money owing in respect of rates or service charges.	Nil

Delegation	Approved or adopted	Type	Amendment	References
5.2 Authority to write off monies	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
5.2 Authority to write off monies	24 Apr 2020	Amended delegation	<p>Remove the following conditions:</p> <ul style="list-style-type: none"> <li>* The debt must not exceed \$1000 for an individual;</li> <li>* All necessary measures have been taken to recover the money; and</li> <li>* The debt has remained outstanding for not less than 90 days.</li> </ul> <p>Add the following conditions:</p> <ul style="list-style-type: none"> <li>* A list of monies written off is to be presented back to Council on a monthly basis; and</li> <li>* Require the CEO to present to Council a subsequent review of this delegation by 31 July 2020.</li> </ul>	OCM 24 April 2020. Item 10.1.5.
5.2 Authority to write off monies	24 Jul 2020	Amended delegation	<p>Remove condition 2: The CEO shall present a review of this delegation back to Council by 31 July 2020.</p> <p>And replace with the following: At the expiry of 3 months after the end of the State of Emergency Declaration in Western Australia, this delegation will automatically revert back to its original status (prior to 24 April 2020).</p>	Nil
5.3 Extension of payment time, waiver or reduction of penalties, withdrawal of infringement notices	29 Jun 2018	---	Added the following conditions: 1. Any agreement to extend the time to pay, waive or reduce penalties shall be made in writing. 2. Authority to waive or reduce penalties is limited to \$5,000. 3. If a Director/Deputy Chief Executive Officer makes a decision NOT to withdraw an infringement, and an objection is received as a result of that decision being made, the matter shall be referred to the Chief Executive Officer for determination.	Nil
5.3 Extension of payment time, waiver or reduction of penalties, withdrawal of infringement notices	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

Delegation	Approved or adopted	Type	Amendment	References
5.3 Extension of payment time, waiver or reduction of penalties, withdrawal of infringement notices	24 Apr 2020	Amended delegation	<p>Remove condition 2 - Authority to waive or reduce penalties is limited to \$5,000.</p> <p>Add the following conditions:</p> <p>A list of extensions granted, waivers or reduction of penalties and withdrawals of infringement notices is to be presented back to Council on a monthly basis; and</p> <p>Require the CEO to present to Council a subsequent review of this delegation by 31 July 2020.</p>	OCM 24 April 2020. Item 10.1.5
5.3 Extension of payment time, waiver or reduction of penalties, withdrawal of infringement notices	24 Jul 2020	Amended delegation	<p>Remove condition 5: The CEO shall present a review of this delegation back to Council by 31 July 2020.</p> <p>And replace with the following: At the expiry of 3 months after the end of the State of Emergency Declaration in Western Australia, this delegation will automatically revert back to its original status (prior to 24 April 2020).</p>	Nil
5.4 Grants and subsidies - Application and acceptance	28 Jun 2019	---	In paragraph 1 and 2 under Power or Duty remove the words "The Chief Executive Officer is delegated the..."	Nil
5.5 Payment of accounts	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
5.6 Municipal fund and trust fund	29 Jun 2018	---	Remove delegation from the register. Duplication of delegation 5.7 - Payment of accounts	Nil
5.6 Power to invest	28 Jun 2019	---	In paragraph 1 and 2 under Power or Duty remove the words "The Chief Executive Officer is delegated the..."	Nil

Delegation	Approved or adopted	Type	Amendment	References
5.7 Rate record	29 Jun 2018	---	Combine delegations 5.1 - Agreement as to payment of rates and service charges - and 5.10 - Rates or service charges recoverable in court. Add the following conditions: Delegates must comply with the requirements of s.6.40 of the Act; Any agreement for the payment of rates or service charges must be made in writing, and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. A delegate who has participated in any matter contributing to a decision relating to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination to grant an extension of time or to allow or disallow any objection to the rate record.	Nil
5.7 Rate record	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
5.7 Rate record	26 Apr 2019	---	As per resolution at the Council meeting on 26/04/2019. At point 2 under the conditions, add in the following words "Except in exceptional circumstances, where a payment plan has been entered into" The change is due to several owners being in financial hardship and wanting to negotiate payment arrangements.	
5.8 Recovery of impounding expenses	29 Jun 2018	---	Added Director Technical & Development Services as subdelegate.	Nil
5.8 Recovery of impounding expenses	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
5.10 Rates or service charges recoverable in court	29 Jun 2018	---	Remove delegation from the register. Already accounted for in delegation 5.9 - Rate record	Nil
6.1 Community Assistance Grants	28 Jun 2019	---	In paragraphs 1 and 2 under conditions remove the word "Director" and replace with "Executive Manager."	Nil

<b>Delegation</b>	<b>Approved or adopted</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
6.1 Community Assistance Grants	11 Dec 2020	Amended delegation	Amended delegation to align with the current policy on Community Grants.  Add all Executive Managers as delegates so that they have authority to sign off on Community Grants up to \$1000 in accordance with the delegation.	Nil
6.2 Bush Fires Act 1954 - Powers and duties	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
6.3 Bush Fires Act 1954 - Prohibited and restricted burning times	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
6.4 Bush Fires Act 1954 - Prosecutions	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
6.5 Disposing of confiscated or uncollected goods	29 Jun 2018	---	Remove reference to s3.47A sick or injured animals, disposal of. New delegation created for this.	Nil
6.5 Disposing of confiscated or uncollected goods	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
6.6 Cat Act 2011 - Delegations	28 Jun 2019	---	Remove "Commercial & Development Services Administration Officer" from list of subdelegates. This position is not required to register Cats.	

Delegation	Approved or adopted	Type	Amendment	References
6.7 Entry to property	29 Jun 2018	---	Re-word delegation, as below, to allow for the proper execution of officer functions and duties: (copied WALGA template) 1. Authority to exercise powers of entry to enter land to perform any of the local government functions under the Local Government Act 1995, 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]. Also, add the following condition: Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.	Nil
6.7 Entry to property	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
6.8 Impounded non-perishable goods	28 Jun 2019	---	Add EM Commercial Services to subdelegates.	Nil
6.9 Notice to collect goods if not confiscated	28 Jun 2019	---	Add EM Commercial Services to subdelegates.	Nil
6.10 Power to remove and impound goods	28 Jun 2019	---	Add EM Commercial Services to subdelegates.	Nil

Delegation	Approved or adopted	Type	Amendment	References
6.11 Graffiti Vandalism Act 2016 - Notices	29 Jun 2018	---	Re-name delegation from 'Graffiti Vandalism Act 2016 - Delegations' to 'Graffiti Vandalism Act 2016 - Notices'. Re-word delegation, as follows, in line with WALGA template: 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 removed in an acceptable manner, and 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 necessary to remove 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)]. 3. Authority to deal with an objection to a notice [s.22(3)]. 4. Authority, where an objection has been lodged, to: (a) 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 (b) to give notice to the affected person, before taking the necessary actions [s.24(3)].	Nil
6.11 Graffiti Vandalism Act 2016 - Notices	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
6.12 Disposal of sick or injured animals	28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates.	Nil
6.13 Declare Vehicle is Abandoned Wreck	28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates.	Nil
6.14 Graffiti Vandalism Act 2016 - Remove Graffiti on Private Property	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
6.15 Bush Fires Act 1954 - Firebreaks	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
6.15 Bush Fires Act 1954 - Firebreaks	24 Jul 2020	Amended delegation	Add points 2-4 under function.	Nil

Delegation	Approved or adopted	Type	Amendment	References
7.1 Exemptions under clause 3.1(2) - Public Places and Local Government Property Local Law 2011	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
7.2 Building Act 2011 - Building and demolition permits	28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil
7.2 Building Act 2011 - Building and demolition permits	29 Jan 2021	Amended delegation	Add Senior Environmental Health Officer as sub-delegate.	OCM 29/001/2021
7.3 Building Act 2011 - Building information	28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil
7.3 Building Act 2011 - Building information	29 Jan 2021	Amended delegation	Add Senior Environmental Health Officer as sub-delegate.	Add Senior Environmental Health Officer as sub-delegate.
7.4 Building Act 2011 - Building orders	28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	
7.5 Building Act 2011 - Enforcement - Authorised persons	28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil

Delegation	Approved or adopted	Type	Amendment	References
7.6 Building Act 2011 - Infringement notices	28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services. In paragraph 1 under conditions remove EM Infrastructure Services and replace with EM Commercial Services. And remove Manager Development Services Planning and replace with Manager Land Use & Strategy. Under Power/Duty - remove the paragraph that was previously there and replace with: Authority to appoint authorised officers under Regulation 70(2) of the Building Regulations 2012 and section 9.16 of the Local Government Act 1995, for the purpose of issuing Building Act 2011 infringement notices in accordance with section 6 (b) of the Criminal Procedures Act 2004, and/or to extend the period for payment of, or the withdrawal of infringement notices.	
7.7 Building Act 2011 - Occupancy permits and building approval certificates	28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil
7.7 Building Act 2011 - Occupancy permits and building approval certificates	29 Jan 2021	Amended delegation	Add Senior Environmental Health Officer as sub-delegate.	Add Senior Environmental Health Officer as sub-delegate.
7.8 Building Act 2011 - Private swimming pools	28 Jun 2019	---	Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil
7.8 Building Act 2011 - Private swimming pools	29 Jan 2021	Amended delegation	Add Senior Environmental Health Officer as sub-delegate.	Add Senior Environmental Health Officer as sub-delegate.
7.9 Building Act 2011 - Smoke Alarms	28 Jun 2019	---	Remove EM Infrastructure Services from subdelegate and add EM Commercial Services.	Nil

Delegation	Approved or adopted	Type	Amendment	References
7.9 Building Act 2011 - Smoke Alarms	24 Jul 2020	Amended delegation	Add in the following point under function:  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].	Nil
7.9 Building Act 2011 - Smoke Alarms	29 Jan 2021	Amended delegation	Add Senior Environmental Health Officer as sub-delegate.	Add Senior Environmental Health Officer as sub-delegate.
7.10 Building permit fees - refunds and exemptions	28 Jun 2019	---	Change title Manager Development Services - Planning to Manager Land Use & Strategy. Remove EM Infrastructure Services from subdelegate and add EM Commercial Services. In paragraphs 1 and 2 under Power or duty remove the words "The Chief Executive Officer has the..."	Nil
7.11 Food Act 2008 - Appointment of authorised persons and designated officers	29 Jun 2018	---	Add conditions, as below: 1. A person who is a Designated Officer for the purposes of issuing infringements, cannot be a Designated Officer for the purposes of extending time for payment or withdrawing infringements. 2. A list of authorised and designated officers must be prepared and maintained in accordance with s.122(3) of the Food Act 2008. 2. In accordance with s.118 (3)(b). this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.	Nil
7.11 Food Act 2008 - Appointment of authorised persons and designated officers	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

Delegation	Approved or adopted	Type	Amendment	References
7.11 Food Act 2008 - Appointment of authorised persons and designated officers	24 Jul 2020	Amended delegation	Add in point 3 under power or duty that is being delegated (function), as below:  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)].	Nil
7.12 Food Act 2008 - Prohibition orders	28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates and replace with EM Commercial Services.	Nil
7.12 Food Act 2008 - Prohibition orders	24 Jul 2020	Amended delegation	Remove sub-delegates as the Food Regulations 2009 do not provide for sub-delegation. Add them to the list of delegates instead.	Nil
7.13 Food Act 2008 - Prosecutions	28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates and replace with EM Commercial Services.	Nil
7.13 Food Act 2008 - Prosecutions	24 Jul 2020	Amended delegation	Remove sub-delegates. The Food Regulations 2009 do not provide for sub-delegation. Add them to the list of delegates instead.	Nil
7.14 Food Act 2008 - Registration of a food business	28 Jun 2019	---	Remove EM Infrastructure Services from subdelegates and replace with EM Commercial Services.	Nil
7.14 Food Act 2008 - Registration of a food business	24 Jul 2020	Amended delegation	Remove sub-delegates. The Food Regulations 2009 do not provide for sub-delegation. Add them to the list of delegates instead.	Nil
8.1 Acquisition of land	29 Jun 2018	---	Re-name delegation from 'Resumption of land' to 'Acquisition of land'. Add the following condition: A local government can only take land under Part 9 of the Land Administration Act 1997, if it is in, or is to be regarded as being included in, its own district [s.3.55]	
8.1 Acquisition of land	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil

<b>Delegation</b>	<b>Approved or adopted</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
8.2 Road train and extra mass permits	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
8.3 Temporary closure of thoroughfares	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil
8.3 Temporary closure of thoroughfares	24 Jul 2020	Amended delegation	Add in points 2-4 under the power or duty that is being delegated (function).	Nil
8.4 Traffic regulatory and other signs	26 Oct 2018	---	Change DCEO and DTDS titles to Exec Managers in accordance with Council resolution on 26 October 2018.	Nil