



SHIRE OF PINGELLY

REGISTER OF DELEGATIONS

Adopted By Council on 15 June 2022
Council Resolution No: 13144

Explanatory Notes

General

Section 5.42 of the Local Government Act 1995 allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. The following areas are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- Accepting a tender which exceeds an amount determined by the local government;
- Appointing an auditor;
- Acquiring or disposing of any property valued at an amount determined by the local government;
- Any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act;
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in Section 9.5;
- Any power of duty that requires the approval of the Minister or Governor; or
- Such other duties or powers that may be prescribed by the Act.

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if desired. The powers cannot, however, be further sub delegated.

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer. The document also indicates delegations which the Chief Executive Officer intends to delegate to other staff, however this is for information/indication purposes only and may change from time to time at the discretion of the Chief Executive Officer. The register details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council.

Transfer of Authority Due to Absence

Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of the authorisation.

Register of, and Records Relevant to, Delegations - Section 5.46

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- 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 government, directly affected by the exercise of the power or the discharge of the duty.

Decision to Delegate

The principal consideration for a local government when deciding if it should delegate a power or duty, is whether the delegation will improve the efficiency of the local governments operations while ensuring that its policies are consistently implemented.

Standard Conditions of Delegations

All delegations are subject to the following Standard Conditions:

- In exercising a delegation, the Chief Executive Officer is to comply with any and all laws and regulations in force in Western Australia and the requirements of any and all laws and policies of the Shire of Pingelly
- In exercising a delegation the Chief Executive Officer is to exercise the delegation in accordance with any budget authority where applicable
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident
- Pursuant to section 5.46 of the Local Government Act 1995 and Regulation 19 of the Local Government (Administration) Regulations 1996, the Office of the Chief Executive Officer is to keep records of exercising the delegation on any and all occasions that the delegation is exercised

Document Control			
Shire of Pingelly Delegation of Authority Register 2022			
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Part 1 Local Government Act 1995

1.1 Powers of Entry

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995: s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: <ol style="list-style-type: none"> 1. Exercise powers of entry to enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law (s.3.28). 2. Give notice of entry (s.3.32). 3. Seek and execute an entry under warrant (s.3.33). 4. Execute entry in an emergency, using such force as is reasonable (s.3.34(1) and (3)). 5. Give notice and effect entry by opening a fence (s.3.36).
Council Conditions on this Delegation:	Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Works Environmental Health Officer
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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1.2 Impounding abandoned vehicle wrecks and goods involved in certain contraventions

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.39 Power to remove and impound s.3.40A Abandoned vehicle wreck may be taken s.3.42 Impounded non-perishable goods s.3.44 Notice to collect goods if not confiscated s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: 1. Declare an impounded vehicle as an abandoned wreck 2. Remove and impound a vehicle that, in his or her opinion is an abandoned vehicle wreck. 3. Remove and impound any goods that are involved in a contravention that can lead to impounding. 4. Sell or otherwise dispose of confiscated or uncollected goods. 5. Recover the expenses incurred by removing and impounding the goods and disposing of them if the goods were removed and impounded under s.3.39.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s:	Executive Manager Technical Services
CEO Conditions on this Sub-Delegation:	1. Conditions on the original delegation also apply to the sub-delegation. 2. Impound abandoned vehicle wrecks in accordance with s.3.40A (1), (4).
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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1.3 Disposing of Confiscated or Uncollected Goods and Sick or Injured Animals

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47 Confiscated or uncollected goods, disposal of s.3.47A Sick or injured animals, disposal of s. 3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: <ol style="list-style-type: none"> 1. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods 2. Refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid 3. Sell or otherwise dispose of confiscated or uncollected goods 4. Humanely destroy the animal and dispose of the carcass, if an impounded animal is ill or injured to such an extent that treating it is not practicable.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. Delegation to destroy and dispose of sick or injured animals is only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. 2. Delegation applies to property with an estimated market value of less than \$20,000. 3. Disposal of confiscated or uncollected goods is to be undertaken by offering them for public sale by any fair means, or to an appropriate not-for-profit community group.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s:	Executive Manager Works
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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1.4 Close Thoroughfares to Vehicles

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks. 2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to: <ol style="list-style-type: none"> a) give public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and b) consider submissions relevant to the road closure/s proposed. 3. Authority to revoke an order to close a thoroughfare. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare. 5. Before doing anything to which section 3.51 applies, the Chief Executive Officer is delegated authority to 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.
Council Conditions on this Delegation:	If a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Works
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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1.5 Obstruction of footpaths and thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.

	<ul style="list-style-type: none"> iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s:	Executive Manager Works
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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1.6 Gates across public thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Works
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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1.7 Public Thoroughfare – Dangerous Excavation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Works
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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1.8 Reserves under control of Local Government

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.54(1) Reserves under control of local government
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the Parks and Reserves Act 1895 . (s.3.54(1)).
Council Conditions on this Delegation:	Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Works
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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1.9 Certain Provisions about Land

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> s.3.25 – Notices requiring certain things to be done by owner or occupier of land s.3.26 – Additional powers when notices given s.3.27 – Particular things local governments can do on land that is not local government property
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<p>Authority to give an owner or occupier of land notice requiring them to do anything as prescribed in Schedule 3.1, Division 1 of the Local Government Act 1995.</p> <p>Following a failure to comply with the above notice, authority to take action that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given.</p> <p>Authority to recover cost of the above action as a debt due from the person who failed to comply.</p> <p>Authority to do any of the things prescribed in Schedule 3.2 to non-local government property, without consent, in the Local Government's capacity to undertake its general functions as outlined in s.3.27.</p>
Council Conditions on this Delegation:	As per delegation letter
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Works
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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1.10 Crossing – Construction, Repair and Removal

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.
Council Conditions on this Delegation:	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulation 1996</i> .
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s:	Executive Manager Works
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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1.11 Private Works on, over or under Public Places

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation:	The exercise of this delegation is subject to: <ol style="list-style-type: none"> a. written application being made; b. the applicant accepts all liability for every part and aspect of the works/infrastructure; c. conditions, which may be imposed including, such as: building permit, structural engineering certification, environmental assessment etc, where appropriate; any damage or interference to public assets to be made good to the satisfaction of CEO (roadway, fence, other structure etc), traffic management plan to be approved; d. where deemed appropriate, an insurance certificate indemnifying the Shire while works are underway, or for any structure, being provided.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Works
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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1.12 Tenders for Goods and Services

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.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 r.23 Rejecting and accepting expressions of interest to be acceptable tenderer r.24AB Establish panels of pre-qualified suppliers r.24AC Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Delegate:	Chief Executive Officer
Function:	Authority to determine: <ol style="list-style-type: none"> 1. to call tenders for any items included in the Annual Budget (F&G Reg. 11); 2. to invite tenders though not required to do so (F&G Reg. 13); 3. the selection criteria for deciding which tender should be accepted (F&G Reg. 14(2a)); 4. the information to be disclosed to those interested in submitting a tender (F&G Reg. 14(4)(a)); 5. to vary tender information after public notice of invitation to tender and before the close of tenders (F&G Reg. 14(5)); 6. to seek clarification from tenderers in relation to information contained in their tender submission (F&G Reg. 18(4a)); 7. to evaluate tenders and decide which is the most advantageous (F&G Reg. 18(4)); 8. to accept or reject tenders (F&G Reg. 18(2) and (4)); 9. to decline any tender (F&G Reg. 18(5)); 10. minor variations before entering into a contract (F&G Reg. 20); 11. to accept the next most advantageous tender where within 6 months of accepting a tender a contract has not been entered into, or the successful tenderer agrees to terminate the contract (F&G Reg. 18 (6) and (7)); 12. appropriate circumstances for seeking and inviting expressions of interest for the supply of goods or services (F&G Reg. 21); 13. to consider expressions of interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or

	<p>services, for listing as acceptable tenderers (F&G Reg. 23).</p> <p>Authority to establish a panel of pre-qualified suppliers to supply particular goods or services in accordance with Part 4 Division 3 of the F&G Regs.</p>
Council Conditions on this Delegation:	<p>a. Sole supplier arrangements may only be approved where a record is retained that evidence rationale for why the supply is unique and cannot be sourced through other suppliers.</p> <p>b. Expressions of interest may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent, • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption. <p>c. In accordance with s.5.43, tenders may only be accepted, and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.</p> <p>d. Authority to enter into a variation F&G r.20(1), r.20(2) subject to:</p> <ul style="list-style-type: none"> • That the variation is minor having regard to the total goods or services that tenderers were invited to supply and shall be consistent with the intended purpose of the contract.
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s:	As per letter of delegation from CEO
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	<p>A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.</p> <p>Entry in the Tender Register in accordance with regulation 17 <i>Local Government (Functions and General) Regulations 1996</i>. Documentation to be recorded to the relevant Tender file in the ECMS.</p>
Version Control:	15 June 2022 Council Resolution No: 13144

1.13 Disposing of Property

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) (3) Disposing of Property
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to dispose of property to: <ol style="list-style-type: none"> 1. the highest bidder at public auction. 2. 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. 3. dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice. 4. Authority to dispose of property under regulation 30(3) (a) of the Local Government (Functions and General) Regulations 1996.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. 2. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$150,000 or less. 3. When determining the method of disposal: <ol style="list-style-type: none"> i. Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> • Reserve price has been set by independent valuation to be carried out not more than 6 months before the proposed disposition. • Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. ii. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. iii. Where a private treaty is determined (s.3.58(3)) as the method of disposal, authority to: <ul style="list-style-type: none"> • Negotiate the sale of the property up to a -10% variance on the valuation; and • Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. 4. Where the market value of the property is determined as being less than \$10,000 (F&G r.30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> • Without reference to Council for resolution; and

	<ul style="list-style-type: none"> In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the method of disposal must be undertaken in a manner which minimises environmental impact as far as practical. <p>5. Renewal of leases and licences may only be undertaken providing the circumstances of the original lease or licence has not substantially altered.</p>
Express Power to Sub- Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Corporate Services Executive Manager Works
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> Conditions on the original delegation also apply to the sub-delegation. Sub delegation is restricted to materials, plant and equipment with a market value of less than \$5,000.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

1.14 Payments from the Municipal or Trust Funds

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	The Chief Executive Officer is delegated authority to make payments from the municipal or trust funds (r.12(1)(a)).
Council Conditions on this Delegation:	A list of accounts paid for the month being presented to the next ordinary meeting of the Council (in accordance with Financial Management Regulation 13(2)).
Express Power to Sub- Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Corporate Services Executive Manager Works
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation.
Recordkeeping:	Records of decisions are retained in minutes of Council meetings.
Version Control:	15 May 2022 Council Resolution No: 13144

1.15 Defer, Grant Discounts, Waive or Write off Debts

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, waive or write off debts
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire (s.6.12(1)(b)). 2. Grant a concession in relation to money which is owed to the Shire (s.6.12(1)(b)). 3. Write off an amount of money which is owed to the Shire (s.6.12(1)(c))
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. 2. A debt may only be written off where all necessary measures have been taken to locate or contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire. 3. Limited to individual debts below \$500.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s:	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the sub delegation. 2. Sub delegation is limited to individual debts valued below \$50.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

1.16 Investments

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose (s.6.14(1)). 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	This delegation must be exercised in accordance with Council Policies and comply with Financial Management Regulation 19C.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

1.17 Agreement as to Payment of Rates and Service Charges

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to make an agreement with a person for the payment of rates or service charges (s.6.49).
Council Conditions on this Delegation:	Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Express Power to Sub- Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Corporate Services Senior Finance Officer
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

1.18 Recovery of Rates or Service Charges

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Corporate Services Senior Finance Officer
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

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

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land re-vested in Crown if rates in arrears 3 years
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land as against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years (s.6.64(1)), including: <ol style="list-style-type: none"> a) lease the land, or b) sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> i. cause the land to be transferred to the Crown (s.6.71 and s.6.74); or ii. cause the land to be transferred to the Shire (s.6.71). 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears (s.6.64(3)). 3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, services charges and costs within 7 days of and prior to the proposed sale (s.6.69(2)).
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous three years attempted to recover the outstanding rates/charges through a court, under s.6.56. 2. Council approval must be obtained prior to the commencement of proceedings to take possession of land where rates and services charges have remained unpaid for at least three years.
Express Power to Sub- Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Corporate Services

CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

1.20 Common Seal and Execution of Documents

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.9.49A(2) Affixing the common seal s.9.49A(3) Execution of documents
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authorise the affixing of the common seal of the Shire to any document that requires the Shire's Common Seal to be legally effective. Authorise the Chief Executive Officer to sign documents on behalf of the local government in accordance with Section 9.49A (4) (5) of the Local Government Act 1995.
Council Conditions on this Delegation:	Where the common seal is affixed, this is to be done in accordance with s.9.49A(3) and the details are to be recorded in the common seal register.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	Executive Manager Corporate Services Executive Manager Works
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation. Where a document is executed by a sub-delegate, the Chief Executive Officer is to be provided with due notice and opportunity to sight the original document, prior to execution.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

1.21 Administer Local Laws

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995 s. 3.18 Performing Executive Functions
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to exercise the powers and duties and to administer and do all things necessary to enact the Shire of Pingelly Local Laws.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. All prosecutions are to be authorised by the Chief Executive Officer. 2. Council is to be advised when the CEO issues instructions for the commencement of legal proceedings.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	As per letter of delegation from CEO
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

1.22 Appointment of Acting CEO

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	Local Government Act 1995: s 5.52 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995 s. 5.36 (1) (a) Local government employees
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to appoint an Acting Chief Executive Officer.
Council Conditions on this Delegation:	Appointment to be made in accordance with Council Policy on this matter.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	As per letter of delegation from CEO
CEO Conditions on this Sub-Delegation:	Not Applicable
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

1.23 Appointment of Person to receive complaints and withdrawals

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	Local Government Act 1995: s 5.52 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Schedule 1, Clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021.
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with Schedule 1, Clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	As per letter of delegation from CEO
CEO Conditions on this Sub-Delegation:	Not Applicable
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

Part 2 Building Act 2011

2.1 Appointment of Authorised Persons

Delegator: Power / Duty assigned in legislation to:	Permit Authority (Local Government)
Express Power to Delegate: Power that enables a delegation to be made	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011</i> s.96 - Authorised Person s.99 - Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: 1. Designate an employee as an authorised person under the Building Act 2011; and 2. Revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person. NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments

Sub-Delegate/s:	As per letter of delegation from CEO
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

2.2 Powers pursuant to the Building Act 2011

Delegator: Power / Duty assigned in legislation to:	Permit Authority (Local Government)
Express Power to Delegate: Power that enables a delegation to be made	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	Building Act 2011
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To undertake the powers of the Local Government for the following sections of the Building Act 2011. <ol style="list-style-type: none"> 1. s.18 Further Information 2. s.20 Grant of building permit 3. s.21 Grant of demolition permit 4. s.22 Further grounds for not granting an application 5. s.27 (1)&(3) Conditions imposed by permit authority 6. s.32 Duration of building or demolition permit (consider application to extend time) 7. s.55 Further information 8. s.58 Grant of occupancy permit, building approval certificate 9. s.62(1)&(3) Conditions imposed by permit authority 10. s.65 Extension of period of duration 11. s.88(3) Finishes of walls close to boundaries 12. s.110 Building Orders 13. s.111(1) Notice of proposed building order other than a building order (emergency) 14. s.117 Revocation of building order 15. s.118 Permit authority may give effect to building order if non-compliance s.131(2) Inspection, copies of building records 16. s.131 Inspection, copies of building records 17. s.133 (1) commence a prosecution for an offence 18. s.145A Local Government functions
Council Conditions on this Delegation:	In making any determinations under delegated authority the CEO must consider any advice and recommendations provided by external expert persons or bodies.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments

Sub-Delegate/s:	Building Surveyor
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

Part 3 Bush Fires Act 1954

3.1 Make Request to FES Commissioner – Control of Fire

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to request on behalf of the Shire that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	Adopted by Council 15 June 2022 Council Resolution No:

3.2 Variation of Prohibited Burning Times

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

Sub-Delegate/s:	Not permitted
CEO Conditions on this Sub-Delegation:	Not applicable
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

3.3 Prohibited Burning Times – Control

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

Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	Adopted by Council 15 June 2022 Council Resolution No:

3.4 Restricted Burning Times – Vary and Control

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

	<p>Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> <p>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p>
Council Conditions on this Delegation:	NIL
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire’s approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No:

3.5 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire or those on behalf of the Shire to do [s.58].
Council Conditions on this Delegation:	NIL
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	Adopted by Council 15 June 2022 Council Resolution No:

3.6 Appoint Bush Fire Control Officer/s

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. An appointment made under s.38(1) shall cause a local public notice to be published. 2. Records of names, addresses and usual occupations are to be maintained for all Bush Fire Control Officers appointed. 3. This delegation does not extend to the appointment of Chief or Deputy Bush Fire Control Officers.
Express Power to Sub-Delegate:	Nil – Sub-delegation is prohibited by s.48(3)

Sub-Delegate/s:	Not permitted
CEO Conditions on this Sub-Delegation:	Not applicable
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.

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3.7 Institute a Prosecution or Issue an Infringement

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer Executive Manager Works Rangers CESM
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: 1. Institute and carry on proceedings against a person for an offence alleged to be committed. 2. Serve an infringement notice for an offence. 3. Withdraw an infringement notice for an offence.
Council Conditions on this Delegation:	Any withdrawal of an infringement notice for an offence must be authorised by the Chief Executive Officer.
Express Power to Sub-Delegate:	Nil – Sub-delegation is prohibited by s.48(3)

Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

3.8 Fire Break Maintenance

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government

Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local Government may require occupier of land to plough or clear fire-break
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: <ol style="list-style-type: none"> 1. Give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire: <ol style="list-style-type: none"> a) clearing of firebreaks as determined necessary and specified in the notice; and b) act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c) as a separate or coordinated action with any other person carry out similar actions. 2. 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. 3. Recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Sub-delegation is prohibited by s.48(3)

Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

Part 4 Cat Act 2011

4.1 Cat Act 2011

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011</i> <i>Cat Act Regulations 2012</i>
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	The exercise of any powers and duties of a local government pursuant to the Cat Act 2011.
Council Conditions on this Delegation:	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s:	As per letter of delegation from CEO
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

Part 5 Dog Act 1976



5.1 Dog Act 1976

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976</i>
Delegate:	Chief Executive Officer Executive Manager Works
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to exercise all powers and duties conferred by s10AA the Dog Act 1976. Chief Executive Officer is specifically authorised to sub delegate any powers or duties delegated pursuant to s.10AA(3) Delegation of local government powers and duties Dog Act 1976:
Council Conditions on this Delegation:	The Chief Executive Officer cannot subdelegate: <ol style="list-style-type: none"> 1. authority to declare an individual dog to be a dangerous dog [s.33E(1)], 2. authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)] 3. authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] 4. authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (Note: sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s:	As per letter of delegation from CEO
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

Part 6 Food Act 2008

6.1 Food Act 2008

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.65 Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67 Request for re-inspection s.110 Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses s.122 Appointment of authorised officers s.125 Institution of proceedings s.126 Infringement Officers
Delegate:	Chief Executive Officer Environmental Health Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Chief Executive Officer is delegated: <ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 (s.65(1)). 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices (s.66). 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection (s.67(4)). 4. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration (s.110(1) and (5)). 5. Authority to vary the conditions or cancel the registration of a food business (s.112). 6. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 (s.122(1)). 7. Authority to appoint a person to be an authorised officer as a meat inspector (s.122(1)). 8. Authority to institute proceedings for an offence under the Food Act (s.125) 9. Authority to appoint an Authorised Officer appointed under s.122(1) of this Act or s.24 (1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 (s.126(13)). 10. 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

	<p>extending the time for payment of modified penalties (s.126(6)) and determining withdrawal of an infringement notice (s.126(7)).</p> <p>The Environmental Health Officer is delegated:</p> <ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 (s.65(1)). 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices (s.66). 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection (s.67(4)). 4. Authority to grant, apply conditions, refuse, vary or cancel registration of a food business (s.110(1) and (5), s.112).
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

Part 7 Graffiti Vandalism Act 2016

7.1 Graffiti Vandalism Act 2016

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>The Graffiti Vandalism Act 2016</i>
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	All powers and duties of a local government pursuant to the Graffiti Vandalism Act 2016
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s:	As per letter of delegation from CEO
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

Part 8 Public Health Act 2016

8.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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8.2 Designation of Authorised Officers

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Public Health Act 2016</i> <i>s21 Enforcement agency may delegate</i>
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> <i>s24(1) and (3) Designation of authorised officers</i>
Delegate:	Chief Executive Officer Environmental Health Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> a) The Public Health Act 2016 or another specified Act b) Specified provisions of the Public Health Act 2016 or another specified Act c) Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act, including: <ol style="list-style-type: none"> i. an environmental health officer or environmental health officers as a class; OR ii. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR d. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. The appointment of an Environmental Health Officer must be in accordance with Section 17 (3) of the Public Health Act 2016. 2. The delegate (CEO) will issue to each person who is an authorised person a Certificate of Authority in accordance with Section 30 and 31 of the Public Health Act 2016.
Express Power to Sub-Delegate:	<i>Public Health Act 2016</i> <i>s21 Enforcement agency may delegate</i>
Sub-Delegate/s:	As per letter of delegation from CEO
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub-delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

Part 9 Planning and Development Act 2005

9.1 Directions regarding unauthorised/illegal development

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995</i> <i>s.5.42(1)(b) Delegation of some powers and duties to CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i>
Express Power or Duty Delegated:	<i>Planning and Development Act 2005</i> <i>s.214 (2), (3) and (5). Illegal development</i> <i>Shire of Pingelly Town Planning Scheme No. 3</i>
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control are requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development; <ol style="list-style-type: none"> a) To remove, pull down, take up, or alter the development; and b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Council Conditions on this Delegation:	Nil

Express Power to Sub-Delegate:	Local Government Act 1995 s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	as per letter
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> 1. Conditions on the original delegation also apply to the sub delegation. 2. A certificate of authority as an authorised officer must be issued. 3. All prosecutions are to be authorised by the Chief Executive Officer.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144

9.2 Determination of Development Applications

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Planning and Development Act 2005</i> s.162 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 <i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express Power or Duty Delegated:	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • Clause 82, Schedule 2, Part 10 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Schedule 2 Deemed Provisions for Local Planning Schemes. • Town Planning Scheme No. 3 • <i>Strata Titles Act 1985</i> s 25
Delegate:	Chief Executive Officer
Function: This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. Authority to exercise any of the local government's powers or the discharge of any of the local government's duties under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, and Town Planning Scheme No. 3. 2. Authority to make recommendations to the Western Australian Planning Commission on subdivision applications, including the imposition of subdivision conditions or the clearance of subdivision conditions including the bonding of conditions (Part 10, <i>Planning and Development Act 2005</i>).
Council Conditions on this Delegation:	<p>Specific Land uses This power of delegation does not extend to determining applications for development approval relating to the following land uses:</p> <ul style="list-style-type: none"> • Industry - Extractive • Uses of land not listed in the zoning table <p>Exclusions to Delegated Authority This power of delegation does not extend to approving applications for development approval in the following categories:</p> <ol style="list-style-type: none"> a) Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the Shire; b) Applications where objections have been received on valid planning grounds which cannot be reasonably addressed by negotiated minor variations to the application and/or conditions of approval. c) Applications that are not consistent with the Shire of Pingelly Town Planning Scheme No. 3. d) Applications for change of non-conforming use. e) Development not of the kind referred to in item a) and/or b) above, which, in the opinion of the delegated officer, is contentious.

	<p>f) The determination of an amendment to a previous development approval that was approved by resolution of Council (including an extension to the term of the development approval, except where the variation is of a minor nature, would not substantially change the approved development, and for which no objection has been received during the advertising period of the application (where applicable).</p> <p>g) Reconsiderations of applications in accordance with Section 31 of the State Administrative Tribunal Act 2004.</p>
Express Power to Sub-Delegate:	Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Clause 83

Sub-Delegate/s:	As per letter of delegation from CEO
CEO Conditions on this Sub-Delegation:	Conditions on the original delegation also apply to the sub delegation.
Recordkeeping:	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
Version Control:	15 June 2022 Council Resolution No: 13144