



**SHIRE OF PINGELLY**

**REGISTER OF  
DELEGATIONS**

**By**

**Council to Chief  
Executive Officer**

Last Updated: 27 June 2018



**SHIRE OF PINGELLY****Register of Delegations**

This document is the Register of Delegations for the Shire of Pingelly, and meets the requirements of Section 5.46(l) of the *Local Government Act 1995*.

This Register outlines those functions which have been specifically delegated by the Council to the Chief Executive Officer and sets out the conditions applying to the exercise of the delegation.

Sections 5.42 and 5.43 of the *Local Government Act 1995* quantifies the power to delegate, the limits of those delegations and in the main reflects those powers and duties which require either an absolute, or special, majority vote. Actual decisions relating to the matter delegated shall be made by the person nominated in the delegation, notwithstanding that other staff may undertake research and technical work relating to that delegation.

Adequate record is to be kept of the exercise of the delegation through the recording of the delegation reference number, the date of the decision in regard to the delegation, and the people of whom are affected by the decision. The following pro-forma may be used as an attachment to relevant documentation.

Delegations Register Number	
Date decision exercised	
Those affected	
Details of decision	
Action required to be taken	

## BACKGROUND

The *Local Government Act 1995* requires local governments to review their delegation of powers/authority to the Chief Executive Officer at least once in every twelve months and then for the Chief Executive Officer to review his delegation of authority within the same review period.

## STATUTORY IMPLICATIONS

Section 5.42 provides that:

- (1) A local government may delegate (by Absolute Majority) to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Section 5.43 provides that a local government cannot delegate to a Chief Executive Officer any of the following powers or duties —

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

Section 5.44 provides that:

- (1) A Chief Executive Officer may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the Chief Executive Officer under section 5.42, but in the case of such a power or duty —
  - (a) the Chief Executive Officer's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the Chief Executive Officer's delegate,are subject to any conditions imposed by the local government on its delegation to the Chief Executive Officer.
- (4) Subsection (3)(b) does not limit the Chief Executive Officer's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) "conditions" includes qualifications, limitations or exceptions.

Section 5.45 provides that:

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
  - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
  - (a) a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or
  - (b) a Chief Executive Officer from performing any of his or her functions by acting through another person.

Section 5.46(2) provides that:

- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

Section 17(10) of the *Bush Fires Act* provides that a local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).

Section 48 of the *Bush Fires Act* provides that:

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1)—
  - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
  - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to sub delegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

Section 17(7)(a) provides that subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised *CALM Act* officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —

- (i) shortening, extending, suspending or reimposing a period of prohibited burning times; or
  - (ii) imposing a further period of prohibited burning times.
- (b) A variation of prohibited burning times shall not be made under this subsection if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.

Section 17(8) provides that where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —

- (a) the local government —
  - (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
  - (ii) shall, by the quickest means available to it, give particulars of the variation to the Authority and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
  - (iii) shall, as soon as is practicable publish particulars of the variation in that district;
- (b) the Minister, on the recommendation of the Authority, may give notice in writing to the local government directing it —
  - (i) to rescind the variation; or
  - (ii) to modify the variation in such manner as is specified in the notice;
- (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
  - (i) rescind or modify the variation as directed in the notice; and
  - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.

Section 374AAB of the *Local Government (Miscellaneous Provisions) Act* provides:

- (1) The authority to approve or refuse to approve —
  - (a) plans and specifications submitted under section 374; or
  - (b) unauthorised building work under section 374AA,  
may be delegated by a local government to a person, but if the plans and specifications so submitted conform, or the unauthorised building work conforms, to —
  - (c) all local laws in force in the relevant district or part of a district in respect of building matters, and the local government's pre-determined policy in respect of building matters; and
  - (d) all local laws and schemes in force in the relevant district or part of a district in respect of town and regional planning matters, and the local government's pre-determined policy in respect of town and regional planning matters,  
the delegate must not refuse to approve the plans and specifications or the unauthorised building work without first obtaining the consent of the local government.

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**C1: To Call Tenders**

Delegated to the Chief Executive Officer the authority to call tenders of any kind prescribed within the Tender Regulations under which another person is to supply goods and/or services for all budgeted items. The Chief Executive Officer may accept tenders to a value of \$149,999 in accordance with the Shire of Pingelly's Purchasing Policy.

**Objective:** To expedite the purchase of goods and services.

**Reference:** *Local Government Act 1995* sections 3.57 & 5.42.  
*Local Government (Functions and General) Regulations* regulation 11.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C2: Issue of Building Permits**

Delegated to the Chief Executive Officer the authority to approve or refuse to approve plans and specifications for Class 1 and 10 buildings, but where a plan and specification so submitted conforms to:

- all Local Laws and Regulations in force within the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and
- all Local Laws and schemes in force within the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters.

the Chief Executive Officer shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.

Further, the issuing of a building licence under Section 374(1) of the *Local Government Act (Miscellaneous Provisions) 1960* may be subject to such conditions as the Chief Executive Officer considers appropriate.

**Objective:** To expedite the issue of building approvals.

**Reference:** *Local Government Act 1995* section 5.42(1).  
*Local Government (Miscellaneous Provisions) Act 1960* section 374(1b).  
*Local Government (Miscellaneous Provisions) Act 1960* section 374AAB.  
*Shire of Pingelly Town Planning Scheme No. 3.*

Adopted Date: 20 June 2018 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C3: Building Licence Extension**

Delegated to the Chief Executive Officer the authority to approve an extension of an initial building licence where it was not possible to complete the building within the period specified in the building licence for a further 6 months to allow completion of construction.

**Objective:** To expedite building control and regulation.

**Reference:** *Local Government (Miscellaneous Provisions) Act 1960* section 374(1b).

Adopted Date: 20 June 2018 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C4: Uncompleted Buildings**

Delegated to the Chief Executive Officer the authority to serve the appropriate notices and orders referred to in Section 409A of the *Local Government (Miscellaneous Provisions) Act 1960* and to take all other appropriate actions to obtain compliance with Section 409A of the legislation

**Objective:** To expedite building control and regulation.

**Reference:** *Local Government (Miscellaneous Provisions) Act 1960* section 409A.

Adopted Date: 20 June 2018 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C5: Buildings - Certain Actions after Conviction**

Delegated to the Chief Executive Officer the authority to serve the appropriate notices referred to in Section 411 of the *Local Government (Miscellaneous Provisions) Act 1960*.

**Objective:** To expedite building control and regulation.

**Reference:** *Local Government (Miscellaneous Provisions) Act 1960* section 411.

Adopted Date: 20 June 2018 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C6: Building Notices**

Delegated to the Chief Executive Officer the authority to issue notices pursuant to Part XV of the *Local Government (Miscellaneous Provisions) Act 1960*.

**Objective:** To expedite building control and regulation.

**Reference:** *Local Government Act 1995* section 3.25  
*Local Government (Miscellaneous Provisions) Act 1960* section 374(1b).

Adopted Date: 20 June 2018 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C7: Demolition License**

Delegated to the Chief Executive Officer the authority to approve the issue of a demolition license to take down a building or a part of a building and impose conditions as considered appropriate for the safe and proper execution of the work.

**Objective:** To expedite building control and regulation.

**Reference:** *Local Government (Miscellaneous Provisions) Act 1960* section 374A.

Adopted Date: 20 June 2018 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C8: Issue of Section 401 Notices**

Delegated to the Chief Executive Officer the authority to issue notices pursuant to Section 401 of the *Local Government (Miscellaneous Provisions) Act 1960* where a breach of building requirements is considered to be of a magnitude sufficient to warrant issue of a notice.

**Objective:** To expedite building control and regulation.

**Reference:** *Local Government (Miscellaneous Provisions) Act 1960* section 401.

Adopted Date: 20 June 2018 20 June 2018

Reviewed / Amended Date: 20 June 2018



**C9: Stop Work Orders**

Delegated to the Chief Executive Officer the authority to issue stop work notices where a breach of building requirements is considered to be of a magnitude sufficient to warrant issue of a notice and to withdraw stop work notices where the breach for which the notice has been issued is corrected.

**Objective:** To expedite building control and regulation.

**Reference:** *Local Government Act 1995* section 5.42(1).  
*Local Government (Miscellaneous Provisions) Act* section 401A.

Adopted Date: 20 June 2018 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C10: Dangerous Buildings**

Delegated to the Chief Executive Officer the authority, where a building is in a dangerous state, to:

- Issue a certificate which states that the subject building is in a dangerous state.
- Shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger.
- Serve written notice upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.

**Objective:** To expedite building control and regulation to ensure public safety.

**Reference:** *Local Government (Miscellaneous Provisions) Act 1960* section 403.

Adopted Date: 20 June 2018 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C11: Removal of Neglected and Dilapidated Buildings**

Delegated to the Chief Executive Officer the authority to serve upon the owners and occupiers of neglected and dilapidated buildings the written notices required by Sections 408 and 409 of the *Local Government (Miscellaneous Provisions) Act 1960*.

**Objective:** To expedite building control and regulation.

**Reference:** *Local Government (Miscellaneous Provisions) Act 1960* sections 408-409.

Adopted Date: 20 June 2018 20 June 2018

Reviewed / Amended Date: 20 June 2018

## **C12: Certificates of Classification of Buildings**

Delegated to the Chief Executive Officer the authority to issue Certificates of Classification of Buildings.

**Objective:** To expedite building control and regulation.

**Reference:** *Local Government (Miscellaneous Provisions) Act 1960.*

Adopted Date: 20 June 2018 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C13: Licence to Deposit Materials on or Excavate Adjacent to a Street**

Delegated to the Chief Executive Officer the authority to, after satisfying him or herself that the proposed activity will not create undue interference with the operation of the street, way or public place, issue licences to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place. Licences are to be issued subject to the conditions detailed in Section 377 of *the Local Government (Miscellaneous Provisions) Act 1960* and such other conditions as considered relevant.

**Objective:** To expedite building control and regulation.

**Reference:** *Local Government (Miscellaneous Provisions) Act 1960* section 377.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C14: Bond Refunds**

Delegated to the Chief Executive Officer the authority to refund bond monies where all bonded conditions of approval have been met, with the aggrieved applicant having a right of appeal to Council.

**Objective:** To expedite the approvals process.

**Reference:** *Local Government Act 1995* section 5.42(1).

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

### **C15: Undertaking Private Works**

Delegated to the Chief Executive Officer the authority to use his/her absolute discretion in accepting or rejecting private works.

**Objective:** To facilitate the Works Programme.

**Reference:** *Local Government Act 1995* section 5.42(1).

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C16: Plant & Equipment**

Delegated to the Chief Executive Officer the authority to approve the use of Shire of Pingelly plant and equipment in accordance with Policy 12.8.

**Objective:** To facilitate correct management and control of plant and equipment.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018



### **C17: Plant & Equipment Hire**

Delegated to the Chief Executive Officer the authority to give permission to hire Shire of Pingelly plant, equipment and building's equipment and exchange equipment between buildings.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C18: Replacement Plant Hire**

Delegated to the Chief Executive Officer the authority to hire replacement plant and equipment as deemed necessary to meet the operational or emergency requirements of the Shire.

**Reference:** *Local Government Act 1995* section 5.42.

**Objective:** To maintain and improve productivity.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C19: Rigid and Articulated Vehicle Movements**

Delegated to the Chief Executive Officer the authority to approve rigid and articulated vehicle movements, up to a maximum 37.5m.

**Reference:** *Local Government Act 1995* section 5.42.

**Objective:** Expedite the approval process.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

## **C20: Temporary Road Closure**

Delegated to the Chief Executive Officer the authority to temporarily close roads during adverse weather conditions or to ensure public safety.

**Objective:** To minimise damage to roads and ensure public safety.

**Reference:** *Local Government Act 1995* section 3.50.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C21: Temporary Closure of Roads for Public Events**

Delegated to the Chief Executive Officer the authority to determine applications for the temporary closure of roads for public events. The determination shall be in accordance with provisions of the *Road Traffic (Events on Roads) Regulations 1991* and the *Local Government Act 1995* and shall, when approved by the Chief Executive Officer, contain the following conditions:

- The closure is to be advertised in a local newspaper.
- Arrangements are to be made for appropriate signposting to effect the closure.
- The applicant is to take out a Public Risk Insurance policy which indemnifies the Shire against any damages claims and a copy of the Policy is to be provided to the Shire.
- The applicant is to notify the Police and Emergency Services and ensure that whilst the event is in progress, satisfactory arrangements are made to allow access to premises by Emergency Services.

The Chief Executive Officer may determine other conditions to be imposed on any approvals issued.

**Objective:** To ensure public safety and expedite the approval process.

**Reference:** *Local Government Act 1995* section 3.50.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C22: Liquor Permits**

Delegated to the Chief Executive Officer the authority to determine applications for the consumption and sale of liquor on property under the care, control and management of the Shire of Pingelly.

**Objective:** To expedite the approvals process.

**Reference:** *Local Government Act 1995* section 5.42(1).  
*Liquor Licensing Act 1988* sections 59 & 119.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C23: Impounding**

Delegated to the Chief Executive Officer the authority to exercise power in relation to the removal and impoundment of any goods which are involved in any contravention that can lead to impoundment, and to use reasonable force in the exercise of this power.

**Objective:** To expedite good governance.

**Reference:** *Local Government Act 1995* section 3.39 and Part 3.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C24: Small Outstanding Balances**

Delegated to the Chief Executive Officer the authority to write off uncollectable or economically uncollectable debts up to \$50.00.

**Objective:** To provide a cost effective collection action.

**Reference:** *Local Government Act 1995* sections 5.42 & 6.12(c).

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018      18 April 2012



**C25: Control of Fires**

Delegated to the Chief Executive Officer the functions of the Shire of Pingelly as described in section 13(4) of the Bush Fires Act 1954 for use in an emergency situation and only in conjunction with the Chief Bush Fire Control Officer.

**Objective:** To allow the control of a fire to be transferred to a DFES officer without the need of calling a Council Meeting.

**Reference:** *Local Government Act 1995* section 5.42(1).  
*Bush Fires Act 1954* sections 13(4), 48.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

## **C26: Harvest Bans**

Delegated to the Chief Executive Officer the authority to impose harvest and vehicle movement bans when none of the Fire Weather Officers are available.

**Reference:** *Local Government Act 1995* section 5.42.  
*Bush Fire Regulations 1954* regulations 38A, 38C, 39A & 39B.  
Policy 6.8.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C27: Prohibited & Restricted Burning Times**

Delegated to the Chief Executive Officer the authority in pursuant to sections 48 of the Bush Fires Act, the power to vary prohibited and restricted burning periods pursuant to section 17(7a) of the Bush Fires Act in joint consultation with the Chief Bush Fire Officer.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.  
*Bush Fire Act 1954* sections 17(7)(a), 17(8), 17(10) & 18(5)(a).  
*Bush Fire Regulations 1954* regulation 15C.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C28: Fires at Refuse Disposal Site**

Delegated to the Chief Executive Officer the authority to permit persons to set fire to the green waste at the refuse disposal site.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C29: Fire Breaks**

Delegated to the Chief Executive Officer the authority, in liaison with the Chief Bush Fire Control Officer, to resolve fire hazard problems, including where considered necessary, to forward letters demanding the construction of fire breaks and where not complied with, the engaging of a contract for the construction of the break at the land owner's expense.

**Objective:** To expedite the approval process ensuring public safety.

**Reference:** *Local Government Act 1995* section 5.42.  
*Bush Fires Act 1954* sections 33 & 48.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C30: Infringements**

Delegated to the Chief Executive Officer the authority to issue infringement notices pursuant to section 9.16 of the *Local Government Act 1995*.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 9.16.  
*Bush Fires Act 1954*.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

### **C31: Signing of Purchase Orders**

Delegated to the Chief Executive Officer the authority to sign purchase order forms for the purchase of goods and services within the constraints of the Budget and Purchasing Policy.

**Objective:** To expedite the purchasing process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C32: Common Seal**

Delegated to the Chief Executive Officer the authority to affix Common Seal (witnessed by President and Chief Executive Officer) to documents to be executed by the Shire of Pingelly where such documents are consistent and in accord with resolutions of Council or subject to Council being notified of executed documents in a timely manner.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* sections 5.42, 9.49A(2) & 9.49A(4).

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018



**C33: Legal Advice**

Delegated to the Chief Executive Officer the authority to appoint legal counsel and obtain advice, assistance and opinions as the Chief Executive officer deems necessary in the exercise of the management of the Shire of Pingelly with relevant legal advice received to be made available at the next Council meeting.

**Objective:** To ensure correct and factual outcomes are achieved.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C34: Administration Centre**

Delegated to the Chief Executive Officer the authority to permit the use of rooms and areas within the Shire of Pingelly Administration Centre to individuals or organisations having an involvement with local government and/or working towards the betterment of the Shire of Pingelly.

**Objective:** To assist the community and maximise the use of the building.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C35: Administration of Local Laws**

Delegated to the Chief Executive Officer the authority to administer the Shire of Pingelly Local Laws and initiate action if considered necessary.

**Objective:** To expedite the process.

**Reference:** *Local Government Act 1995* sections 3.18 & 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C36: Enter Land in Emergencies**

Delegated to the Chief Executive Officer the authority to enter land in emergencies and grant authority to sign and issue notice of entry and exercise force to gain entry.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C37: Tree Safety**

Delegated to the Chief Executive Officer the authority to issue an order to make a tree safe on private land and to enter that property to make a tree safe.

**Objective:** To expedite the approval process and ensure public safety.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C38: Notices**

Delegated to the Chief Executive Officer the authority to issue notices under the *Health (miscellaneous provisions) Act 1911* and the *Public Health Act 2016* to owners and occupiers of land requiring certain actions to be done by the owner or occupier of that land.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 3.25.  
*Health (Miscellaneous Provisions) Act 1911* Parts IV, V, VI, VII, VIIA, VIII, IX, XV.  
*Public Health Act 2016*.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

### **C39: Renewing Licences**

Delegated to the Chief Executive Officer the authority to renew all licences provided the circumstances of the original licence have not substantially altered.

**Objective:** To expedite the approval process.

**Reference:** *Local Government (Miscellaneous Provisions) Act 1960.*

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C40: Administration of Health**

Delegated to the Chief Executive Officer the authority to exercise and discharge the powers and functions of the Shire of Pingelly under the relevant *Health Act* relating to:

- forming of opinions and making of declarations;
- the granting and issue of licenses, permits, certificates and approval;
- the issue of notices, orders and requisitions and the carrying out and putting into effect of notices, orders and requisitions;
- the ordering and authorisation of legal proceedings for breaches of the Health Act, all regulations and local laws.

**Reference:**

- *Health (Miscellaneous Provisions) Act 1911.*
- *Health Act 2016.*

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018



**C41: Development Applications**

Delegated to the Chief Executive Officer the authority to issue planning consent to development applications which comply with the Shire of Pingelly's Town Planning Scheme.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C42: Subdivision Clearance**

Delegated to the Chief Executive Officer the authority to endorse subdivision referral proformas and to certify the compliance with subdivision conditions when satisfied that suitable arrangements have been made.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.  
*Town Planning and Development Act 1928* part III Sections 20 and 24.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C43: Second Hand Fencing**

Delegated to the Chief Executive Officer the authority to approve the use of second-hand material for fencing.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C44: Private Swimming Pools**

Delegated to the Chief Executive Officer the authority to issue notices as required on the owners or occupiers of the land on which there is a swimming pool not complying with the statutory requirements for a barrier to prevent access to the swimming pool by children.

**Objective:** To ensure public safety.

**Reference:** *Local Government (Miscellaneous Provisions) Act 1960* section 245(a).

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C45: Licences, Signs and Hoardings**

Delegated to the Chief Executive Officer the authority to approve the erection and/or licensing of signs and hoardings that comply with the Local Laws of the Council. Where an application for a sign or hoarding does not comply with the Local Laws of the Council the application is to be refused.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C46: Wildflower & Native Seed Permits**

Delegated to the Chief Executive Officer the authority to permit wildflower picking and native seed collection on Shire of Pingelly property and reserves vested in or under the control of the Shire of Pingelly, subject to and in accordance with conditions set by the Department of Environment and Conservation.

**Note: Permissions to use flora licences on Unallocated Crown Land (UCL)**

To take flora on Crown land, a person requires either a Scientific or Other Prescribed Purposes (SOPP) licence, or a Commercial Purposes (CP) licence issued by the Department of Biodiversity, Conservations and Attractions under the *Wildlife Conservation Act 1950*.

If additional information is required contact the Department of Biodiversity Conservations and Attractions.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C47: Payment of Accounts**

Delegated to the Chief Executive Officer the authority to pay accounts subject to a list of accounts paid being presented to the next Ordinary meeting and included in the minutes of that meeting. The vouchers, supporting invoices and other relevant documents be made available for inspection by elected members at the next Ordinary Council Meeting.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.  
*Local Government (Financial Management) Regulations 1996* regulation 12.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C48: Credit Card / Fuel Card**

Delegated to the Chief Executive Officer the authority to use the Shire of Pingelly's Credit Card and Fuel Card within the constraints of the Budget or as otherwise directed by Council in accordance with the credit card and fuel card policies.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.  
*Local Government (Financial Management) Regulations* regulation 11(1)(a).

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018



**C49: Investing Surplus Funds**

Delegated to the Chief Executive Officer the authority to invest surplus funds, Trust funds, Loan funds and Reserve funds after ensuring that sufficient working capital is to be retained within the Shire's operating accounts.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42, 6.14.  
*Local Government (Financial Management) Regulations* regulation 19.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C50: Electronic Funds Transfer (EFT)**

Delegated to the Chief Executive Officer the authority to EFT between bank accounts and to pay creditor accounts by EFT.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995 s 5.42.*  
*Local Government (Financial Management) Regulations regulation 11.*

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C51: Employers Warrant**

Delegated to the Chief Executive Officer the authority to sign an employer’s warrant for representation on industrial awards and to appear on the Shire of Pingelly’s behalf.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* sections 5.42-5.44.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C52: Appointment of Authorised Persons – Enforcement and Legal Proceedings**

Delegated to the Chief Executive Officer the authority to appoint:

- under section 3.24 of the *Local Government Act 1995* any person to exercise the powers given to a local government under Subdivision 2 of Division 3 of Part 3 of the Act.
- under section 3.39 of the *Local Government Act* any person to exercise the powers given to a local government under subdivision 4 of Division 3 of Part 3 of the Act.
- under section 9.10 of the *Local Government Act 1995* persons or classes of persons to be authorised for the purposes of performing particular functions under sections 9.11, 9.13, 9.16, 9.17, 9.19 and 9.20 of the Act.
- persons pursuant to section 9.29 of the *Local Government Act 1995*, to represent the Shire of Pingelly generally in proceedings in the court of petty sessions and Local Court.
- persons or classes of persons in relation to enforcement and legal proceedings under the *Local Government (Miscellaneous Proceedings) Act 1960*, *Litter Act 1979*, *Control of Vehicles (Off Road Areas) Act 1978*, *Dog Act 1976*, *Bush Fires Act 1954*, *Health (Miscellaneous Provisions) Act 1954*, *Health Act 2016* and Council Local Laws.

**Objective:** To expedite proceedings as required.

**Reference:** *Local Government Act 1995* section 9.16.  
*Dog Act 1976.*  
*Bush Fires Act 1954.*  
*Health (Miscellaneous Provisions) Act 1911.*  
*Local Laws.*  
*Cat Act 2011.*  
*Health Act 2016.*  
*Litter Act 1979.*  
*Control of Vehicles Act 1978.*

Delegation amended 20 November 2013 Ordinary Council to include the Cat Act 2011.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C53: Execution of Documents**

Delegated to the Chief Executive Officer the authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for execution of the contract documents where:

- the Council has authorised entering into a formal contract, or
- a formal contract is authorised under a delegated authority from the Council, or
- a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Shire of Pingelly.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C54: Destruction of Records**

Delegated to the Chief Executive Officer the authority to destroy old accounting books and records in accordance with statutes and *State Records Act 2000*.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.  
*State Records Act 2000*.  
*State Records Office's General Disposal Authority for Local Government Records*.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C55: Cost Recovery**

Delegated to the Chief Executive Officer the authority to instigate proceedings to recover costs in Court or via debt collections third party.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C56: Rate Book**

Delegated to the Chief Executive Officer the authority to:

- discharge the obligations specified in Section 6.39(1) of the *Local Government Act 1995*.
- serve Notices of Valuation and Rates referred to in Section 6.41(1) of the *Local Government Act 1995*.
- determine the time allowed for the payment of the rate before it becomes in arrear in accordance with section 6.50(2) of the *Local Government Act 1995*.
- exercise the powers conferred in Section 6.40 of the *Local Government Act 1995*.
- exercise discretion in regard to granting of any extension of time for service of objections to the Rate Book, Section 6.76(4) of the *Local Government Act 1995*.
- recover rates by complaint or action pursuant to the provisions of Section 6.56(1) of the *Local Government Act 1995*.
- enter into an agreement in accordance with Section 6.49 of the *Local Government Act 1995*.
- require a lessee to pay rent to the Shire of Pingelly in satisfaction of rates or service charges due and payable in accordance with Section 6.60(2) of the *Local Government Act 1995*.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018



**C57: Assistance to Community Organisations and Events**

Delegated to the Chief Executive Officer the authority to determine the level of assistance provided to community organisations and events. The assistance may be financial (within Budget allocations) or by waiving fees and may include the use of Shire buildings, plant and machinery or the use of employees. In exercising this delegation, the Chief Executive Officer shall have regard to any existing Council policies.

**Objective:** To enhance community activities.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C58: Debt Collection**

Delegated to the Chief Executive Officer the authority to collect outstanding debts against the Shire of Pingelly, including entering into collection arrangements, within normal commercial parameters.

**Objective:** To fast track debt recovery.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C59: Sale of Surplus Equipment, Materials and Scrap**

Delegated to the Chief Executive Officer the authority to sell, by calling for tenders or expressions of interest, holding of a surplus goods sale at the Shire of Pingelly Works Depot, or any other fair means, items of the Shire of Pingelly, being surplus equipment, materials, tools, etc which are no longer required, or are outmoded, or are no longer serviceable.

**Objective:** To expedite the approval process and reduce the collection of surplus items.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C60: Conferences, Seminars & Training Courses**

Delegated to the Chief Executive Officer the authority to approve the attendance of Elected Members and staff at conferences, seminars and training courses where, in the opinion of the Chief Executive Officer, attendance will enhance the professional development of the Elected Members or Officer, provide benefits to the Shire of Pingelly and is relevant to the duties and responsibilities of the Elected Member or Officer. The Chief Executive Officer, in exercising the delegation, shall have regard to any Council Policy in place from time to time and to the availability of appropriate funding in the Budget.

**Objective:** To further develop Elected Members and Staff.

**Reference:** *Local Government Act 1995* section 5.42.

18/8/2010 Item 10.1 – Amended to include Councillors.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

### **C61: Street Appeals**

Delegated to the Chief Executive Officer the authority to determine all applications for street appeals, having regard to any Council Policy relating to street appeals or any upcoming capital improvement works.

**Objective:** To expedite the approvals process.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C62: Travel and Accommodation Arrangements**

Delegated to the Chief Executive Officer the authority to determine all travel and accommodation arrangements for Elected Members and Staff while on official Council or Shire business. In exercising this delegation, the Chief Executive Officer shall have regard to Council Policy and the availability of appropriate funding in the Budget and the possible availability of the Shire vehicles during work hours (8.00am-5.00pm).

**Objective:** To increase productivity.

**Reference:** *Local Government Act 1995* section 5.42.

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**C63: Food Act Authorised Officers**

Delegate the Chief Executive Officer the authority to administer the following:

- The Environmental Health Officer be appointed the Authorised Officer for the Shire of Pingelly under provisions of Sections 38 and 122(b).
- The Authorised Officer be the designated officer for the purpose of issuing infringement notices under the provisions of Section 126(2) and (3).
- The Chief Executive Officer be delegated the authority to issue prohibition notices.
- The Chief Executive Officer be appointed as the designated officer to extend and revoke infringement notices under the provisions of Section 126(6) and (7).
- The Chief Executive Officer be appointed as the designated officer to receive payment from infringement notices under provisions of Section 126(3) and (13).

**Objective:** To expedite the approval process.

**Reference:** *Food Act 2008.*

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018