City of Greater Geraldton

DELEGATION REGISTER

DRAFT 2018/2019

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1 Local Government Act 1995 Delegations

1.1 Council to CEO

1.1.1 Appoint Authorised Persons

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.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the *Local Government Act 1995* and its subsidiary legislation, including Local Government Act Regulations, the *Local Government (Miscellaneous Provisions) Act 1960* and Local Laws made under the Local Government Act [s.3.24 and s.9.10].
Council Conditions on this Delegation:	a. A Register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as authorised persons. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Not sub - delegated

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Memorandums of Authorisation to be retained in the Authorised Persons Register, retained as a Local Government Record.

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1. Local Government Act 1995 Delegations

1.1.2 Compensation for Damage Incurred when Performing Executive Functions

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.3.22(1) Compensation s.3.23 Arbitration
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Council Conditions on this Delegation:	a. Delegation is limited to settlements which do not exceed a material value of $500,000. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Not Sub-delegated
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	N//A

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.3 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 precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	a. Delegated authority may only be used, where there is imminent or substantial risk to public safety or property. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Delegated authority may only be used, where there is imminent or substantial risk to public safety or property. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Local Government Act 1995*: s.9.10 Appointment of authorised persons – refer also s.3.32(2) Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry

1. Local Government Act 1995 Delegations

	s.3.34(2) Entry in an emergency –
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.4 Declare Vehicle is Abandoned Vehicle Wreck

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.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.5 Confiscated or Uncollected Goods

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.3.46 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 precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [s.3.46]. 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than $20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than $20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

1. Local Government Act 1995 Delegations

Compliance Links:	*Local Government Act 1995*:Part 3, Division 3, Subdivision 3 S.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.6 Disposal of 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*	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.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.7 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*	*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.3.50 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 precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to: • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].
Council Conditions on this Delegation:	a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees

1. Local Government Act 1995 Delegations

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Local Government Act 1995*: s.3.50,s.3.50A s.3.51
Record Keeping:	Local Government Act 1995 – Section 5.46(3). Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.8 Obstruction of Footpaths and Thoroughfares

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 (Uniform Local Provisions) Regulations 1996*: 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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: 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:	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:

1. Local Government Act 1995 Delegations

	i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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: i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*

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1. Local Government Act 1995 Delegations

1.1.9 Gates Across Public Thoroughfares

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 (Uniform Local Provisions) Regulations 1996*: r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	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 City of Greater Geraldton's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees

1. Local Government Act 1995 Delegations

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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 City of Greater Geraldton's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record Keeping:	Local Government Act 1995 – Section 5.46(3). Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.10 Public Thoroughfare – Dangerous Excavations

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 (Uniform Local Provisions) Regulations 1996*: r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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:	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: 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.

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	c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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: 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. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares *Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record Keeping:	Local Government Act 1995 – Section 5.46(3). Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.11 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*	*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 (Uniform Local Provisions) Regulations 1996*: 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 precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

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Compliance Links:	*Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* Refer also Delegation 1.2.1 under the *Activities in Thoroughfares and Public Places and Trading Local Law 2011*
Record Keeping:	Local Government Act 1995 – Section 5.46(3). Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.12 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*	*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 (Uniform Local Provisions) Regulations 1996*: r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees

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CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to Register of Delegated Authority CEO to Employees- Delegation -*Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places* Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*
Record Keeping:	Local Government Act 1995 – Section 5.46(3). Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.13 Expressions of Interest 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*	*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.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Council Conditions on this Delegation:	a. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council. b. Compliance with Council policies: • CP 4.9 Procurement of Goods and Services • CP 4.11 Regional Price Preference c. Compliance with Delegation 1.1.14.Tender for Goods and Services
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council. b. Compliance with Council policies: • CP 4.9 Procurement of Goods and Services • CP 4.11 Regional Price Preference c. Compliance with Delegation 1.1.14 Tender for Goods and Services
Compliance Links:	*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy CP 4.9 Procurement of Goods and Services, CP 4.11 Regional Price Preference

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Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1.1.14 Tenders for Providing Goods and Services

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.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* 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
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to call tenders [F&G r.11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is $500,000 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2). 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to accept, or reject tenders, only within the $value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)].

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	10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, within the $500,000 detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)]. 11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 12. Authority to decline any tender [F&G r.18(5)]. 13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)] 14. Authority to: i. Vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the original contract ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A]. 15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].
Council Conditions on this Delegation:	a. Sole supplier arrangements may only be approved where a record is retained that evidences: i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: • 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.

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	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 $500,000 or less and the expense is included in the adopted Annual Budget. d. Authority to enter into a variation F&G r.20(1), r.20(2) subject to: • 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 e. Compliance with Council Policy CP 4.9 Procurement of Goods and Services, CP 4.10 Procurement via Panels of Prequalified Suppliers, and CP 4.11 Regional Price Preference. f. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Sole supplier arrangements may only be approved where a record is retained that evidences: i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent, • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and • The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.

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	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 $500,000 or less and the expense is included in the adopted Annual Budget. d. Compliance with Council Policy CP 4.9 Procurement of Goods and Services, CP 4.10 Procurement via Panels of Prequalified Suppliers, and CP 4.11 Regional Price Preference. e. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council

Compliance Links:	*Local Government Act 1995*:s.3.57 CP 4.9 Procurement of Goods and Services CP 4.10 Procurement via Panels of Prequalified suppliers CP 4.11 Regional Price Preference
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.15 Panels of Pre-Qualified Suppliers 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*	*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 (Functions and General) Regulation 1996*: r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) 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 r.24AJ(1) Contracts with pre-qualified suppliers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which applications for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to ensure each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5). 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].

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Council Conditions on this Delegation:	a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the expense is included in the adopted Annual Budget. b. In accordance with the provisions of Council Policy 4.10 Procurement via Panels of Prequalified Suppliers c. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the expense is included in the adopted Annual Budget. b. In accordance with the provisions of Council Policy 4.10 Procurement via Panels of Prequalified Suppliers c. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council

Compliance Links:	*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy CP 4.9. Procurement of Goods and Services Council Policy CP.4.10 Procurement via Panels of Pre-Qualified Suppliers
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.16 Disposing of Property

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.3.58(2) & (3) Disposing of Property
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to dispose of property to: (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. 3. Authority to dispose of property under regulation 30(3) (a) of the Local Government (Functions and General) Regulations 1996.
Council Conditions on this Delegation:	a. Value of property that may be disposed under this delegation shall not exceed $500 000 including plant and assets with a depreciated value not exceeding $500 000, in accordance with the provisions of section 5.43(d) of the *Local Government Act 1995.* b. Section 3.58(4) – where the market value of the lease is less than $15,000 pa. c. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation:	a. Value of property that may be disposed under this delegation shall not exceed $500 000 including plant and assets with a depreciated value not exceeding $500 000, in

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Conditions on the original delegation also apply to the sub-delegations.	accordance with the provisions of section 5.43(d) of the *Local Government Act 1995.* b. Section 3.58(4) – where the market value of the lease is less than $15,000 pa. c. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.

Compliance Links:	*Local Government Act 1995* – s.3.58 Disposal of Property
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.17 Fees etc. for Council Members

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.5.98 (2) – (4) Fees etc. for Council members* *Local Government Act (Administration Regulations)1996* *r.32.(1) (a)-(c) Expenses that may be approved for reimbursement.*
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	(1) A council member who incurs an expense of a kind prescribed as being an expense — (a) to be reimbursed by all local governments; or (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement, is entitled to be reimbursed for the expense in accordance with subsection (3). (2) A council member to whom subsection (2) applies is to be reimbursed for the expense — (a) where the extent of reimbursement for the expense has been determined, to that extent; or (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent. (3) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

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Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Local Government Act 1995* *Local Government (Administration) Regulations 1996* - refer specifically r. *32. (1) (a)-(c) Expenses that may be approved for reimbursement.*
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.18 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*	*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:* Section 6.7(2) Money held in the municipal fund may be applied towards the performance of the functions and the exercise of powers conferred on the Local Government by this Act or any other written law. *Local Government (Financial Management) Regulations1996*: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	a. Make payments for procurement provided for in Budgets approved by Council, or otherwise approved by Council resolution, and undertaken in accordance with Council Policy CP 4.9 Procurement of Goods and Services. Consistent with the functions of the CEO specified in section 5.41(c) and (d) of the *Local Government Act 1995.* b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Make payments for procurement provided for in Budgets approved by Council, or otherwise approved by Council resolution, and undertaken in accordance with Council Policy CP 4.9 Procurement of Goods and Services. Consistent with the functions of the CEO specified in section 5.41(c) and (d) of the *Local Government Act 1995.* b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council. c. Payments by Cheque and EFT transactions must be approved jointly by two Delegates.

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	d. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval. e. Category B - Payments with Corporate Charge Card shall not to exceed the credit limit of the Card.

Compliance Links:	*Local Government Act 1995* *Local Government (Financial Management) Regulations 1996* - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. *Local Government (Audit) Regulations 1996* Department of Local Government, Sport and Cultural Industries: Operational Guideline No.11 – Use of Corporate Credit Cards Accounting Manual Council Policy CP4.9 Procurement of Goods and Services
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.19 Payments, Procedures for Making etc.

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 (Financial Management) Regulations 1996* r.11(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and (b) petty cash systems. 2. A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so. 3. **Payments made by a local government —** (a) subject to subregulation (4), are not to be made in cash; and (b) are to be made in a manner which allows identification of — (i) the method of payment; and (ii) the authority for the payment; and (iii) the identity of the person who authorised the payment. 4. Nothing in subregulation (3)(a) prevents a local government from making payments in cash from a petty cash system.
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

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Sub-Delegate/s: *Appointed by CEO*	Not Sub-delegated.
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	N/A

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.20 Power to Invest and Manage Investments

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.6.14 Power to invest *Local Government (Financial Management) Regulations 1996*: r.19 Investments, control procedures for
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. (2A) A local government is to comply with the regulations when investing money referred to in subsection (1). (2) Regulations in relation to investments by local governments may — (a) make provision in respect of the investment of money referred to in subsection (1); and [(b) deleted] (c) prescribe circumstances in which a local government is required to invest money held by it; and (d) provide for the application of investment earnings; and (e) generally provide for the management of those investments.
Council Conditions on this Delegation:	a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy CP2.1 Investments. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be documented. d. Procedures are to be administratively reviewed as per Audit Regulation.17. e. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees

1. Local Government Act 1995 Delegations

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy CP2.1 Investments. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be documented. d. Procedures are to be administratively reviewed as per Audit Regulation.17. e. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.

Compliance Links:	*Local Government (Financial Management) Regulations 1996* – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy CP2.1 – Investments
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.21 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*	*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.6.12 Power to defer, grant discounts, waive or write off debts.
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Waive a debt which is owed to the City of Greater Geraldton [s.6.12(1)(b)]. 2. Waive or grant concessions in relation to any amount of money [s.6.12(1)(b)]. 3. Write of any amount of money which is owed to the City of Greater Geraldton [s.6.12(1)(c)]. 4. *Regulations may prescribe circumstances in which a Local Government is not to exercise a power under subsection (1) or regulate the exercise of that power*.
Council Conditions on this Delegation:	a. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council. b. Comply with Council Policy CP4.22 Fraud Control, Write off Debts & Waive Fees and Charges
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council. b. Comply with Council Policy CP 4.22 Fraud Control, Write-off Debts & Waive Fees and Charges.

Compliance Links:	Council Policy – CP4.22 Fraud Control, Write- off Debts & Waive Fees and Charges.
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy Manual

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1. Local Government Act 1995 Delegations

1.1.22 Expenses may be funded before actually incurred

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.5.102 Expense may be funded before actually incurred.
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Nothing in this Division prevents a local government from making a cash advance to a person in respect of an expense for which the person can be reimbursed.
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Local Government Act 1995*
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.23 Trust Fund

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:* Section 6.9(4) Trust fund
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	(4) Where money has been held in the trust fund for 10 years it may be transferred by the local government to the municipal fund but the local government is required to repay the money, together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment.
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Local Government Act 1995*
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.24 Rate Record Amendment

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.6.39(2)(b) Rate record
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act. b. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Delegates must comply with the requirements of s.6.40 of the Act. b. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.

Compliance Links:	*Local Government Act 1995* – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy Manual

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1. Local Government Act 1995 Delegations

1.1.25 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*	*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.6.49 Agreement as to payment of rates and service charges
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49]. A Local Government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.

Compliance Links:	Operational Policy OP018 Financial Hardship Direct Debit arrangement for Rates
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19.

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1. Local Government Act 1995 Delegations

1.1.26 Determine Due Date for 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*	*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.6.50 Rates or service charges due and payable
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine the date on which rates or service charges become due and payable to the City of Greater Geraldton [s.6.50].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19.

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1. Local Government Act 1995 Delegations

1.1.27 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*	*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.6.56 Rates or service charges recoverable in court
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies and strategies formally adopted by Council

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19.

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1. Local Government Act 1995 Delegations

1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent

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.6.60 Local Government may require lessee to pay rent
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the City of Greater Geraldton [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Local Government Act 1995* – refer sections 6.61 and 6.62 prescribe procedures relevant to exercise of authority under s.6.60.
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.29 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*	*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.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 revested in Crown if rates in arrears 3 years
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: 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 City of Greater Geraldton [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, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	a. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

1. Local Government Act 1995 Delegations

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: *Appointed by CEO*	Not sub- delegated
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	N/A

Compliance Links:	*Local Government Act 1995* – Part 6, Division 6 Subdivision 6 prescribe procedures relevant to exercise of authority under this delegation. *Local Government (Financial Management) Regulations 1996* – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.30 Rate Record – Objections

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.6.76 Grounds of objection
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation:	a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Not Sub-delegated
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	N/A

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.31 Issuing Notices

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.3.25 Notices requiring certain things to be done by owner or occupier of land
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	To give a person who is the owner or, unless Schedule 3.1 (of the Local Government Act 1995) indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that — (a) is prescribed in Schedule 3.1, Division 1; or (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Not Sub-delegated
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	N/A

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.32 Common Seal

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.9.49 A (1)(a) , (2) – (3) Execution of documents
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	(1) A document is duly executed by a local government if — (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government. (3) The common seal of the local government is to be affixed to a document in the presence of — (a) the mayor or president; and (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
Council Conditions on this Delegation:	(a) The document must not be inconsistent with a Council policy or resolution. (b) The authority to affix the common seal of the City to a document that needs the City's common seal to be legally effective and that is within one or more of the following categories – 1. documents required to satisfy conditions of subdivision and/or development approval; 2. documents required to effect the transfer of land as part of a settlement transaction (sale and purchase); 3. documents required to secure the repayment of a loan granted by the City, a loan granted to the City by a third party and/or to secure the pre-funding of infrastructure works by the City; 4. documents required to effect the grant of leasehold interests in the land either by the City to a third party, or by a third party to the City;

1. Local Government Act 1995 Delegations

	5. documents required to effect the grant of a licence either by the City to a third party, or by a third party to the City; 6. documents required to effect the subdivision of land, including the strata titling of land; 7. documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and 8. documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law. (c) This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Not Sub-delegated
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	N/A

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.1.33 Execution of Documents

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.9.49A Execution of documents
Delegate:	**Chief Executive Officer** **Director Corporate and Commercial Services** **Director Development and Community Service** **Director Infrastructure Services**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	(1) A document is duly executed by a local government if — (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so. (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation. *(5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.* *(6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
Council Conditions on this Delegation:	(a) The document must be consistent with a Council policy or resolution. (b) The document must - • relate to functional responsibilities of the director (and includes notices issued under legislation); and • relate to appropriate functions the director may be authorised to perform under or in the administration of a contract, lease, deed or other document that is sealed. (c) This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

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Sub-Delegate/s: *Appointed by CEO*	Not Sub-delegated
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	N/A

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.2 Local Law Delegations to the CEO

1.2.1 Infrastructure Control – Activities in Thoroughfares and Public Places and Trading Local Law 2011

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:	*Activities in Thoroughfares and Public Places and Trading Local Law*: cl.2.5(2) Removal of redundant crossing cl.2.6 Interpretation – "acceptable material" cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17(1) Signs cl.5.3 Declaration of flora road cl.5.5 Signposting of flora roads cl.5.7 Designation of special environmental areas cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damage to thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare cl.10.2 Local government may undertake requirements of notice
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	**1. General Activity Control** 1A. Authority, limit to permits subject of this delegation, to: a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; e. determine the form of the permit [cl.7.2(2)].

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	1B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to: a. Temporary vehicle crossing [cl.2.4(1)] b. Any activity described as requiring a permit under cl.2.2(1); i. dig or otherwise create a trench through or under a kerb or footpath; ii. throw, place or deposit anything on a verge; iii. cause any obstruction to a vehicle or person using a thoroughfare; iv. cause any obstruction to a water channel; v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare; vi. damage a thoroughfare; vii. light any fire or burn anything on a thoroughfare other than under a permit issued under cl.5.13; viii. fell any tree onto a thoroughfare; ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare; x. provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare; xi. use or do anything so as to create a nuisance; xii. place or cause to be placed in on a thoroughfare a bulk rubbish container; xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare; c. Drive or take a vehicle on a closed thoroughfare [cl.2.19]; d. Erect or place an advertising or directional sign [cl.3.2]; e. Use of portable signs [cl.3.4]; f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5]; g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)];

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	h. Clear and maintain in a cleared state, the surface of a thoroughfare within 1m of the person's land [cl.5.11]. i. Burn, subject to the *Bush Fires Act 1954*, slash or apply herbicides to part of a thoroughfare to reduce fire hazard, with the method approved to be beneficial to the preservation and conservation of native flora and fauna [cl.5.15] j. Construct firebreaks on a thoroughfare [cl.5.17] 1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5] 1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)]. **2. Use of Public Places** 2A. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)]. **3. Crossings** 3A. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge and other thoroughfare infrastructure [cl.2.5(2)]. **4. Thoroughfares and Verges** 4A. Authority to determine and maintain the list of "acceptable materials"' which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6]. 4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11]. 4C. Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned [cl.2.15]. 4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to: a. Alter the direction of a sprinkler or other watering equipment [cl.9.1]; b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2]; 4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to:

1. Local Government Act 1995 Delegations

	a. Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3]; b. Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4]. 4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2]. **5. Flora and Fauna within Thoroughfares** 5A. Authority to declare a flora road and to signpost it, where roadside vegetation is determined as high quality [cl.5.3 and cl.5.5]. 5B. Authority to designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which has protected or rare flora or fauna or has environmental, aesthetic or cultural significance [cl.5.7]. 5C. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to: a. Collecting native flora and / or native flora seeds [cl.5.20]; b. Planting or sowing any plant seeds in a thoroughfare [cl.5.9]. 5D. Authority to determine conditions [cl.7.2(4) and cl.7.8] to be complied with by a permit holder, and to vary conditions [cl.7.5]
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	A register of all special environmental areas must be maintained under cl.5.8 of the *Activities in Thoroughfares and Public Places and Trading Local Law*.

1. Local Government Act 1995 Delegations

	Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17 of the *Local Government (Uniform Local Provisions) Regulations 1996* – refer CEO Delegations 1.3.3 and 1.3.4. Crossing permits are approved under Regulations 12 and 13 of the *Local Government (Uniform Local Provisions) Regulations 1996* – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.
Record Keeping:	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.2.2 Dogs Local Law 2011

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:	*Dogs Local Law 2011* cl.4.2 Application of Licence for approved kennel establishment cl.4.3(3) Notice of proposed use cl.4.5 (c) When applications can be determined cl.4.6 Determination of application cl.4.7 Where application cannot be approved cl.4.8 Conditions of approval cl.4.11 Form of licence cl.4.13 Variation or cancellation of licence cl.4.14 Transfer cl.4.15 Notification
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	**1. Kennel Licences** Authority, limit to licences subject of this delegation, to : a. Determine the form of an approved kennel establishment, and require information [cl.4.2] b. Determine that notice would not serve purpose of notification[cl.4.3 (3) (b)] c. Refuse to determine application for kennel licence until the notice of proposed use is in accordance with directions.[cl.4.3] d. Application not to be determined until submissions for a kennel establishment are considered[cl.4.5] e. Matters to be considered in determining an application for an approved kennel establishment [cl.4.6] f. Determine that licence for kennel establishment cannot be approved [cl.4.7] g. Application may be subject to conditions of approval, subject to Schedule 2 or as [cl.4.8] h. Form of licence to be determined [cl.4.11] i. Vary or cancel a licence [cl.4.13] j. Application for transfer of licence must be made on the form determined. Application not to be considered unless the transferee has complied with subclause (1). [cl.4.14] k. Give written notice [cl.4.15].

1. Local Government Act 1995 Delegations

	2. Enforcement a. Appropriate the amount in satisfaction of an infringement and issue an acknowledgement [cl.7.5] b. Serve notice to address as recorded or ascertained [cl.7.6]
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.2.3 Pest Plants Local Law 2011

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:	*Pest Plants Local Law 2011* cl.3.1 Notices cl.3.2 Failure to comply with a notice
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	**1. Notices** a. Serve a notice requiring an owner or occupier of private land to destroy, eradicate or otherwise control any pest [cl.3.1] b. Without payment of compensation, destroy , eradiate or control, any pest plant, the destruction, eradication or control of which was required by the notice [cl.3.2(a)] c. Recover in a court of competent jurisdiction , the amount of the expense of destruction , eradication or control [cl.3.2(b)]
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.2.4 Bush Fires Local Law 2011

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:	*Bush Fires Local Law 2011* cl.21 Establish a bush fire brigade cl.2.2 Name and officers of bush fire brigade cl.2.6 Dissolution of bush fire brigade cl 3.1 Local Government responsible for structure cl.3.2 Officers to be supplied with Act cl.3.3 Managerial role of the Chief Bush Fire Control Officer cl.3.5 Duties of Chief Bush Fire Control Officer cl.3.8 Nomination of bush fire control officer to the local government cl.3.10 Functions of Bush Fire Advisory Committee cl.3.11 Bush Fire Advisory Committee to nominate bush fire control officers cl 3.12 Local government to have regard to nominees cl.3.13 Bush Fire Advisory Committee to consider bush fire brigade motions cl.6.1 Policies of local government cl.6.2 Equipment in brigade area cl.6.3 Funding from local government budget cl.6.4 Consideration in the local government budget cl.4.1 Management of bush fire brigade cl.7.6 Disagreements
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	**1. Establishment of Bush Fire Brigade** a. Establish a bush fire brigade on the date of decision [cl.2.1] b. Give a name to the brigade[cl.2.2(1)(a)], specify the area of responsibility [cl.2.2(1)(b)], appoint officers [cl.2.2(1)(c)],have regard to qualifications and experience[cl.2.2(2)], appoint person to fill vacancy[cl.2.2(5)] c. Cancel the registration of a bush fire brigade [cl.2.6] d. Direct the Chief Bush Fire control officer [cl.3.3] e. Determine number of nominees for Bush Fire Advisory Committee [cl.3.10], receive nomination for position of bush fire control officer [cl.3.11], not bound to appoint nominated person [cl.3.12], Receive recommendations on motions [cl.3.13]. **2. Organisation and Maintenance of Bush Fire Brigades** a. Ensure appropriate structure through which organisation of bush fire brigades is to be maintained [cl.3.1] b. Supply brigade officers with relevant legislation [cl.3.2] c. Direct the Chief Bush Fire Control Officer [cl.3.3]

1. Local Government Act 1995 Delegations

	d. Liaise with the Chief Bush Fire Control Officer [cl.3.5] e. If the local government has not established a Bush Fire Advisory Committee, at the annual general meeting nominate a brigade member to the local government to serve as the bush fire control officer [cl.3.8] f. Determine the number of nominees for the Bush Fire Advisory Committee [cl.3.10] g. Nominations to be made for bush fire control officer for brigade area [cl.3.11] Consider persons for the position[cl.3.12] h. Recommendations on motions received by the Bush Fire Advisory Committee to be made[cl.3.13] **3. Equipment of Bush Fire Brigades** a. Make policies to provide funding, protective clothing, equipment and appliances [cl.6.1 (a)], provide information on funding from other bodies [cl.6.1 (b)]. b. Report to be made [cl.6.2] c. Request to be made from bush fire brigade for funding protective clothing, equipment and appliances prior to 28 February [cl.6.3]. d. Approve or refuse application for funding depending on budget priorities [cl.6.4] **4. Rules Governing the Operation of Bush Fire Brigades** a. Recommendations made by the Committee: to rules:[cl.4.1 (2)(a)]:equipment to be supplied [cl.4.1(2)(d)] **5. General Administration Matters** a. Final authority on matters affecting bush fire brigade , resolve disagreement not resolved under subclause (1) or (2)
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

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Compliance Links:	
Record Keeping:	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.2.5 Health Local Law 2011

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:	*Health Local Law 2014* cl.2.3.Floor of wet areas cl.3.13 Licensing of morgues cl.5.15 Restrictions on pigeon nesting or perching cl.5.17 Premises to be approved cl.5.20 Premises to be approved cl.6.5 Local government may execute work and recover costs cl 6.8 Local government may execute work and recover costs cl.6.20 Restrictions on keeping of bees in hives cl.7.1(1) Requirements on owner or occupier to clean , disinfect and disinfest cl.7.2 EHO may disinfect or disinfest premises cl.7.3 Insanitary house, premises and things cl.7.4 Persons in contact with an infectious disease sufferer cl.7.5 Declaration of infected house or premises cl.7.8 Local government may carry out work and recover costs cl. 8.4 Approval of application cl. 8.5 Renewal of registration cl.8.6 Notification upon sale or transfer cl.8.7 Revocation of registration cl.8.24 Keeper report cl.9.4 Registration of premises cl.9.5 Certificate of Registration
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	**1. Sanitation** a. Approve floor waste [cl.2.3] **2. Housing and General** a. Determine form for morgue licence [cl.3.13(4)(a)] **3. Nuisances and General** a. Order an owner or occupier of a house to take adequate steps to prevent pigeons from nesting or perching[cl.5.15] b. Approved premises for use as a feedlot [cl.5.7]; subject to subsection (3) feedlot must comply with minimum distances[cl.5.17(2)] c. Approve sites that do not satisfy separation requirements , if satisfied that this will not give rise to a health nuisance [cl.5.17 (3)] d. Approve premises as a piggery [cl.5.20] **4. Pest Control** a. Execute work and recover cost in a court of competent jurisdiction [cl.6.5(1), (2) - Flies

1. Local Government Act 1995 Delegations

	b. Pay compensation or damages for loss or damage due to negligence or breach of duty [cl.6.5 (3)]. c. Execute work and recover cost in a court of competent jurisdiction [cl.6.8(1), (2)]- Mosquitoes d. Pay compensation or damages for loss or damage due to negligence or breach of duty [cl.6.58 (3)]. e. Approve a person to keep bees in a hive [cl.6.20(1)]; Direct bees or approved beehives to be removed [cl.6.20(2)] **5. Infectious Diseases** a. Direct an owner or occupier of premises to clean, disinfect and disinfest by a notice in writing [cl.7.1(1)] b. Direct an EHO, other local government officer or other person to disinfect and disinfest the premises [cl.7.2(1)] c. Recover the cost of carrying out the work, in a court of competent jurisdiction [cl.7.2(3)]. No liability to pay compensation or damages to the owner or occupier, other than compensation or damages for loss or damage because of negligence or breach of duty[cl.7.2(4)]. d. Direct an owner or occupier of a house , in writing, within a time and manner specified , to destroy or amend a house considered to be insanitary[cl.7.3] e. Instructions or directions to occupant of the house or any person who enters or leaves [cl.7.4(a)]direct a person or occupant to be removed to isolation [cl.7.4(b)] f. Declare any house or premises to be infected [cl.7.5 g. Carry out work or arrange for the work to be carried out by another [cl.7.8(1)], recover costs in a court of competent jurisdiction {cl.7.8 (2)].No liability to pay compensation or damages to the owner or occupier, other than compensation or damages for loss or damage because of negligence or breach of duty[cl.7.8(3)]. **6. Lodging houses** a. Approve application for lodging house under clause 8.3 , with or without conditions by issuing certificate of registration [cl.8.4] b. Renew registration on application [cl.8.5] c. Written notification of sale or transfer to be given by owner within 14 days [cl.8.6] d. Revoke the registration of a lodging house [cl.8.7(1), (2)]; give notice to show cause why registration should not be revoked[cl.8.7(3)] e. Require a keeper to report the name of each lodger during specified period [cl.8.24]

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	7. Offensive Trades a. Registration of premises to be lodged [cl.9.4]; Issue a Certificate [cl.9.5]
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.2.6 Parking and Parking Facilities Local Law 2012

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:	*Parking and Parking Facilities Local Law 2012* cl.2.1 Establishment of parking stations cl.2.10 Parking stations may be locked cl.2.12 Authorised spaces in parking stations cl.4.2 Authorised parking cl.4.6 Parking on public reserves cl.5.1 Residential Parking permit cl.7.1 Affixing signs and notices
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	**1. Parking Stations** a. Determine and indicate by signs [cl.2.1(3)]; erect signs [cl.2.1(4)] b. At the expiration of the hours of operation , lock the parking station [cl.2.10] c. Give written permission to sell, hire , give away, offer or expose for sale or hire [cl.2.10] d. By the use of signs set aside any parking station or parking space, within the parking station, for the parking of vehicles by persons authorised[cl.2.12(1)]; Give written permit to person authorised [cl.2.12(2)(a)]; Revoke permit at any time[cl.2.12(2)(b)] **2. Stopping and Parking Generally** a. Give permission to stop or park a vehicle , other than an authorised vehicle, in a designated area for authorised vehicle[cl.4.2] b. Give permission to stop or park a vehicle in a public reserve, other than within a parking facility or parking station on the reserve [cl.4.6]. **3. Residential Parking Permits** a. Determine form for application of parking permit for residential lot [cl 5.1(2)]. b. Parking permit - approve [cl 5.1(3)(a)]; approve with conditions [cl 5.1(3)(b)] ;refuse [cl.5.1(3)(c)];issue a permit [cl 5.1(4)] **4. Miscellaneous**

1. Local Government Act 1995 Delegations

	a. Permission to affix board, sign, placard, notice or other thing to or paint on write upon, any part of a sign, ticket issuing machine , parking facility or parking station [cl 7.1(a)]; place, mark or erect a sign resembling a sign placed marked or erected[cl.7.1 (b)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.2.7 Animals, Environment and Nuisance Local Law 2014

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	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:	*Animals, Environment and Nuisance Local Law 2014* cl. 2.4 Roosters, geese, turkeys and peafowl. cl. 3.3 unauthorised storage of materials cl. 3.4 Prohibited activities cl.4.3 Notice may require specified action to prevent emission or reflection of light cl 4.4 Burning rubbish , refuse or other material cl.4.12 Nuisance cl.4.14 Placement of advertisement, bill posting or junk mail cl.6.1 Notice of breach
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	**1. Keeping of Animals** a. Give written permission to keep roosters, geese, turkeys or peafowls on land with an area of 1 hectare or more [cl.2.4] **2. Building Development and Land Care** a. Written approval prior to any proposal to store construction material on any thoroughfare verge [cl.3.3 (2)] b. When opinion is formed that an owner occupier has not complied with subclause (1), serve a notice requiring owner occupier to do one or more of - comply with subclause (1)(a) or (1)(b) [cl.3.4 (2)(a)]; clean up and dispose of any released dust or liquid waste [cl.3.4 (2)(b)]; clean up and make good any damage [cl.3.4 (2)(c)]; take effective measures to stop further release or escape of dust or liquid waste[cl.3.4 (2)(d)] **3. Nuisances and Dangerous Things** a. Where clause 4.3(1) (a) ,(b) or (c) applies - give notice in writing to direct an owner occupier to take actions to : use outdoor or floodlights only during specified hours; alter the direction of lights; paint or treat reflective surfaces; combination of measures deemed appropriate ;[cl. 4.3(2)(a),(b),(c),(d)] b. Give written permission to set fire to rubbish, refuse or other materials on rural residential zoned property, of an area 2000m^2 or less [cl.4.4 (1)(a)]

1. Local Government Act 1995 Delegations

	c. Satisfaction , that no reasonable alternatives are available [cl.4.4 (1)(b)] d. Give written authorisation to provide or conduct any amusement on land, to create or be a nuisance to any owner of occupier of land in the district. e. Give written approval to place, affix any letter, figure, device, poster , sign or advertisement on any building, fence or post [cl.4.14(1)] **4. Enforcement** a. Give notice of breach in writing to the person alleged responsible specifying - provision of local law breached; particulars of the breach; manner required for remedy of the breach [cl.6.1 (1) & (2)(a),(b),(c)]
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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1. Local Government Act 1995 Delegations

1.2.8 Local Government and Public Property Local Law 2014

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 and Public Property Local Law 2014* cl.6 Application for approval cl.7 Determination of application cl.9 Cancellation of approval cl.10 Activities requiring approval cl.17 Setting aside property cl.20 Entry to local government property and buildings cl.21 Payment of applicable fees cl .22 No refund of fees cl. 24 Conditions of hire and use cl.29 Beaches , reserves and sand dune protection cl.38 Shopping trolley to be removed by owner
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	**1. Approvals and Fees** a. In respect to application for written approval required in accordance with clause 10 [cl. 6]– refuse an application [cl. 7(a)]; approve an application with or without conditions [cl. 7(b)] b. Cancel approval– if anything purporting to be done is not done in conformity with the conditions of approval [cl.9(a)]; the approval holder is convicted of an offence against the local law [cl.9(b)];approval holder fails to abide by a notice served in accordance with part 9 [cl. 9(1)(c)] **2. General** a. A person shall not on or from an local government property, without obtaining written approval - (a) consume any liquor; (*subject to cl.18 restrictions on or in local government property and buildings – alcohol cannot be sold , supplied or consumed without a liquor licence under the Liquor Licensing Act 1988 for that purpose)* (b) erect a structure for public amusement or for any performance for personal gain or otherwise; (c) conduct any function; (d) light or set off any fireworks or conduct a fireworks display; (e) light any fire;

1. Local Government Act 1995 Delegations

	(f) erect any tent, camp, hut or other structure, other than a beach umbrella or other portable item used for protection from the elements between sunrise and sunset on any day; (g) carry out any works in a street, thoroughfare or other public place, including but not limited to— (i) verge treatments; (ii) vehicle crossing treatments; and (iii) includes crossing a footpath with a vehicle which is likely to or does cause damage to the footpath; (h) hire or use a building, reserve or other local government facility; (i) plant any plant or sow any seeds; (j) coach, teach, instruct or train for a fee, any person on or in a swimming pool, tennis court, or other recreation facility; (k) charge a person for entry; (l) make an excavation on, or erect or remove, any fence or other structure; (m) operate any broadcasting or public address system or apparatus other than those used by a life saving club in the performance of its functions; (n) cut, break, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, grass or plant of any kind; (o) cut, collect, or remove any timber, firewood, stone, sand or other materials, other than seaweed; or (p) erect or display any sign. **3. Use of Local Government Property** a. Set aside any local government property, local government building, or reserve or portion of such, for specific use or uses, and designate by signs the use and condition of use, including but not limited to areas where: (a) the entry of persons is restricted or prohibited; (b) bathing is permitted at all times or is restricted or prohibited; (c) boats, personal watercraft or surfboards , either generally or of a particular class are permitted, restricted or prohibited; (d) boats and/or personal watercraft may be launched or retrieved;

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	(e) motorised vehicles of a particular class or classes are permitted; (f) the speed limit at which vehicles generally or of a particular class, must travel; (g) the age of persons permitted, restricted or prohibited, from playing on children's play equipment ; (h) motorised model aeroplanes may be flown; (i) the practice or playing of games of any type is permitted, restricted or prohibited; (j) riding a bicycle, skateboards , rollerblades or sand boards or similar devices are permitted, restricted or prohibited; and (k) fishing is permitted, prohibited or restricted to fishing in a particular manner.[cl.10] b. In the process of setting aside property, specify the extent to which, and the manner in which a use or activity in sub clause (1) may be pursued; days and times[cl.2(a)]; where the activity may be pursued[cl.2(b)]; limited to the property set aside for the purpose[cl.2(c)]; limited to a class or vehicle, boat, equipment or things or extended to all[cl.2(d)]; by a person or class of persons[cl.2(e)]; distinguish between different classes of use or activity[cl.2(f)]. c. Permit a local government property , local government building or reserve to be temporarily used for a use or activity other than that for which it has been set aside, provided written approval is obtained [cl.17(4)]. d. Exempt in writing from paying the applicable entry or participation fee to an activity on or in a local government property or building [cl.22 (b)] e. Authorise repayment of a part or all of a fee paid upon cancellation of a booking for a local government property or building, in special circumstances [cl. 22] f. Impose conditions that relate to an approval for hire and use of a local government property or building [cl. 24(o)] **4. Reserves , Beaches and Bathing** a. Authorise in writing a person in the course of their duties to take a vehicle onto any public property , beach or reserve or sand dune, [cl. 29(d)] **5. Shopping Trolleys** a. Advise the owner of the location of an abandoned shopping trolley, verbally or in writing. Trolley to be removed within 254 hours [cl.38]

1. Local Government Act 1995 Delegations

Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit *Building Regulations 2012:* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2. Building Act 2011 Delegations

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Building Act 2011* s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor *Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT* *Building Services (Registration Act) 2011* – Section 7 *Home Building Contracts Act 1991* – Part 3A, Division 2 – Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage of Western Australia Act 1990*
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r. 19 Building Act 2011- Section 130

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2.1.2 Demolition Permits

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit Building Regulations 2012 r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s:	Refer to Register of Delegation - CEO to Employees

2. Building Act 2011 Delegations

Appointed by CEO	
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council

Compliance Links:	*Building Act 2011* s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit *Building Services (Complaint Resolution and Administration) Act 2011* -– Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage of Western Australia Act 1990*
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r. 19 Building Act 2011- Section 130

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2.1.3 Occupancy Permits or Building Approval Certificates

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Building Act 2011* s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT

2. Building Act 2011 Delegations

	Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage of Western Australia Act 1990*
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Building Act 2011- Section 130

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2.1.4 Designate Employees as 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*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	Not sub-delegated
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	N/A

Compliance Links:	*Building Act 2011:* s.97 requires each person designated as an authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

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2.1.5 Building Orders

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to make Building Orders in relation to: a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the *Building Act 2011*.

2. Building Act 2011 Delegations

Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Building Act 2011*: Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r.19 Building Act 2011- Section 130

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2.1.6 Inspection and Copies of Building Records

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

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Building Act 2011* - s.146 Confidentiality
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r.19 Building Act 2011- Section 130

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2.1.7 Referrals and Issuing Certificates

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.145A Local Government functions
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the City of Greater Geraldton's District [s.145A(2)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r.19 Building Act 2011- Section 130

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2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012*: r.51 Approvals by permit authority
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r.19

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2.1.9 Smoke Alarms – Alternative Solutions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012:* r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r.19 Building Act 2011- Section 130

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3. Bush Fires Act 1954 Delegations

3 Bush Fires Act 1954 Delegations

3.1 Council to CEO, Mayor and Bush Fire Control Officer

3.1.1 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*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.13(4) Duties and powers of bush fire liaison officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to request on behalf of the City of Greater Geraldton 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:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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3. Bush Fires Act 1954 Delegations

3.1.2 Prohibited Burning Times - Vary

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.17(7) Prohibited burning times may be declared by Minister *Bush Fire Regulations 1954:* 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:	**Mayor and Chief Bush Fire Control Officer (jointly)**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Council Conditions on this Delegation:	a. Decisions under s,17(7) must be undertake jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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3. Bush Fires Act 1954 Delegations

3.1.3 Prohibited Burning Times – Control Activities

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.17(7) Prohibited burning times may be declared by Minister s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land *Bush Fire Regulations 1954:* 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 precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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 City of Greater Geraldton 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

3. Bush Fires Act 1954 Delegations

	authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Council Conditions on this Delegation:	a. Decisions under s,17(7) must be undertake jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* 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 *Bush Fire Regulations 1954:* 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 precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. 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

3. Bush Fires Act 1954 Delegations

	Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 9. Authority to recover the cost of measures taken by the City of Greater Geraldton 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)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.27D Requirements for carriage and deposit of incendiary material *Bush Fires Regulations 1954:* r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3) 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. *Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer*.
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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3. Bush Fires Act 1954 Delegations

3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 *Bush Fires Regulations 1954:* r.27(3) Permit, issue of
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]: a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: a. camping or cooking [s.25(1)(a)]. b. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in

3. Bush Fires Act 1954 Delegations

	open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council**.**
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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3. Bush Fires Act 1954 Delegations

3.1.7 Firebreaks

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the City of Greater Geraldton: a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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3. Bush Fires Act 1954 Delegations

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

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.38 Local Government may appoint bush fire control officer
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the City of Greater Geraldton [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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3. Bush Fires Act 1954 Delegations

3.1.9 Control and Extinguishment of Bush Fires

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to prohibit or postpose the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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3. Bush Fires Act 1954 Delegations

3.1.10 Apply for Declaration as an Approved Area

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.52(1) Approved area may be declared
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.50(1)] (Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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3. Bush Fires Act 1954 Delegations

3.1.11 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*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.58 General penalty and recovery of expenses incurred
Delegate:	**Chief Executive Officer**
Function: *This is a precis 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 City of Greater Geraldton or those on behalf of the City of Greater Geraldton to do [s.58].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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3. Bush Fires Act 1954 Delegations

3.1.12 Prosecution of Offences

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	**Chief Executive Officer** **Bush Fire Control Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*

Compliance Links:	*Bush Fires Act 1954:* s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50

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4. Cat Act 2011 Delegations

4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags *Cat Regulations 2012* Schedule 3, cl.1(4) Fees Payable
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the City of Greater Geraldton's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees

4. Cat Act 2011 Delegations

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	Cat Regulations 2012 r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2))
Record Keeping:	Cat Act 2011 section 47

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4. Cat Act 2011 Delegations

4.1.2 Approval to Breed Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	Cat Regulations 2012: r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6))

4. Cat Act 2011 Delegations

	r.25 Certificate given to approved cat breeder (s.39(1))
Record Keeping:	Cat Act 2011 Section 47

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4. Cat Act 2011 Delegations

4.1.3 Appoint Authorised Persons

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

Sub-Delegate/s: *Appointed by CEO*	Not Sub-delegated
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	N/A

Compliance Links:	
Record Keeping:	Cat Act 2011 Section 47

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5 Dog Act 1976

5.1 Dog Act Delegations Council to CEO

5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.10A Payments to veterinary surgeons towards costs of sterilisation
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of $10 [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Dog Act 1976:* 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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

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5. Dog Act 1976 Delegations

Record Keeping:	Dog Act 1976 Section 10AB

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5. Dog Act 1976 Delegations

5.1.2 Refuse or Cancel Registration

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the City of Greater Geraldton's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of

5. Dog Act 1976 Delegations

	section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Dog Act 1976:* 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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	*Dog Act 1976* s.17A If no application for registration made – procedure for giving notice of decision under s.16(3) Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)
Record Keeping:	Dog Act 1976 Section 10AB

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5. Dog Act 1976 Delegations

5.1.3 Kennel Establishments

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.27 Licensing of approved kennel establishments
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Dog Act 1976:* 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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal City of Greater Geraldton Dogs Local Law 2011
Record Keeping:	Dog Act 1976 Section 10AB

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5. Dog Act 1976 Delegations

5.1.4 Appoint Authorised Persons

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.11(1) Staff and Services
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Dog Act 1976:* 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: *Appointed by CEO*	Not sub delegated
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	N/A

Compliance Links:	
Record Keeping:	Dog Act 1976 Section 10AB

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5. Dog Act 1976 Delegations

5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.29(11) Power to seize dogs
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Dog Act 1976:* 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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Proceeds from the sale of dogs are to be directed into the Municipal Fund. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Dog Act 1976 Section 10AB

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5. Dog Act 1976 Delegations

5.1.6 Declare Dangerous Dog

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Dog Act 1976:* 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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Dog Act 1976 Section 10AB

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5. Dog Act 1976 Delegations

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

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) Local government may revoke declaration or proposal to destroy
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or 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)] i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Dog Act 1976:* 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: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

5. Dog Act 1976 Delegations

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Dog Act 1976 Section 10AB

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6. Food Act 2008 Delegations

6 Food Act 2008

6.1 Council to CEO

6.1.1 Determine Compensation

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	Chief Executive Officer
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of $500,000. Compensation requests above this value are to be reported to Council. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Food Act 2008

6. Food Act 2008 Delegations

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6. Food Act 2008 Delegations

6.1.2 Prohibition Orders

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	Chief Executive Officer
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Food Act 2008

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6. Food Act 2008 Delegations

6.1.3 Food Business Registrations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	Chief Executive Officer
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Food Act 2008

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6. Food Act 2008 Delegations

6.1.4 Appoint Authorised Officers and Designated Officers

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the *Public Health Act 2016,* to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7).
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
Record Keeping:	Food Act 2008

6. Food Act 2008 Delegations

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6. Food Act 2008 Delegations

6.1.5 Debt Recovery and Prosecutions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.54 Cost of destruction or disposal of forfeited item s. [insert section title in full]
Delegate:	Chief Executive Officer
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3). 2. [s.].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	
Record Keeping:	Food Act 2008

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6. Food Act 2008 Delegations

6.1.6 Abattoir Inspections and Fees

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Regulations 2009*: r.43 Local government may require security r.45 Withdrawal of inspection services
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: i. require a person to provide security, ii. determine the form that security is to be provided, and iii. discharge a security held by the City of Greater Geraldton [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	
Record Keeping:	Food Act 2008

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6. Food Act 2008 Delegations

6.1.7 Food Businesses List – Public Access

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

Compliance Links:	
Record Keeping:	Food Act 2008

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7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Local Government Act 1995*: s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Graffiti Vandalism Act 2016 Part 3

7. Graffiti Vandalism Act 2016 Delegations

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7. Graffiti Vandalism Act 2016 Delegations

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Local Government Act 1995*: s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Graffiti Vandalism Act 2016 Part 3

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7. Graffiti Vandalism Act 2016 Delegations

7.1.3 Obliterate Graffiti on Private Property

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Local Government Act 1995*: s.25(1) Local government graffiti powers on land not local government property
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Subject to exercising Powers of Entry. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Graffiti Vandalism Act 2016 Part 3

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7. Graffiti Vandalism Act 2016 Delegations

7.1.4 Powers of Entry

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Local Government Act 1995*: s.28 Notice of entry s.29 Entry under warrant
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Graffiti Vandalism Act 2016 Part 3

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8 Public Health Act 2015 Delegations

8.1 Council to CEO

8.1.1 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*	*Health (Asbestos) Regulations 1992:* r.17D(7) Infringement Notices
Express Power or Duty Delegated:	*Health (Asbestos) Regulations 1992:* r.17D(5) Infringement Notices
Delegate:	**Chief Executive Officer**
Function: *This is a precis 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 *Criminal Procedure Act 2004* Part 2 [r.17D(5)].
Council Conditions on this Delegation:	a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.17D(6)]. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	Nil – the *Health (Asbestos) Regulations 1992* do not provide a power to sub-delegate.

Compliance Links:	*Criminal Procedure Act 2004* – Part 2
Record Keeping:	Section 30-32 Public Health Act 2016

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8. Public Health Act 2016 Delegations

8.1.2 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*	*Public Health Act 2016:* s.21 (1) (b) (i) Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016:* s.24 (1) Designation of authorised officers
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to designate a person or class of persons as authorised officers 2. A local government may designate under subsection (1) — (a) an environmental health officer or environmental health officers as a class; or (b) a person who is not an environmental health officer or a class of persons who are not environmental health officers; or (c) a mixture of the two.
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	Nil – the *Health (Asbestos) Regulations 1992* do not provide a power to sub-delegate.

Compliance Links:	*Criminal Procedure Act 2004* – Part 2
Record Keeping:	Section 30-32 Public Health Act 2016

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9 Planning and Development Act 2005

9.1 Council to CEO

9.1.1 Strata Applications

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:* Section 5.42 –Delegation of some powers and duties to the CEO *Planning and Development Act 2005:* Section 16(3)(e) - Delegation by Commission
Express Power or Duty Delegated:	*Strata Titles Act* s.25 - Certificate of Commission s.9 - Consolidation of lots
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	9. Consolidation of lots (1) Two or more lots may be consolidated into one lot by the registration of a plan under and in the manner provided by this Act as a strata/survey-strata plan of consolidation (3)(b) in the case of a consolidation of lots in a strata scheme, be accompanied by a certificate given by the local government certifying — (i) that the local government consents to the consolidation; and (ii) in a case where the proposed consolidation is exempt from the requirement of approval by the Commission, that the proposed consolidation is so exempt; and (iii) in a case where the Commission has granted approval subject to conditions under section 25, that the conditions attached to the approval of the Commission have been complied with; and (c) be accompanied by consent to the consolidation given in the prescribed manner by every person registered as proprietor of an interest in any lot proposed to be consolidated. 25. Certificate of Commission To issue a certificate of approval under section 25 of the Strata Titles Act 1985 except for those applications that: (a) propose the creation of a vacant lot;

9. Planning and Development Act 2005 Delegations

	(b) propose vacant air stratas in multi-tiered strata scheme developments; (c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to: (i) a type of development; and/or (ii) land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.
Council Conditions on this Delegation:	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	Nil

Sub-Delegate/s: *Appointed by CEO*	Not Sub-delegated
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	N/A

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

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9. Planning and Development Act 2005 Delegations

9.1.2 Powers and Duties under Local Planning Scheme No 1

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Schedule 2, Part 10, Clause 82 Planning and Development (Local Planning Schemes) Regulations 2015*
Express Power or Duty Delegated:	*City of Greater Geraldton Local Planning Scheme No.1:* The exercise of all powers and duties
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The exercise of all powers and duties under Local Planning Scheme No. 1 other than the power of delegation
Council Conditions on this Delegation:	a. Does not include the power of delegation b. Matters of interpretation of Planning Scheme No 1 or interpretation of Council Planning Policies are to be referred by the CEO to Council for determination. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	*Schedule 2, Part 10, Clause 83 Planning and Development (Local Planning Scheme) Regulations 2015*

Sub-Delegate/s: *Appointed by CEO*	Refer to Register of Delegation - CEO to Employees
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	a. Does not include the power of delegation b. Matters of interpretation of Planning Scheme No 1 or interpretation of Council Planning Policies are to be referred by the CEO to Council for determination. c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

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