

# DELEGATION REGISTER

## CITY OF GREATER GERALDTON

### 2022-2023

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## Delegation Terminology

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Whoever the power or duty is assigned in legislation and who can therefore delegate.
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	The section of the Act which enables delegation
<b>Express Power or Duty Delegated:</b>	A brief description of the power and/or duty being delegated
<b>Delegate:</b>	The position/s being delegated
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Details of the power or duty being delegated – what it is and how it applies
<b>Council Conditions on this Delegation:</b>	Conditions of the delegation imposed by the council
<b>Express Power to Sub-Delegate:</b>	The section of the Act which enables sub-delegation (if applicable)

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<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The position/s being sub-delegated.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the sub-delegation imposed by the CEO Note - the conditions imposed by council also apply

  

<b>Compliance Links:</b>	This indicates any compliance details related to the delegation
<b>Recordkeeping:</b>	This indicates any recordkeeping details related to the delegation

# 1 Local Government Act 1995 Delegations

## 1.1 Council to CEO

### 1.1.1 Behaviour Complaints

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Model Code of Conduct ) Regulations 2021:</i> Clause 12 Dealing with a complaint
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Prepare a report on a complaint for the Council                             <ol style="list-style-type: none"> <li>(a) The person to whom the complaint relates must be given a reasonable opportunity to be heard.</li> <li>(b) A finding that an alleged breach may have occurred must be based on evidence from which it may be concluded that it is more likely that a breach occurred than that it did not occur.</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. The report will be in accordance with the principles and specified requirements established in Council Policy 4.30 Complaints Handling.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil

<b>Compliance Links:</b>	Council Policy 4.2 Code of Conduct for Council Members, Committee Members and Candidates Council Policy 4.30 Compliant Handling
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46 (3) Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.2 Compensation for Damage Incurred when Performing Executive Functions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Delegation is limited to settlements which do not exceed a material value of \$500,000.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.3 Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns <a href="#">Local Government Act 1995:</a> 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 s.3.34(2) Entry in an emergency
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)



### 1.1.4 Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Council Conditions on this Delegation:</b>	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.5 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.5 Confiscated or Uncollected Goods

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 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
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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].</li> <li>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].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> : 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.
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.6 Disposal of Sick or Injured Animals

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Recordkeeping</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.7 Close Thoroughfares to Vehicles

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to: <ul style="list-style-type: none"> <li>• give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>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]</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)].</li> <li>c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> s.3.50, s.3.50A s.3.51
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3)

	Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)
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### 1.1.8 Obstruction of Footpaths and Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:             <ol style="list-style-type: none"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>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)].</li> <li>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)].</li> <li>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].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has:             <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good</li> </ol> </li> </ol>

	<p>public assets damaged by the obstruction at the completion of works.</p> <p>iii. Where appropriate, provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Where appropriate, provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p> <p>c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</p>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond value and Conditions – refer to CEO Delegation 1.2.2 <i>Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare</i></p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
Recordkeeping	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – regulation 19</p> <p>Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols</p> <p>Electronic Document Management System (TRIM)</p>

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### 1.1.9 Gates Across Public Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>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.</li> <li>c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping, Operational Policy OP053 Document Management Protocols. Electronic Document Management System (TRIM)



### 1.1.10 Public Thoroughfare - Dangerous Excavations

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>iii. Where appropriate, provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Where appropriate, provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> <li>c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.                  Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.3  <i>Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</i>  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures                  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<p>Recordkeeping:</p>	<p>Local Government Act 1995 – Section 5.46(3)                  Local Government (Administration) Regulations 1996 – regulation 19                  Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols                  Electronic Document Management System (TRIM)</p>

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### 1.1.11 Crossing - Construction, Repair and Removal

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a> Refer also Delegation 1.31 under the <i>Public Places and Local Government Property Local Law 2020</i> .
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

1.1.12 Private Works on, over or under Public Places

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
<b>Delegate:</b>	Chief Executive Officer Coordinator Design Engineering Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> . 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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.4 <i>Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</i> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

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### 1.1.13 Expressions of Interest for Goods and Services

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</li> <li>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&amp;G r.23].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.</li> <li>b. Compliance with Council policies: <ul style="list-style-type: none"> <li>• 4.9 Procurement of Goods and Services</li> <li>• 4.11 Regional Price Preference</li> </ul> </li> <li>c. Compliance with Delegation 1.1.14.Tender for Goods and Services</li> <li>d. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s. 5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures Council Policy 4.9 Procurement of Goods and Services Council Policy 4.10 Procurement via Panels of Prequalified suppliers Council Policy 4.11 Regional Price Preference Purchasing Policy City of Greater Geraldton Procurement Framework <a href="#">WALGA Subscription Service</a> – Procurement Toolkit
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.14 Tenders for Providing Goods and Services - Call Tenders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. 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:             <ol style="list-style-type: none"> <li>i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government,</li> <li>ii. current supply contract expiry is imminent,</li> <li>iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ol> </li> <li>b. Compliance with Council Policy 4.9 Procurement of Goods and Services, 4.10 Procurement via Panels of Prequalified Suppliers, and 4.11 Regional Price Preference.</li> <li>c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council</li> </ol>

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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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995: s.3.57</a> <a href="#">Local Government (Functions and General) Regulations 1996</a> Council Policy 4.9 Procurement of Goods and Services Council Policy 4.10 Procurement via Panels of Prequalified suppliers Council Policy 4.11 Regional Price Preference City of Greater Geraldton Procurement Framework <a href="#">WALGA Subscription Service</a> – Procurement Toolkit
Recordkeeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

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1.1.15 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G.r.18(2)].</li> <li>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine:             <ol style="list-style-type: none"> <li>i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> <li>ii. To accept the tender that is most advantageous within the \$500,000 or less detailed as a condition on this Delegation [F&amp;G r.18(4)].</li> </ol> </li> <li>4. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> <li>5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> <li>6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement <u>OR</u> the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</li> <li>8. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract [F&amp;G r.21A(a)].</li> </ol>

	<p>9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</p>
<p>Council Conditions on this Delegation:</p>	<p>a. Exercise of authority under F&amp;G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ul style="list-style-type: none"> <li>i. The total consideration under the resulting contract is \$500,000 or less;</li> <li>ii. The expense is included in the adopted Annual Budget; and</li> <li>iii. The tenderer has complied with requirements under F&amp;G r.18(2) and (4).</li> </ul> <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&amp;G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract <u>after</u> entry into the contract [F&amp;G r.21A(a)] must comply with the adopted Council Policy 4.9 Procurement of Goods and Services and must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. A decision to vary a tendered contract must ensure that the cumulative value of variation/s and its associated impact on the contract is within the adopted Annual Budget, and does not exceed financial authorisation.</p> <p>f. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) <b>and</b> that the contractor’s performance has been reviewed and the review evidences the rationale for entering into the extended term.</p> <p>g. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council</p>
<p>Express Power to Sub-Delegate:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures                  Council Policy 4.9 Procurement of Goods and Services                  Council Policy 4.10 Procurement via Panels of Prequalified suppliers                  Council Policy 4.11 Regional Price Preference Purchasing Policy  <a href="#">City of Greater Geraldton Procurement Framework</a>  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p>
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Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)
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1.1.16 Tenders for Goods and Services - Exempt Procurement

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government												
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO												
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2) When tenders have to be publicly invited ( <i>exemptions</i> )												
<b>Delegate:</b>	Chief Executive Officer												
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&amp;G r.11(2)(f)].</li> </ol>												
<b>Council Conditions on this Delegation:</b>	<p>a. Tender exempt procurement under F&amp;G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">Category</th> <th style="width: 30%;">Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&amp;G.r.11(2)(b)]</td> <td>As per adopted Annual Budget</td> </tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&amp;G.r.11(2)(e)]</td> <td>As per adopted Annual Budget</td> </tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&amp;G.r.(2)(f)]</td> <td>As per adopted Annual Budget</td> </tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&amp;G.r.11(2)(g)]</td> <td>As per adopted Annual Budget</td> </tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as</td> <td>&lt;\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i></td> </tr> </tbody> </table>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	As per adopted Annual Budget	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	As per adopted Annual Budget	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	As per adopted Annual Budget	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	As per adopted Annual Budget	Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as	<\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i>
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WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	As per adopted Annual Budget												
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Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	As per adopted Annual Budget												
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	As per adopted Annual Budget												
Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as	<\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i>												

	Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	As per adopted Annual Budget
	<p>b. Tender exempt procurement under F&amp;G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification;</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and</li> <li>v. The expense is included in the adopted Annual Budget.</li> </ul> <p>c. Where the total consideration of a Tender Exempt procurement (relating to a one off major purchase or project) contract exceeds the \$500,000 delegated above, the decision is to be referred to Council.</p> <p>d. Where a Tender Exempt procurement contract associated with operational or government utilities is established, the expense is included in the adopted Annual Budget.</p> <p>e. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council</p>	
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees	

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a></p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p> <p>Council Policy 4.9 Procurement of Goods and Services</p> <p>Council Policy 4.10 Procurement via Panels of Prequalified suppliers</p> <p>Council Policy 4.11 Regional Price Preference Purchasing Policy</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p>
Record Keeping:	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – regulation 19</p> <p>Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols. Electronic Document Management System (TRIM)</p>

1.1.17 Panels of Pre-Qualified Suppliers for Goods and Services

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Functions and General) Regulation 1996:</i> 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
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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&amp;G r.24AC(1)(b)].</li> <li>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&amp;G r.24AD(3)].</li> <li>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&amp;G r.24AD(6)].</li> <li>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&amp;G r.24AH(2)].</li> <li>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&amp;G r.24AH(3)].</li> <li>6. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH(4)].</li> <li>7. Authority to decline to accept any application [F&amp;G r.24AH(5)].</li> <li>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&amp;G r.24AJ(1)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. In accordance with the provisions of Council Policy 4.10 Procurement via Panels of Prequalified Suppliers and relevant</li> </ol>

	<p>provisions of Council Policy 4.9 Procurement of Goods and Services (excludes Tender and Expression of Interest provisions).</p> <p>c. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a>  Council Policy 4.9. Procurement of Goods and Services  Council Policy 4.10 Procurement via Panels of Pre-Qualified Suppliers  Council Policy 4.11 Regional Price Preference Purchasing Policy  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p>
Recordkeeping:	<p>Local Government Act 1995 – Section 5.46(3)  Local Government (Administration) Regulations 1996 – regulation 19  Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols  Electronic Document Management System (TRIM)</p>

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1.1.18 Application of Regional Price Preference Policy

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Functions and General) Regulations 1996:</i> r.24G Adopted regional price preference policy, effect of
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
<b>Council Conditions on this Delegation:</b>	a. This delegation may only be exercised, following an investigation that determines there are no regional tenderers that are able to provide the services. b. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 Council Policy 4.9 Procurement of Goods and Services Council Policy 4.10 Procurement via Panels of Prequalified suppliers Council Policy 4.11 Regional Price Preference Purchasing Policy City of Greater Geraldton Procurement Framework <a href="#">WALGA Subscription Service</a> – Procurement Toolkit Council Policy - 4.11 - Regional Price Preference
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)



### 1.1.19 Disposing of Property

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.58(2) , (3) & (4) Disposing of Property <i>Local Government (Functions and General) Regulations 1996:</i> r.30(3)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to:                         <ol style="list-style-type: none"> <li>(a) the highest bidder at public auction [s.3.58(2)(a)].</li> <li>(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)]</li> </ol> </li> <li>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)].</li> <li>3. Details of the proposed disposition include -3.58(4)... (c) the market value of the disposition.</li> <li>4. Authority to dispose of property under regulation 30(3) (a) of the Local Government (Functions and General) Regulations 1996.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Disposal of land or building assets is limited to either matters specified in the Annual Budget or by Council resolution.</li> <li>b. Value of property that may be disposed under this delegation for any single project or where not part of a project but part of a single transaction 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 <i>Local Government Act 1995</i>.</li> <li>c. Section 3.58(4) – where the market value of the lease is less than \$15,000 pa.</li> <li>d. When determining the method of disposal:                         <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal:                                 <ul style="list-style-type: none"> <li>○ Reserve price has been set by independent valuation.</li> <li>○ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price</li> </ul> </li> </ol>

	<p>for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</p> <ul style="list-style-type: none"> <li>• Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:             <ul style="list-style-type: none"> <li>○ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.</li> </ul> </li> <li>e. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken compliance with Operational Policy OP038 Disposal of Surplus Assets is required.</li> <li>f. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.</li> </ul>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> – s.3.58 Disposal of Property</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – r.30 Dispositions of property excluded from Act s. 3.58</p> <p>Operational Policy OP038 Disposal of Surplus Assets</p>
Recordkeeping:	<p>Local Government Act 1995 – Section 5.46 (3)</p> <p>Local Government (Administration) Regulations 1996 – regulation 19</p> <p>Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols</p> <p>Electronic Document Management System (TRIM)</p>

1.1.20 Fees etc. for Council Members

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.5.98 (2) – (4) Fees etc. for Council members <i>Local Government Act (Administration Regulations) 1996</i> r.32.(1) (a)-(c) Expenses that may be approved for reimbursement.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>(1) A council member who incurs an expense of a kind prescribed as being an expense —</p> <ul style="list-style-type: none"> <li>a. to be reimbursed by all local governments; or</li> <li>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,</li> </ul> <p>is entitled to be reimbursed for the expense in accordance with subsection (3).</p> <p>(2) A council member to whom subsection (2) applies is to be reimbursed for the expense —</p> <ul style="list-style-type: none"> <li>a. where the extent of reimbursement for the expense has been determined, to that extent; or</li> <li>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.</li> </ul> <p>(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.</p>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i> <a href="#">Local Government Act 1995</a> <a href="#">Local Government (Administration) Regulations 1996</a> - refer specifically r. 32. (1) (a)-(c) Expenses that may be approved for reimbursement.
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19

	Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols. Electronic Document Management System (TRIM)
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### 1.1.21 Payments from the Municipal or Trust Funds

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 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. <i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Council Conditions on this Delegation:</b>	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 4.9 Procurement of Goods and Services. Consistent with the functions of the CEO specified in section 5.41(c) and (d) of the <i>Local Government Act 1995</i> . b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <a href="#">Local Government (Audit) Regulations 1996</a> Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a> Council Policy 4.9 Procurement of Goods and Services
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

1.1.22 Payments, Procedures for Making etc.

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996</i> r.11(1) Payments, procedures for making etc.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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 -                         <ol style="list-style-type: none"> <li>(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</li> <li>(b) petty cash systems.</li> </ol> </li> <li>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.</li> <li>3. <b>Payments made by a local government</b> —                         <ol style="list-style-type: none"> <li>(a) subject to subregulation (4), are not to be made in cash; and</li> <li>(b) are to be made in a manner which allows identification of                                 <ol style="list-style-type: none"> <li>(i) the method of payment; and</li> <li>(ii) the authority for the payment; and</li> <li>(iii) the identity of the person who authorised the payment.</li> </ol> </li> </ol> </li> <li>4. Nothing in subregulation (3)(a) prevents a local government from making payments in cash from a petty cash system.</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.23 Power to Invest and Manage Investments

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19] The control procedures are to enable the identification of —             <ol style="list-style-type: none"> <li>(a) the nature and location of all investments; and</li> <li>(b) the transactions related to each investment. (r.19)</li> </ol> </li> <li>3. A local government is to comply with the regulations when investing money referred to in subsection (1). [s.6.14(2A)].</li> <li>4. Regulations in relation to investments by local governments may —             <ol style="list-style-type: none"> <li>(a) make provision in respect of the investment of money referred to in subsection (1); and</li> <li>(c) prescribe circumstances in which a local government is required to invest money held by it; and</li> <li>(d) provide for the application of investment earnings; and</li> <li>(e) generally provide for the management of those Investments [s.6.14(2)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 2.1 Investment.</li> <li>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.</li> <li>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions and position titles.</li> <li>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as "fit for purpose" and subsequently</li> </ol>

	<p>considered by the Audit committee at least once every 3 financial years as per Audit Regulation.17.</p> <p>e. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))</p> <p>Council Policy 2.1 – Investment</p>
Recordkeeping:	<p>Local Government Act 1995 – Section 5.46 (3)</p> <p>Local Government (Administration) Regulations 1996 – regulation 19</p> <p>Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols</p> <p>Electronic Document Management System (TRIM)</p>

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1.1.24 Defer, Grant Discounts, Waive or Write Off Debts

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the City of Greater Geraldton [s.6.12 (1)(b)].</li> <li>2. Grant concessions in relation to money which is owed to the City of Greater Geraldton [s.6.12 (1)(b)]. <i>(Subsection (1)(b) does not apply to an amount of money owing in respect of rates and service charges)</i></li> <li>3. Write off any amount of money which is owed to the City of Greater Geraldton [s.6.12(1)(c)].</li> </ol> <p><i>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.</i></p>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Write-off a rates or service charge debt up to \$10,000 in accordance with [s.6.12(1)(c) &amp;(2)].</li> <li>b. A debt may only be waived and a concession granted where:             <ol style="list-style-type: none"> <li>i. The organisation is a community group , an incorporated not for profit or educational institution, operating within the City of Greater Geraldton which provides services to benefit the community in accordance with council policy 4.22 Fraud Control, Write off Debts &amp; Waive Fees and Charges.</li> <li>ii. Exclusions:                 <ul style="list-style-type: none"> <li>• An organisation that has a negotiated partnership or monetary agreement in place with the City, unless it is recognised within an agreement that the City would provide “ in kind” support via the provision of facilities and/or equipment in support of an event or activity.</li> <li>• An organisation that has a negotiated lease or management license with the City;</li> <li>• Application for a waiver or discount after an event or activity;</li> <li>• Commercial events or projects;</li> <li>• Reimbursement for utility charges such as water and electricity; and</li> </ul> </li> </ol> </li> </ol>



	<ul style="list-style-type: none"> <li>• Fees and/ or charges associated with bonds levied by the City.</li> </ul> <p>c. A debt may only be written off where:</p> <ul style="list-style-type: none"> <li>• The cost of attempting to recover the debt would exceed the debt;</li> <li>• The debtor is deceased and the amount is uncollectable</li> <li>• The debtor has become bankrupt;</li> <li>• Recommendation of the debt collector that the amount is not collectable;</li> <li>• The debt is subject to a decision of a legal judgement or court order;</li> <li>• All reasonable action has been taken to recover the debt;</li> <li>• Write-off relates to the clearance of end-of year small outstanding balances:</li> <li>• There is a shortfall of proceeds of sale from the action of taking possession for non-payment of rates in excess of 3 years: or</li> <li>• A property is transferred to the City as a result of taking possession for non-payment of rates in excess of 3 years.</li> </ul> <p>i. Limited to individual debts valued below \$10,000 including GST or cumulative debts of a debtor valued below \$10,000 including GST. Write off of debts greater than these values must be referred for Council decision.</p> <p>d. Comply with Council Policy 4.22 Fraud Control, Write-off Debts &amp; Waive Fees and Charges</p> <p>e. This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.</p>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Council Policy – 4.22 Fraud Control, Write-off Debts &amp; Waive Fees and Charges.</a> <a href="#">Operational Policy 018 Financial Hardship Direct Debit Arrangement for Rates</a>
Recordkeeping:	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy Manual Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

1.1.25 Expenses may be funded before actually incurred

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.5.102 Expense may be funded before actually incurred. (Division 8 Local government payments and gifts to its members.)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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.
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995- Division 8 – Local government payments and gifts to its members- section 5.98</a> <a href="#">Salaries and Allowances Tribunal Determination for the current year</a> <a href="#">City Budget for the current year</a>
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

1.1.26 Trust Fund

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> Section 6.9(4) Trust fund
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to transfer money from the Trust fund to the Municipal Fund provided: <ul style="list-style-type: none"> <li>• The money had been held in the trust fund for 10 years; and</li> <li>• The money is repaid together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment.</li> </ul>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a>
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.27 Rate Record Amendment

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> – 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
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy Manual Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.28 Agreement as to Payment of Rates and Service Charges

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charge due and payable by a person in accordance with an agreement made with the person. [s.6.49].
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns Operational Policy OP018 Financial Hardship Direct Debit arrangement for Rates
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols, Electronic Document Management System (TRIM)

1.1.29 Determine Due Date for Rates or Service Charges

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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].
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.30 Recovery of Rates or Service Charges

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies and strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46 (3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.31 Recovery of Rates Debts - Require Lessee to Pay Rent

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> – refer sections 6.61 and 6.62 prescribe procedures relevant to exercise of authority under s.6.60. Operational Policy 018 Financial Hardship Direct Debit Arrangement for Rates
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)



### 1.1.32 Recovery of Rates Debts - Actions to Take Possession of the Land

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.64(1) 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
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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:             <ol style="list-style-type: none"> <li>i. lease the land, or</li> <li>ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months:                 <ol style="list-style-type: none"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>II. cause the land to be transferred to the City of Greater Geraldton [s.6.71].</li> </ol> </li> </ol> </li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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 / charges 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.</li> <li>b. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the Local Government Act 1995.</li> <li>c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> – Part 6, Division 6 Subdivision 6 prescribe procedures relevant to exercise of authority under this delegation.
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	<p><a href="#">Local Government (Financial Management) Regulations 1996</a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation. Operational Policy 018 Financial Hardship Direct Debit Arrangement for Rates</p>
Recordkeeping:	<p>Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)</p>

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### 1.1.33 Rate Record - Objections

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.1.34 Renewal or Extension of Contracts during a State of Emergency

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(ja)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)].  This authority relates to: <ul style="list-style-type: none"> <li>• contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and</li> <li>• contracts formed through a public tender.</li> </ul>
<b>Council Conditions on this Delegation:</b>	a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ol style="list-style-type: none"> <li>i. It is exercised at the sole discretion of the Local Government;</li> <li>ii. It is in the best interests of the Local Government;</li> <li>iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration;</li> <li>iv. It has potential to promote local and/or regional economic benefits.</li> </ol> b. This authority may only be exercised there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c). c. The decision to extend or renew a contract must be made in accordance with the objectives of Council Policy 4.9 Procurement of Goods and Services. d. The CEO cannot sub-delegate this authority. e. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	No power to Sub-Delegate

<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a>                  Council Policy 4.9 Procurement of Goods and Services                  Council Policy 4.10 Procurement via Panels of Prequalified suppliers                  Council Policy 4.11 Regional Price Preference Purchasing Policy                  City of Greater Geraldton Procurement Framework  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p>
<p>Record Keeping:</p>	<p>Local Government Act 1995 – Section 5.46(3)                  Local Government (Administration) Regulations 1996 – regulation 19                  Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols                  Electronic Document Management System (TRIM)</p>

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### 1.1.35 Procurement of Goods or Services required to address a State of Emergency

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(aa) Associated definition under subregulation 11(3)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> <li>1. Determine that particular goods or services are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&amp;G r11(3)(b)]; and</li> <li>2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&amp;G r.11(2)(aa)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe.</li> <li>b. Compliance with the Council Policy 4.9 Procurement of Goods and Services is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Council Policy 4.9 Procurement of Goods and Services must be evidenced in accordance with the Record Keeping Plan.</li> <li>c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8.</li> <li>d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration.</li> <li>e. <b>The CEO cannot sub-delegate this authority.</b></li> <li>f. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council</li> </ol>

Express Power to Sub-Delegate:	No power to Sub-Delegate
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<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a></p> <p>Council Policy 4.9 Procurement of Goods and Services</p> <p>Council Policy 4.10 Procurement via Panels of Prequalified suppliers</p> <p>Council Policy 4.11 Regional Price Preference Purchasing Policy</p> <p>City of Greater Geraldton Procurement Framework</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p>
<b>Record Keeping:</b>	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – regulation 19</p> <p>Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols</p> <p>Electronic Document Management System (TRIM)</p>

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### 1.1.36 Issuing Notices

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.25 Notices requiring certain things to be done by owner or occupier of land
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To give a person who is the owner or, unless Schedule 3.1 (of the <i>Local Government Act 1995</i> ) 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.
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	N/A
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)



1.1.37 Common Seal

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.9.49 A (1)(a) , (2) – (3) Execution of documents
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>(1) Execute a document by affixing the common seal to the document in accordance with section 9.49A (2), 9.49A (3) in the presence of —</p> <ul style="list-style-type: none"> <li>• the mayor or president; and</li> <li>• the chief executive officer or a senior employee authorised by the chief executive officer</li> </ul> <p>each of whom is to sign the document to attest that the common seal was so affixed.</p> <p>(2) Authorise that the common seal of a local government is to be affixed to any document.</p>
<b>Council Conditions on this Delegation:</b>	<p>(a) The document must not be inconsistent with a Council policy or resolution.</p> <p>(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 –</p> <ol style="list-style-type: none"> <li>1. documents required to satisfy conditions of subdivision and/or development approval;</li> <li>2. documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>6. documents required to effect the subdivision of land, including the strata titling of land;</li> <li>7. documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and</li> </ol>

	<p>8. documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law.</p> <p>(c) This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

Compliance Links:	N/A
Recordkeeping:	<p>Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)</p>

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### 1.1.38 Execution of Documents

<b>Authoriser:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Authorise:</b> <i>Power that enables an authorisation to be made</i>	<i>Local Government Act 1995:</i> s.9.49A(4) Execution of Documents
<b>Express Power or Duty Authorised:</b>	<i>Local Government Act 1995:</i> s.9.49A Execution of documents
<b>Function authorised to:</b>	Chief Executive Officer Director Corporate and Commercial Services Director Development Services Director Infrastructure Services Acting Director Community Services Chief Financial Officer
<b>Function:</b> <i>This is a precis only. Officers must act with full understanding of the legislation and conditions relevant to this authorisation.</i>	(1) Authorised to sign documents on behalf of the local government.
<b>Council Conditions on this Authorisation:</b>	(a) The document must be consistent with a Council policy or resolution. (b) The document is not to be regarded as a deed s 9.49A(5) (c) The document must - (a) relate to functional responsibilities of the director (and includes notices issued under legislation); and (b) 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. (d) This authorisation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	NIL – s.5.43 Limits on delegation to CEO <i>A Local Government cannot delegate to a CEO the power under s.9.49A(4) to <b>authorise</b> to sign documents on behalf of the local government.</i>

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> s.543 and s.9.49A (4)
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.3 Local Law Delegations to the CEO

#### 1.3.1 Public Places and Local Government Property Local Law 2020

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	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
<b>Express Power or Duty Delegated:</b>	Public Places and Local Government Property Local Law 2020 cl.2.1 Make a determination cl.2.2 Procedure for making a determination cl.2.3 Discretion to erect a sign cl.2.5 Register of determinations. cl.2.6 Amend or revoke determination cl 4.2 Advertising signs and portable direction signs cl 4.3 Matters to be considered in determining application for permit cl 4.4 Conditions on portable sign cl. 6.6 Powers of authorised persons or surf life saving club members cl.6.10 Use by aircraft cl 6.11 Right of entry to airport cl 6.12 Access of animals restricted cl 6.14 Application for consent and application fee - jetties cl 6.15 Use of jetty prohibited cl 6.19 Restrictions on launching cl.6.20 Loading and discharging cl 6.24 Handling of bulk cargo cl 7.3 Declaration of flora road cl.7.5 Signpost flora road cl 7.6 Driving only on carriageway of flora roads cl.7.7 Designation of special environmental area cl.7.8 Marking of special environmental area cl 7.10 Relevant considerations in determining application cl 7.15 Approve permit to burn thoroughfare cl 7.16 Prohibitions on burning cl 7.18 When application for permit cannot be approved cl.7.20 Permit for revegetation projects cl.8.4 Permissible verge treatments cl.8.12 Signs erected by local government cl.12.5 Local government may undertake requirements of notice cl.12.8 Prescribed offences cl 2.3 schedule 1 Children’s Playgrounds cl.2.5 Activities prohibited on local government property
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Determination in Respect of Local Government Property a. Make a determination in accordance with [cl2.2] to; <ul style="list-style-type: none"> <li>• set aside local government property for the pursuit of activities referred to [cl2.7];</li> <li>• prohibit a person from pursuing activities referred to [cl2.8];</li> <li>• matters in subclause 2.7(2) and 2.8(2);</li> <li>• matters ancillary or necessary to give effect to an determination.</li> </ul> b. If no submissions are received in accordance with subclause (2)(c);

	<ul style="list-style-type: none"> <li>• give local public notice that a proposed determination has effect on and from date of publication subclause 2.2(3)(a);</li> <li>• amend the determination subclause 2.2(3)(b);</li> <li>• not to continue with the proposed determination subclause 2.2(3)(c)</li> </ul> <p>c. If submissions are received in accordance with subclause (2)(c), consider the submissions and decide to amend or continue with the proposed determination subclause 2.2(4)(b).</p> <p>d. Erect a sign on local government property to give notice of the effect of a determination [cl2.3]</p> <p>e. Keep register of determinations under [cl2.5]</p> <p>f. Amend or revoke a determination [cl2.6]</p> <p><b>2. Advertising Signs on Thoroughfares</b></p> <p>a. Determine application for permit to erect or place an advertising sign on a thoroughfare, or post any bill or paint, place or affix any advertisement on a thoroughfare [cl4.2]</p> <p>b. Consider matters in determining application for permit [cl4.3]</p> <p>c. Approve application for permit subject to conditions [cl4.4]</p> <p><b>3. Powers of authorised persons or surf life saving club members</b></p> <p>a. Subject to subclause 6.6(3) authorise one or more members of a surf life saving club ( under section 9.10 of the <i>Local Government Act 1995</i>) to perform functions subclause 6.6(2).</p> <p>b. Members may be authorised generally or in relation to particular times , days or months subclause 6.6(4)</p> <p><b>4. Use by Aircraft</b></p> <p>a. Close the airport to aircraft movements if the surface of the airport is considered to be unsafe subclause 6.10(2)</p> <p><b>5. Right of entry to Airport</b></p> <p>a. Approval to enter or remain upon the airport or part thereof subclause 6.11(1)</p> <p>b. Designate or set apart any specified part or parts of the Airport subclause 6.11(2)</p> <p>c. Designate persons who shall be admitted or not admitted subclause 6.11(2)(a), 6.11(2)(b)</p> <p>d. Place signs markings or notices at the airport indicating the limits of any part of the airport set apart for any special or limited use under subclause 6.11(2)– cl 6.11(3)</p> <p>e. Authorise a person to bring an animal on to an airport subclause 6.12(1)(d)</p>
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	<p><b>6. Jetties</b></p> <ul style="list-style-type: none"> <li>a. Require application for consent to be in a particular manner subclause 6.14(1)</li> <li>b. Require application for consent to be accompanied by a fee subclause 6.14(2)</li> <li>c. Refuse to consider application subclause 6.14(4)</li> <li>d. Give decision on an application for consent in writing subclause 6.14(4)</li> <li>e. Give consent under Division 5:             <ul style="list-style-type: none"> <li>i. use of jetty [cl 6.15]</li> <li>ii. launch a boat from or over any jetty [cl6.19]</li> <li>iii. load or discharge cargo between 6.00pm and 6.00am on the next day , or for longer than 2 consecutive hours [cl6.20]</li> <li>iv. place or deposit bulk cargo from a vehicle , boat or container on to a jetty [cl6.24]</li> </ul> </li> <li>f. Refuse to consider application for consent subclause 6.14(3)</li> <li>g. Give decision in writing on application for consent subclause 6.14(4)</li> <li>h. Consent to berth or make fast a boat to a jetty for a consecutive period exceeding two 2 hours, whilst the embarking or disembarking of passengers is in progress</li> </ul> <p><b>7. Roadside conservation</b></p> <ul style="list-style-type: none"> <li>a. Declare a thoroughfare with high quality roadside vegetation to be a flora road [cl7.3]</li> <li>b. Signpost flora roads [cl7.5]</li> <li>c. Exempt a person from the application of subclause (1) – <i>a person may only drive or ride a vehicle on the carriageway when driving or riding a vehicle on a flora road</i> subclause 7.6(2)(c)</li> <li>d. Designate a thoroughfare, or any part thereof as a special environmental area [cl 7.7] and mark and keep a register of each thoroughfare or part thereof designated [cl 7.8]</li> <li>e. Determine an application for a permit to plant any plant or sow any seeds in a thoroughfare [cl 7.10]</li> <li>f. Approve an application for permit for purpose of [cl 7.13] (permit to burn thoroughfare) – [cl 7.15], subject to [cl 7.16] prohibitions on burning.</li> <li>g. Approve an application for a permit for firebreak on thoroughfare [cl7.17]- subject to [cl7.18]</li> <li>h. Approve an application for a permit to collect seed from native flora on a thoroughfare [cl7.20]</li> </ul>
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	<p>8. <b>Activities in Streets</b></p> <ul style="list-style-type: none"> <li>a. Approve any material which would create a hard surface as an acceptable material subclause 8.4(3)</li> <li>b. Erect a sign in a street specifying any conditions of use which apply to the street [cl8.12]</li> </ul> <p>9. <b>Enforcement</b></p> <ul style="list-style-type: none"> <li>a. Do the thing specified in the notice if a person fails to comply with a notice referred to in [cl12.2] and recover costs – subclause12.5(1)</li> <li>b. Take remedial action if a person fails to comply with a notice referred to in [cl12.3] recover costs cl12.5(2)</li> <li>c. Before giving an infringement notice to a person in respect of the commission of a prescribed offence comply with subclause 12.8 (3)</li> </ul> <p>10. <b>Schedule 1 Determinations</b></p> <ul style="list-style-type: none"> <li>a. Set aside a public reserve or any portion of a public reserve as a children’s playground cl 2.3(1) (schedule 1) and limit the ages of persons who are permitted to use a children’s playground and erect a sign subclause 2.3(2) schedule 1</li> <li>b. Reserve land for the purpose of the play or practice of archery or pistol or rifle shooting subclause 2.5(1) schedule 1</li> <li>c. Set aside reserve as a golf course subclause 2.5(2) schedule 1</li> </ul>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>A register of all special environmental areas must be maintained under cl.7.8 of the <i>Public Places and Local Government Property Local Law 2020</i></p> <p>Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regulations 11 and 17 of the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – refer CEO Delegations 1.2.3 and 1.2.4. Crossing permits are approved under Regulations 12 and 13 of the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – refer Delegation 1.2.2 Crossings – Construction, Repair and Removal.</p>
<b>Recordkeeping:</b>	<p>Local Government Act 1995 – section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – regulation 19</p> <p>Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols</p> <p>Electronic Document Management System (TRIM)</p>

### 1.3.2 Dogs Local Law 2020

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Dogs Local Law 2020</i> cl.3.2 Application for licence for approved kennel establishment cl.3.3 Notice of proposed use cl.3.4 Exemption from notice requirements cl.3.5 When application can be determined cl.3.6 Determination of application cl.3.7 Where application cannot be approved cl.3.8 Conditions of approval cl.3.11 Form of licence cl.3.13 Variation or cancellation of licence cl.3.14 Transfer cl.3.15 Notification cl.5.6 Payment of Modified Penalty
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Kennel Licences <ol style="list-style-type: none"> <li>a. Determine the form of an approved kennel establishment, and require information [cl.3.2]</li> <li>b. Refuse to determine the application for a licence until the notice/s is given in accordance with directions subclause 3.3(3)</li> <li>c. Approve the use of a premises for an approved kennel establishment subject to compliance with notice requirements. Require advertising of application[cl3.4]</li> <li>d. Application not to be determined until the provisions of subclause 3.5(a) to 3.5(d) are met[cl.3.5]</li> <li>e. Matters to be considered in determining an application for an approved kennel establishment [cl.3.6]</li> <li>f. Determine that licence for kennel establishment cannot be approved [cl.3.7]</li> <li>g. Approve an application subject to conditions of contained in Schedule 2 or other conditions as considered appropriate. Vary the conditions contained in Schedule 2[cl.3.8]</li> <li>h. Form of licence to be determined [cl.3.11]</li> <li>i. Vary or cancel a licence [cl.3.13]</li> <li>j. Determine to approve , whether or not subject to conditions, or refuse to approve an application for transfer of a valid licence [cl.3.14]</li> <li>k. Give written notice [cl.3.15].</li> </ol>



	<p>2. Enforcement</p> <p>a. Appropriate the amount in satisfaction of an infringement and issue an acknowledgement [cl.5.6]</p>
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

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Recordkeeping:	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

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### 1.3.3 Pest Plants Local Law 2011

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Pest Plants Local Law 2011</i> cl.3.1 Notices cl.3.2 Failure to comply with a notice
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Notices             <ol style="list-style-type: none"> <li>a. Serve a notice requiring an owner or occupier of private land to destroy, eradicate or otherwise control any pest [cl.3.1]</li> <li>b. Without payment of compensation, destroy , eradicate or control, any pest plant, the destruction, eradication or control of which was required by the notice subclause cl.3.2(a)</li> <li>c. Recover in a court of competent jurisdiction , the amount of the expense of destruction , eradication or control subclause 3.2(b)</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Recordkeeping:</b>	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.3.4 Bush Fire Brigades Local Law 2021

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Local Law 2021</i> cl.4 Establish a bush fire brigade cl.5 Name and officers of bush fire brigade cl.6 Duties of Captain and bush fire brigade officers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Establishment of Bush Fire Brigade             <ol style="list-style-type: none"> <li>a. Establish a bush fire brigade on the date of decision [cl.4]</li> </ol> </li> <li>2. Name and officers of bush fire brigade             <ol style="list-style-type: none"> <li>a. Give a name to the bush fire brigade subclause 5(1)(a) and specify the brigade area in which the bush fire brigade is primarily responsible for carrying out normal brigade activities subclause 5(1)(b).</li> <li>b. Appoint a captain, a first lieutenant, a second lieutenant and additional lieutenants if considered necessary subclause 5(1)(c).</li> </ol> </li> <li>3. Duties of Captain and bush fire brigade officers             <ol style="list-style-type: none"> <li>a. Issue directions to bush fire control officers ,liaise with the bush fire brigade captain, and receive annual reports regarding officer bearers, and appropriate budget provisions [cl6]</li> <li>b. Provide funds for the maintenance and equipment with appliances and apparatus in accordance with Part 6 of the <i>Local Government Act 1995</i> [cl8]</li> </ol> </li> </ol>
<b>CEO Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Recordkeeping:</b>	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.3.5 Health Local Law 2014

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Health Local Law 2014</i> cl.2.3.Floor of wet areas cl.3.7 Water supply 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 (piggery) 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 disinfect cl.7.2 EHO may disinfect or disinfect 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 cl.9.7 Alterations to premises
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Sanitation             <ol style="list-style-type: none"> <li>a. Approve floor waste [cl.2.3]</li> </ol> </li> <li>2. Housing and General             <ol style="list-style-type: none"> <li>a. By notice require the owner of a house , which in the opinion of an EHO is not properly ventilated, to provide a different or additional method of ventilation or cease using the dwelling house until it is properly ventilated subclause 3.5(4)</li> <li>b. Water supply is satisfactory subclause 3.7(1)</li> <li>c. Fix fees under section 344C of the Act. Determine form for morgue licence, grant licence [cl 3.13]</li> </ol> </li> <li>3. Nuisances and General             <ol style="list-style-type: none"> <li>a. Order an owner or occupier of a house to take adequate steps to prevent pigeons from nesting or perching [cl.5.15]</li> <li>b. Approve premises for use as a feedlot subclause 5.17(1). Subject to subclause 5.17(2)</li> <li>c. Approve sites that do not satisfy separation requirements as a feedlot, if satisfied that this will not give rise to a health nuisance subclause 5.17 (3)</li> </ol> </li> </ol>

	<p>d. Approve premises as a piggery [cl.5.20]</p> <p><b>4. Pest Control</b></p> <p>a. Where work is directed by notice given under clause 6.4 and the person fails or neglects to comply with requirements- execute work and recover the cost of executing the work. Costs may be recovered in a court of competent jurisdiction [cl.6.5]</p> <p>b. Pay compensation or damages for loss or damage due to negligence or breach of duty subclause 6.5(3)</p> <p>c. Where work is directed by notice given under clause 6.7 and the person fails or neglects to comply with requirements - execute work and recover cost in a court of competent jurisdiction [cl.6.5]</p> <p>d. Pay compensation or damages for loss or damage due to negligence or breach of duty subclause 6.8(3)</p> <p><b>5. Bee Keeping</b></p> <p>a. Approve a person to keep bees in a hive. Direct any bees or approved beehives to be removed [cl.6.20]</p> <p><b>6. Infectious Diseases</b></p> <p>a. Direct by notice in writing an owner or occupier of premises to clean, disinfect and disinfect the premises or such things in the premises to the satisfaction of an EHO subclause 7.1(1)</p> <p>b. If satisfied that any case of infectious disease has occurred on a premises direct an EHO, other local government officer or other person to disinfect and disinfect the premises subclause 7.2(1)</p> <p>c. Recover the cost of carrying out the work, in a court of competent jurisdiction subclause 7.2(3).</p> <p>d. Pay compensation for loss or damage suffered because of negligence or breach of duty subclause 7.2(4)</p> <p>e. Direct an owner or occupier of a house , by notice in writing, within a time and manner specified , to destroy or amend a house considered to be insanitary[cl.7.3]</p> <p>f. Give instructions or directions to an occupant of a house or any person who enters or leaves the house. Direct a person or occupant to be removed to isolation [cl.7.4]</p> <p>g. Declare any house or premises to be infected [cl.7.5]</p> <p>h. Carry out work or arrange for the work to be carried out by another. Recover costs in a court of competent jurisdiction [cl.7.8]</p> <p>i. Pay compensation or damages for loss or damage due to negligence or breach of duty subclause 7.8(3)</p>
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	<p><b>7. Lodging houses</b></p> <ul style="list-style-type: none"> <li>a. Approve application for lodging house under clause 8.3 , with or without conditions by issuing certificate of registration [cl.8.4]</li> <li>b. Renew registration on application [cl.8.5]</li> <li>c. Written notification of sale or transfer to be given by owner within 14 days [cl.8.6]</li> <li>d. Revoke the registration of a lodging house subclause 8.7(1), (2); give notice to show cause why registration should not be revoked subclause 8.7(3)</li> <li>e. Require a keeper to report the name of each lodger during specified period [cl.8.24]</li> </ul> <p><b>8. Offensive Trades</b></p> <ul style="list-style-type: none"> <li>a. Registration of premises to be lodged [cl.9.4]; Issue a Certificate in the form of Schedule 13[cl.9.5]</li> <li>b. Give written permission for change or alteration to a premises registered under Division 1 [cl.9.7]</li> </ul>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Recordkeeping:</b>	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 1.3.6 Parking and Parking Facilities Local Law 2012

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Parking and Parking Facilities Local Law 2012</i> cl.1.3 Application cl.2.1 Establishment of parking stations cl.2.10 Parking stations may be locked cl.2.11 Selling and hiring in parking stations 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
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p><b>1. Parking Stations</b></p> <ul style="list-style-type: none"> <li>a. Agree in writing with the owner or occupier of a parking facility or parking station that the local law applies to the facility or station. Agree on terms and conditions subclause 1.3(2), 3(3)</li> <li>b. Determine and indicate by signs subclause 2.1(3); erect signs subclause 2.1(4)</li> <li>c. At the expiration of the hours of operation, lock the parking station or otherwise prevent the movement of any vehicle within , to or from it [cl.2.10]</li> <li>d. Give written permission to sell, hire , give away, offer or expose for sale or hire , anything of any nature at or on any part of a parking station[cl.2.11]</li> <li>e. By the use of signs set aside any parking station or parking space or spaces, within the parking station, for the parking of vehicles by persons authorised. Issue a written permit: Revoke permit at any time [cl.2.12]</li> </ul> <p><b>2. Stopping and Parking Generally</b></p> <ul style="list-style-type: none"> <li>a. Give permission to stop or park a vehicle , other than an authorised vehicle, in an area designated by signs for parking of authorised vehicles only[cl.4.2]</li> <li>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].</li> </ul> <p><b>3. Residential Parking Permits</b></p> <ul style="list-style-type: none"> <li>a. Determine form for application of parking permit for residential lot [cl 5.1(2)].</li> </ul>

	<ul style="list-style-type: none"> <li>b. Approve or approve with conditions an application for parking permit and issue a permit. Determine appropriate conditions for permit [cl5.1]</li> <li>c. Refuse to approve an application for parking permit subclause 5.1(3)(c)</li> </ul> <p><b>4. Affixing Signs and Notices</b></p> <ul style="list-style-type: none"> <li>a. Permit a person to affix any 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 subclause 7.1(a)</li> <li>b. Permit a person to place , mark or erect a sign purporting to be or resembling a sign placed marked or erected by the local government subclause 7.1 (b)</li> </ul>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Recordkeeping:</b>	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)



1.3.7 Animals, Environment and Nuisance Local Law 2014

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Animals, Environment and Nuisance Local Law 2014</i> 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
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p><b>1. Keeping of Animals</b></p> <p>a. Give written permission to keep roosters, geese, turkeys or peafowls on land with an area of 1 hectare or more [cl.2.4]</p> <p><b>2. Building Development and Land Care</b></p> <p>a. Give written approval to store construction materials on a building or development site subclause 3.3 (1)</p> <p>b. Giver written approval prior to any proposal to store construction material on any thoroughfare verge subclause 3.3(2)</p> <p>c. Serve a notice on the owner and/or occupier of the land requiring the owner or occupier to do one or more of the following- subclause 3.4(2)(a) – (d)</p> <p>d. Give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice subclause 3.4(4)</p> <p><b>3. Nuisances and Dangerous Things</b></p> <p>a. Give notice in writing to direct an owner or occupier to take actions necessary to prevent emission or reflection of light [cl4.3]</p> <p>b. Give written approval to set fire to rubbish, refuse or other materials on rural residential zoned property of an area 2000m<sup>2</sup> or less in accordance with the provisions of subclauses 4.4 (1)(b)-(e). [cl4.4]</p> <p>c. Satisfaction , that no reasonable alternatives are available [cl.4.4 (1)(b)]</p> <p>d. Give written authorisation to provide or conduct any amusement on land so as to create or be a nuisance to any owner of occupier of land in the district [cl4.12]</p>

	<p>e. Give written approval to place, affix any letter, figure, device, poster, sign or advertisement on any building, fence or post subclause 4.14(1)</p> <p><b>4. Enforcement</b></p> <p>a. Give notice of breach in writing to the person alleged to be responsible for a breach of any provision of the local law [cl 6.1]. The notice is to specify provisions of the local law breached, particulars of breach and the manner to remedy the breach satisfactorily subclause 6.1(2)(a), (b),(c).</p> <p>b. Decide satisfactory remedy of breach subclause 6.1(c).</p>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Recordkeeping:</b>	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

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1.3.8 Cats Local Law 2020

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Cats Local Law 2020</i> cl.2.4 Application for approval cl.2.5 Determining an application cl.2.6 Conditions cl.2.7 Renewal of an application cl.2.8 Transfer of an approval cl.2.9 Variation or cancellation of an approval cl.2.10 Objection and review rights
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Number of cats that may be kept</p> <ul style="list-style-type: none"> <li>a. Determine application fee for application to keep an additional number of cats at prescribed premises, in accordance with the Act [cl.2.4]</li> <li>b. Determine whether to grant approval of an application to keep an additional number of cats at prescribed premises. Determine form of approval, and issue approval [cl.2.5]</li> <li>c. Impose any condition considered reasonably necessary to ensure that premises are suitable for an additional number of cats [cl.2.6].</li> <li>d. Renew application [cl.2.7]</li> <li>e. Determine an application for transfer of an approval subject to subclause 2.8(2) for premises specified in the approval and related only to the approved person specified in the approval.</li> <li>f. Grant or refuse to grant, an application for the transfer of an approval and impose conditions under regulation 9(3) of the <i>Cat ( Uniform Local Provisions) Regulations 2013</i> subclause 2.8(4)</li> <li>g. Where an application is granted issue an approval to the transferee in the form determined by the CEO subclause 2.8(5)</li> <li>h. Vary conditions on approval by giving written notice to the permit holder and specifying the date on which changes become effective subclause 2.9(1)</li> <li>i. Cancel an approval subclause 2.9(2)</li> <li>j. Decision made under cl 2.7,2.8,2.9 subject to review rights [cl.2.10]</li> </ul>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Recordkeeping:	Local Government Act 1995 – section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

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1.3.9 Waste Local Law 2020

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power to Sub-Delegate</b>	<i>Local Government Act 1995:</i> s.5.44 <i>CEO may delegate some powers and duties to other employees</i>
<b>Express Power or Duty Delegated:</b>	<i>Waste Local Law 2020</i> cl.2.1 Supply receptacles cl.2.3 General waste receptacles cl.2.4 Recycling waste receptacles cl.2.5 Organic waste receptacles cl.2.6 Directions to place or remove a receptacle cl.2.7 Duties of owner or occupier cl.2.8 Exemption cl.2.9 Damaging or removing receptacles cl.3.1 Duties of an owner or occupier cl.3.2 Removal of waste from premises cl.3.3 Receptacles and containers for public use cl.4.2 Hours of operation cl.4.3 Signs and directions cl.4.4 Fees and Charges cl.4.5 Depositing waste cl.4.6 Prohibited Activities cl.5.3 Other costs and expenses cl.1.4(1) Non Collectable Waste
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Local Government Waste             <ol style="list-style-type: none"> <li>a. Supply for the use of each premises – capable of being occupied or used for residential purposes one or more receptacles for the collection and removal of collectable waste [cl21]</li> <li>b. Determine the weight for general waste receptacles subclause 2.3(1b)</li> <li>c. Provide a waste receptacle fo a particular type of recycling waste subclause 2.4(a)</li> <li>d. Determine the weight for recycling waste receptacles subclause 2.4(c)</li> <li>e. Determine the weight for organic waste receptacles subclause 2.5(c)</li> <li>f. Give a written direction to place a receptacle for premises for collection or remove a receptacle after collection subclause [cl2.6]</li> <li>g. Determine an area for placing a receptacle for collection subclause 2.7(b)</li> <li>h. Grant with or without conditions , or refuse an application for exemption from compliance under this clause [cl2.8]</li> <li>i. Decide on reasonable grounds that there has been a failure</li> </ol> </li> </ol>

	<p>to comply with the condition of an exemption subclause 2.8(4)(a)</p> <p>j. Remove a receptacle from any premises [cl 2.9]</p> <p>k. Approval to deposit waste [cl 2.10]</p> <p>2. General Duties</p> <p>a. Direct an owner or occupier to clean, disinfect, deodorise and apply a residual insecticide to each receptacle subclause 3.1(d)</p> <p>b. Authorise in writing the removal of waste from premises subclause 3.2 (1)(c)</p> <p>c. Approve a person to remove waste from a receptacle subclause 3.2(2)(a)</p> <p>d. Approve a person to deposit or remove household, commercial or other waste from a receptacle provided for the use of the general public in a public place [cl3.3]</p> <p>3. Operation of Waste Facilities</p> <p>a. Determine the hours of operation of a waste facility [cl4.2]</p> <p>b. Regulate the use of a waste facility subclause 4.3(1)</p> <p>c. Direct a person who commits or is reasonably suspected of committing an offence to leave a waste facility subclause 4.3(3)</p> <p>d. Demand a person to pay a fee or charge on or before entering a waste facility [cl 4.4]</p> <p>e. Determine the classification of any waste that may be deposited at a waste facility subclause 4.5(2)]</p> <p>f. Authorise a person to: remove any waste or any other thing from a waste facility ; deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law ; light a fire in a waste facility; remove, damage or otherwise interfere with any flora in a waste facility; remove, injure or otherwise interfere with any fauna in a waste facility; damage, deface or destroy any building, equipment, plant or property within a waste facility [cl4.6]</p> <p>4. Enforcement</p> <p>a. Recover costs and expenses incurred by taking remedial action as a debt in a court of competent jurisdiction [cl5.3]</p> <p>b. Determine waste to be non-collectable waste clause 1.4(1)</p>
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

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – section 5.46(3) Local Government (functions and general ) Regulations 1996 Waste Local Law 2020
Recordkeeping:	Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

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## 2 Building Act 2011 Delegations

### 2.1 Council to CEO

#### 2.1.1 Grant a Building Permit

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23].             <ol style="list-style-type: none"> <li>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)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Compliance Links:</b>	<a href="#">Building Act 2011:</a> 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 <a href="#">Building Regulations 2012</a> – r.25 <i>Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</i> <a href="#">Building Services (Registration Act) 2011 – Section 7</a>
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	<p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i>  <i>Building and Construction Industry Training Levy Act 1990</i>  <i>Heritage of Western Australia Act 1990</i></p>
Recordkeeping:	<p>Local Government Act 1995 – Section 5.46(3)                  Local Government (Administration) Regulations 1996 – r. 19                  Building Act 2011- Section 130                  Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols                  Electronic Document Management System (TRIM)</p>

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## 2.1.2 Demolition Permits

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>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) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23].             <ol style="list-style-type: none"> <li>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)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Compliance Links:</b>	<a href="#">Building Act 2011:</a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i>
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Recordkeeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r. 19 Building Act 2011- Section 130 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)
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### 2.1.3 Occupancy Permits or Building Approval Certificates

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration  Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Compliance Links:</b>	<a href="#"><i>Building Act 2011:</i></a> 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 <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i>
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Building Act 2011- Section 130 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 2.1.4 Designate Employees as Authorised Persons

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Compliance Links:</b>	<u><i>Building Act 2011:</i></u> s.97 requires each person designated as an authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 2.1.5 Building Orders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order ; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>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)].</li> <li>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 <i>Building Act 2011</i>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Compliance Links:</b>	<a href="#">Building Act 2011:</a>
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	<p>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</p>
Recordkeeping:	<p>Local Government Act 1995 – Section 5.46(3)                  Local Government (Administration) Regulations 1996 – r.19                  Building Act 2011- Section 130                  Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols                  Electronic Document Management System (TRIM)</p>

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### 2.1.6 Inspection and Copies of Building Records

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

<b>Compliance Links:</b>	<a href="#">Building Act 2011</a> - s.146 Confidentiality
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r.19 Building Act 2011- Section 130 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)



### 2.1.7 Referrals and Issuing Certificates

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.145A Local Government functions
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r.19 Building Act 2011- Section 130 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 2.1.8 Private Pool Barrier – Alternative and Performance Solutions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)]</li> <li>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)]</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r.19 Building Act 2011- Section 130 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 2.1.9 Smoke Alarms – Alternative Solutions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r.19 Building Act 2011- Section 130 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 2.1.10 Appointment of approved officers and authorised officers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A).  <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i></li> <li>Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2).  <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Compliance Links:</b>	<i>Building Regulations 2012:</i> r.70(3) each authorised officer must be issued a certificate of appointment.
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – r.19 Building Act 2011- Section 130 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 3.1.2 Prohibited Burning Times - Vary

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

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 3.1.3 Prohibited Burning Times - Control Activities

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land  <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>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].</li> <li>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>5. Authority to prohibit the use of tractors, engines or 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)].</li> <li>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 authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	
Recordkeeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

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### 3.1.4 Restricted Burning Times - Vary and Control Activities

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

	<p>prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> <p>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>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)].</p>
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:	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	
Recordkeeping:	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – Regulation 19</p> <p>Bush Fires Act 1954 Section 50</p> <p>Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols</p> <p>Electronic Document Management System (TRIM)</p>

### 3.1.5 Control of Operations Likely to Create Bush Fire Danger

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material  <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>c. a person using explosives [r.39D(2)].</li> <li>d. a person using fireworks [r.39E(3)].</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i></li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 3.1.6 Burning Garden Refuse / Open Air Fires

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25  <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]:             <ol style="list-style-type: none"> <li>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)].</li> <li>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].</li> </ol> </li> <li>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:             <ol style="list-style-type: none"> <li>a. camping or cooking [s.25(1)(a)].</li> <li>b. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>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(1 a) and (1 b)].</li> <li>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	
Recordkeeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

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### 3.1.7 Firebreaks

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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:             <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>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</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].             <ol style="list-style-type: none"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and             <ol style="list-style-type: none"> <li>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>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)]</li> <li>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].             <ol style="list-style-type: none"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 3.1.9 Control and Extinguishment of Bush Fires

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)].             <ol style="list-style-type: none"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)



### 3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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].
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 3.1.11 Prosecution of Offences

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
<b>Delegate:</b>	Chief Executive Officer Bush Fire Control Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</li> <li>Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 3.1.12 Apply for Declaration as an Approved Area

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

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Bush Fires Act 1954 Section 50 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

## 4 Cat Act 2011 Delegations

### 4.1 Council to CEO

#### 4.1.1 Cat Registrations

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags  <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>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)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Compliance Links:</b>	<a href="#">Cat Regulations 2012:</a> 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))
<b>Recordkeeping:</b>	Cat Act 2011 section 47 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols. Electronic Document Management System (TRIM)

### 4.1.2 Cat Control Notices

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the City of Greater Geraldton District [s.26].
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Compliance Links:</b>	<i>Cat Regulations 2012 – r.20</i> Cat control notice [s.23(3)], prescribes the Form of the notice.
<b>Record Keeping:</b>	Cat Act 2011 section 47 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 4.1.3 Approval to Breed Cats

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].</li> <li>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)].</li> <li>3. Authority to cancel an approval to breed cats [s.38].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Compliance Links:</b>	<a href="#">Cat Regulations 2012:</a> 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)) r.25 Certificate given to approved cat breeder (s.39(1))
<b>Recordkeeping:</b>	Cat Act 2011 Section 47 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

#### 4.1.4 Recovery of Costs - Destruction of Cats

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Cat Act 2011 Section 47 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 4.1.5 Applications to Keep Additional Cats

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [r.8(3)]</li> <li>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].</li> <li>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i>.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Cat Act 2011 Section 47 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)



#### 4.1.6 Reduce or Waiver Registration Fee

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
<b>Council Conditions on this Delegation:</b>	<p>a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i>.</p> <p>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Cat Act 2011 Section 47 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

## 5 Dog Act 1976 Delegations

### 5.1 Council to CEO

#### 5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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 \$100 [s.10A(1)(a) and (3)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Dog Act 1976 Section 10AB Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 5.1.2 Refuse or Cancel Registration

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(2) and (3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</li> <li>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:             <ol style="list-style-type: none"> <li>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</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or</li> <li>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; or</li> <li>iv. the dog is required to be microchipped but is not microchipped; or</li> <li>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].</li> </ol> </li> <li>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)].</li> <li>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)].             <ol style="list-style-type: none"> <li>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	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:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Compliance Links:	<a href="#"><u>Dog Act 1976</u></a> 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)
Recordkeeping:	Dog Act 1976 Section 10AB Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

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### 5.1.3 Kennel Establishments

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. The Chief Executive Officer may further delegate (sub-delegate) to employees [s.10AA(3)] which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>b. Applications processing and decision under this delegation are to comply with the City of Greater Geraldton Dogs Local Law 2020.</li> <li>c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">City of Greater Geraldton Dogs Local Law 2011</a>
<b>Recordkeeping:</b>	Dog Act 1976 Section 10AB Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 5.1.4 Appoint Persons to Administer Dog Management Facilities

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.11(1) Staff and Services
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint under and subject to the provisions of the <i>Local Government Act 1995</i> fit and proper persons to administer dog management facilities and otherwise carry out the objects of the <i>Dog Act 1976</i> [s.11(1)].
<b>Council Conditions on this Delegation:</b>	<p>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.</p> <p>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) s.11(1) For the purposes of this Act a local government may establish and maintain one or more dog management facilities

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Dog Act 1976 Section 10AB Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 5.1.5 Recovery of Moneys Due Under this Act

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Compliance Links:</b>	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
<b>Record Keeping:</b>	Dog Act 1976 Section 10AB Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 5.1.6 Dispose of or Sell Dogs Liable to be Destroyed

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. The Chief Executive Officer may further delegate (sub-delegate) to employees [s.10AA(3)] which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</li> <li>c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Dog Act 1976 Section 10AB Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)



### 5.1.7 Declare Dangerous Dog

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer may further delegate (sub-delegate) to employees [s.10AA(3)] 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.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Recordkeeping:</b>	Dog Act 1976 Section 10AB Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 5.1.8 Dangerous Dog Declared or Seized - Deal with Objections and Determine when to Revoke

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) Local government may revoke declaration or proposal to destroy
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. The Chief Executive Officer may further delegate (sub-delegate) [s.10AA(3)] to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Recordkeeping:</b>	Dog Act 1976 Section 10AB Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 5.1.9 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	Dog Act 1976 Section 10AB Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

5.1.10 Determine Recoverable Expenses for Dangerous Dog Declaration

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous. [s.33M(1)(a)]:
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	Dog Act 1976 Section 10AB Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

5.1.11 Limitation as to numbers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s26(3) <i>Limitation as to numbers</i> May be sub-delegated
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Where by a local law under the <i>Dog Act 1976</i> a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of the <i>Dog Act 1976</i> relating to approved kennel establishments need not be applied in the circumstances –  (a) Grant an exemption in respect of premises but any such exemption –  <ul style="list-style-type: none"> <li>• may be subject to conditions including a condition that it applies only to the dogs specified in the exemption; and</li> <li>• cannot authorise the keeping in or on those premises of                             <ul style="list-style-type: none"> <li>o more than 6 dogs that have reached 3 months of age; or</li> <li>o a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; and</li> <li>o may be revoked or varied at any time. [s.26(3)]</li> </ul> </li> </ul>
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].  b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> S.10AA(3) Delegation of local government powers and duties . Sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation

<b>Compliance Links:</b>	City of Greater Geraldton Dogs Local Law 2020 Dog Act 1976 section 26
<b>Recordkeeping:</b>	Dog Act 1976 Section 10AB Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System(TRIM)

## 6 Food Act 2008

### 6.1 Council to Employees

#### 6.1.1 Appoint Authorised Officers and Designated Officers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> S 122 Appoint Authorised Officers S 126 Designate Authorised Officers s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it subject to subsections (3) and (4), in accordance with the regulations. (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126 (13) Designated officer s.126(3), (6) and (7) Infringement notices - extend period or withdraw s. 126(2) Infringement notices – give infringement notice r. 21 Inspection of animals and carcasses at abattoirs r. 22 Branding carcasses if fit for human consumption
<b>Authorisation/ Designation:</b>	<p><u>Authorised Officer</u> for the purpose of section 38 and 62;</p> <ul style="list-style-type: none"> <li>• Coordinator Environmental Health and Waste</li> <li>• Senior Environmental Health Officer</li> <li>• Environmental Health Officer</li> </ul> <hr/> <p><u>Authorised Officer – section 122</u> ;</p> <p><u>Authorised and Designated Officer</u> for the purpose of section 126(2)</p> <ul style="list-style-type: none"> <li>• Coordinator Environmental Health and Waste</li> <li>• Senior Environmental Health Officer</li> <li>• Environmental Health Officer</li> </ul> <hr/> <p><u>Authorised Officer section 122</u> ;</p> <p><u>Authorised and Designated Officer</u> for the purpose of sections 126(3),126(6), 126(7)</p> <ul style="list-style-type: none"> <li>• Director Development Services</li> <li>• Director Infrastructure Services</li> <li>• Director Corporate and Commercial Services</li> <li>• Manager Land and Regulatory Services</li> </ul> <hr/> <p><u>Authorised Officer section 122</u> for the purpose of regulation 21 and 22 – <i>Food Regulations 2009</i></p>

<p><b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ul style="list-style-type: none"> <li>• <b>Meat Inspectors</b></li> </ul> <ol style="list-style-type: none"> <li>1. Section 122 (1) - an Authorised Officer appointed under Part 10 Division 3 of the <i>Food Act 2008</i> ( the Act) for the purposes of the Act., or specified provisions of the Act.</li> <li>2. Section 38 - Authorised officer for the purposes of entry and inspection of premises, examining food, opening and examining equipment ; Section 62 - Serving an improvement notice</li> <li>3. Designated officer , being an authorised officer appointed under s.122(2) and designated under section 126(13) of the <i>Food Act 2008</i>, for the purposes of issuing infringement notices under the <i>Food Act 2008</i> s.126(2)</li> <li>4. Designated officer , being an authorised officer appointed under s.122(2) and designated under section 126(13) of the <i>Food Act 2008</i>, for the purposes of prescribed form s.126(3), extending time s.126(6), or withdrawing an infringement notice s.126(7) of the <i>Food Act 2008</i>.</li> <li>5. Regulation 21 – Authorised officer for the purposes of Inspection of animals and carcasses at abattoirs; Regulation 22 - Branding carcasses if fit for human consumption</li> </ol>
<p><b>Council Conditions on this Authorisation/ Designation:</b></p>	<ol style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors</li> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul> </li> <li>b. An enforcement agency may in writing designate authorised officers who are appointed by the agency under Part 10 Division 3 of the <i>Food Act 2008</i> to be designated officers for the purposes of subsection 126(2), 126(3), 126(6) or 126(7) of the <i>Food Act 2008</i> or for the purposes of 2 or more of those subsections. But a person who is a designated officer for the purposes of giving infringement notices under subsection 126(2) is not eligible to be a designated officer for the purposes of any of the other subsections</li> <li>c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<p><b>Express Power to Sub-Delegate:</b></p>	<p>Nil – Food Regulations 2009 do not provide for sub-delegation.</p>

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
Recordkeeping:	Food Act 2008 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

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### 6.1.2 Determine Compensation

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it subject to subsections (3) and (4), in accordance with the regulations. (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty:</b>	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
<b>Officer:</b>	Chief Executive Officer Director Development Services
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions :</b>	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.
<b>Express Power to Sub-Delegate:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Recordkeeping:</b>	Food Act 2008 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 6.1.3 Prohibition Orders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it subject to subsections (3) and (4), in accordance with the regulations. (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty:</b>	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<b>Officer:</b>	Chief Executive Officer Director Development Services
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>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)].</li> </ol>
<b>Council Conditions:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Recordkeeping:</b>	Food Act 2008 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 6.1.4 Food Business Registrations

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it subject to subsections (3) and (4), in accordance with the regulations. (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty:</b>	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
<b>Officer:</b>	Chief Executive Officer Director Development Services Manager Land and Regulatory Service Coordinator Environmental Health and Waste
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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].
<b>Council Conditions:</b>	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: <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul> b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Recordkeeping:</b>	Food Act 2008 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 6.1.5 Debt Recovery and Prosecutions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it subject to subsections (3) and (4), in accordance with the regulations. (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty:</b>	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
<b>Officer:</b>	Chief Executive Officer Director Development Services
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
<b>Council Conditions :</b>	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.
<b>Express Power to Sub-Delegate:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.
<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Food Act 2008 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 6.1.6 Abattoir Inspections and Fees

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it subject to subsections (3) and (4), in accordance with the regulations. (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty:</b>	<i>Food Regulations 2009:</i> r.43 Local government may require security r.45 Withdrawal of inspection services
<b>Officer:</b>	Chief Executive Officer Director Development Services
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> <li>i. require a person to provide security,</li> <li>ii. determine the form that security is to be provided, and</li> <li>iii. discharge a security held by the City of Greater Geraldton [r.43].</li> </ol> </li> <li>2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].</li> </ol>
<b>Council Conditions:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Food Act 2008 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

6.1.7 Food Businesses List - Public Access

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty :</b>	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food businesses publicly available
<b>Officer:</b>	Chief Executive Officer Director Development Services Manager Land and Regulatory Services Coordinator Environmental Health and Waste
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
<b>Council Conditions:</b>	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.
<b>Express Power to Sub-Delegate:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Food Act 2008 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

## 7 Graffiti Vandalism Act 2016 Delegations

### 7.1 Council to CEO

#### 7.1.1 Give Notice Requiring Obliteration of Graffiti

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</li> <li>2. Authority, where a person fails to comply with a notice, to do anything 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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Recordkeeping:</b>	Graffiti Vandalism Act 2016 Part 3 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 7.1.2 Notices - Deal with Objections and Give Effect to Notices

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice [s.22(3)].</li> <li>2. Authority, where an objection has been lodged, to:                         <ol style="list-style-type: none"> <li>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</li> <li>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Recordkeeping:</b>	Graffiti Vandalism Act 2016 Part 3 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)



### 7.1.3 Obliterate Graffiti on Private Property

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. Subject to exercising Powers of Entry. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Graffiti Vandalism Act 2016 Part 3 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 7.1.4 Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Compliance Links:</b>	
<b>Recordkeeping:</b>	Graffiti Vandalism Act 2016 Part 3 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

## 8 Public Health Act 2016 Delegations

### 8.1 Council to CEO

#### 8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
<b>Express Power or Duty Delegated:</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
<b>Council Conditions on this Delegation:</b>	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.15D(6)]. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

<b>Compliance Links:</b>	<a href="#">Criminal Procedure Act 2004</a> – Part 2
<b>Recordkeeping:</b>	Section 30-32 Public Health Act 2016 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 8.1.2 Enforcement Agency Reports to the Chief Health Officer

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government’s report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the City of Greater Geraldton [s.22(1)]</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
<b>Record Keeping:</b>	Section 30-32 Public Health Act 2016 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

### 8.1.3 Designation of Authorised Officers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 (1) (b) (i) Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016:</i> s.24 (1) Designation of authorised officers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of :</p> <ol style="list-style-type: none"> <li>i. The Public Health Act 2016 or other specified Act; or</li> <li>ii. Specified provisions of the Public Health Act 2016 or other specified Act; or</li> <li>iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.</li> </ol> <p>Including:</p> <ol style="list-style-type: none"> <li>(a) an environmental health officer or environmental health officers as a class; or</li> <li>(b) a person who is not an environmental health officer or a class of persons who are not environmental health officers; or</li> <li>(c) a mixture of the two.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Subject to each person so appointed being; <ul style="list-style-type: none"> <li>• Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>• Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ul> </li> <li>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> <li>c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

<b>Compliance Links:</b>	<p><a href="#">Public Health Act 2016</a></p> <ul style="list-style-type: none"> <li>s.20 Conditions on performance of functions by enforcement agencies.</li> <li>s.25 Certain authorised officers required to have qualifications and experience.</li> <li>s.26 Further provisions relating to designations</li> <li>s.27 Lists of authorised officers to be maintained</li> <li>s.28 When designation as authorised officer ceases</li> <li>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</li> <li>s.30 Certificates of authority</li> </ul>
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	<p>s.31 Issuing and production of certificate of authority for purposes of other written laws                  s.32 Certificate of authority to be returned.                  s.136 Authorised officer to produce evidence of authority  <a href="#">Criminal Investigation Act 2006</a>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i>  <i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <a href="#">Public Health Act 2016</a></p>
Recordkeeping:	<p>Section 30-32 Public Health Act 2016                  Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols                  Electronic Document Management System (TRIM)</p>

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### 8.1.4 Determine Compensation for Seized Items

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.264 Compensation
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
<b>Council Conditions on this Delegation:</b>	a. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$500,000 with any proposal for compensation above this value to be referred for Council's determination. b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	Section 30-32 Public Health Act 2016 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)

## 9 Planning and Development Act 2005

### 9.1 Council to CEO

#### 9.1.1 Illegal Development

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development:             <ol style="list-style-type: none"> <li>(a) to remove, pull down, take up, or alter the development; and</li> <li>(b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Council Conditions on this Delegation:</b>	This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns Part 13 of the <a href="#">Planning and Development Act 2005</a>
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)



9.1.2 Powers and Duties under Local Planning Scheme No 1

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Schedule 2, Part 10, Clause 82 Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>Express Power or Duty Delegated:</b>	<i>City of Greater Geraldton Local Planning Scheme No.1: The exercise of all powers and duties</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The exercise of all powers and duties under Local Planning Scheme No. 1 other than the power of delegation
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. Does not include the power of delegation</li> <li>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.</li> <li>c. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Schedule 2, Part 10, Clause 83 Planning and Development (Local Planning Scheme) Regulations 2015</i>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. (refer to cl.84 Planning and Development (Local Planning Schemes) Regulations 2015 Clause 84 <a href="#">Planning and Development (Local Planning Schemes) Regulations 2015</a>
<b>Recordkeeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Council Policy 4.13 Recordkeeping and Operational Policy OP053 Document Management Protocols Electronic Document Management System (TRIM)