



## SHIRE OF WYALKATCHEM



## DELEGATION REGISTER

Current as at 21 February 2019

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## 1. Local Government Act 1995 Delegations

# 1 Local Government Act 1995 Delegations

## 1.1 Council to Committees of Council

### 1.1.1 Audit and Risk Committee

<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.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
<b>Delegate:</b>	<b>Audit and Risk Committee</b>
<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 meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].</li><li>2. Authority to:<ol style="list-style-type: none"><li>i. examine the report of the Auditor and determine matters that require action to be taken by the Shire; and</li><li>ii. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].</li></ol></li><li>3. Authority to review and endorse the Shire's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].</li></ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	Nil. Sub-delegation is prohibited by s.7.1B.

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## 1. Local Government Act 1995 Delegations

Compliance Links:	Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees</a> Audit and Risk Management Committee Terms of Reference
Record Keeping:	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

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## 1. Local Government Act 1995 Delegations

### 1.2 Council to CEO

#### 1.2.1 Appoint Authorised Persons

<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.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<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 or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <a href="#">Local Government Act 1995</a> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act. [s.3.24 and s.9.10].</li><li>2. Authority to appoint authorised person for the purposes of the <a href="#">Graffiti Vandalism Act 2016</a>, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power [s.15 of the <i>Graffiti Vandalism Act 2016</i>].</li></ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"><li>a. A register of Authorised Persons is to be maintained as a Local Government Record.</li><li>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li><li>c. Exercising of delegation to be in accordance with any 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



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## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	N/A

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – Regulation 19</p> <p>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p> <p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file and appropriate file within the Shire filing index.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p>

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## 1. Local Government Act 1995 Delegations

### 1.2.2 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 \$50,000.</li> <li>b. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	N/A

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## 1. Local Government Act 1995 Delegations

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.3 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 enter 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 may only be used, where there is imminent or substantial risk to public safety or property.</li> <li>b. Exercising of delegation to be in accordance with any 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

# Delegation Register

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## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager of Works</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<a href="#"><u>Local Government Act 1995:</u></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 – Refer to CEO Delegation
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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1	OMC 21 February 2019 (22/2019)
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## 1. Local Government Act 1995 Delegations

### 1.2.4 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager of Works</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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

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## 1. Local Government Act 1995 Delegations

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## 1. Local Government Act 1995 Delegations

### 1.2.5 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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. Exercising of delegation to be in accordance with any 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



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## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager of Works</b> <b>Manager of Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Sub Delegated Authority applies for disposal of confiscated or uncollected goods, including abandoned vehicles, with the market value less than \$5,000.

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Compliance Links:	<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.
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.6 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>	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>	<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>	<b>Chief Executive Officer</b>
<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. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager of Works</b> <b>Manager of Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 1. Local Government Act 1995 Delegations

<b>Compliance Links:</b>	
<b>Record Keeping</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.7 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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</li> </ol>

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## 1. Local Government Act 1995 Delegations

	thoroughfare or draining water from a thoroughfare to private land [s3.51].
<b>Council Conditions on this Delegation:</b>	<ul 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)] (relevant to Townsite only).</li><li>c. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</li></ul>
<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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager of Works</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.8 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 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>prevent damage to the footpath; or</li> <li>prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>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>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>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> </ol>

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## 1. Local Government Act 1995 Delegations

	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].
<b>Council Conditions on this Delegation:</b>	<p>a. Actions under this Delegation must comply with procedural requirements detailed in <i>the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></i>.</p> <p>b. Permission may only be granted where, the proponent has:</p> <ul 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 public assets damaged by the obstruction at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul> <p>c. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager of Works</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions
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## 1. Local Government Act 1995 Delegations

	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> 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>
Record Keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.9 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>	<b>Chief Executive Officer</b>
<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 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)].
<b>Council Conditions on this Delegation:</b>	<ul 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 Shire's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</li> <li>c. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</li> </ul>
<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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager of Works</b>
<b>CEO Conditions on this Sub-Delegation:</b>	

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## 1. Local Government Act 1995 Delegations

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	<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>
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.10 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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</li> </ol> </li> </ol>

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## 1. Local Government Act 1995 Delegations

	<p>satisfactorily make good the public assets at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p> <p>c. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager of Works</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</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>
<b>Record Keeping:</b>	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – Regulation 19</p> <p>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p>

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## 1. Local Government Act 1995 Delegations

### 1.2.11 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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. Exercising of delegation to be in accordance with any 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

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## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager of Works</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<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>
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.12 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</li> <li>b. Compliance with Council policies <ul style="list-style-type: none"> <li>• Local Purchasing Policy [insert ref #]</li> <li>• Purchasing Policy [insert ref #]</li> </ul> </li> <li>c. Compliance with Delegation 1.2.13 Tender for Goods and Services</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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
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<b>CEO Conditions on this Sub-Delegation:</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	<a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit  Council Policy [insert ref #] Purchasing Policy  Council Policy [insert ref #] Local Price Preference Policy
Record Keeping:	Local Government Act 1995 – Section 5.46(3)  Local Government (Administration) Regulations 1996 – Regulation 19  Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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### 1.2.13 Tenders 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.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G r.11(f)].</li> <li>3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$150,000 or less and the expense is included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>4. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>6. 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> </ol>

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	<p>7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</p> <p>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)].</p> <p>9. Authority to accept, or reject tenders, only within the \$value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&amp;G r.18(2) and (4)].</p> <p>10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract [F&amp;G r.20(1) and (3)].</p> <p>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</p> <p>12. Authority to decline any tender [F&amp;G r.18(5)].</p> <p>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&amp;G r.20(2)]</p> <p>14. Authority to:</p> <ul style="list-style-type: none"> <li>i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond &lt;&lt;10%&gt;&gt;.</li> <li>ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&amp;G r.21A].</li> </ul> <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&amp;G r.18(6) &amp; (7)].</p>
<b>Council Conditions on this Delegation:</b>	<p>a. Sole supplier arrangements 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> </ul>

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## 1. Local Government Act 1995 Delegations

	<p>iii. The reasons why market testing has not met the requirements of the specification; and</p> <p>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers;</p> <p>b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> <li>proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government,</li> <li>current supply contract expiry is imminent,</li> <li>value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ul> <p>c. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$150,000 or less and the expense is included in the adopted Annual Budget.</p> <p>d. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 1. Local Government Act 1995 Delegations

Compliance Links:	<a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures <a href="#">WALGA Subscription Service</a> – Procurement Toolkit Council Policy [insert ref #] Purchasing Policy Council Policy [insert ref #] Local Price Preference Policy
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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### 1.2.14 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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>  <i>This is a precis only.</i>  <i>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 application should be 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 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> </ol>

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## 1. Local Government Act 1995 Delegations

	<p>7. Authority to decline to accept any application [F&amp;G r.24AH(5)].</p> <p>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)].</p>
<b>Council Conditions on this Delegation:</b>	<p>a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$150,000 or less and the expense is included in the adopted Annual Budget.</p> <p>b. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<p>The CEO has exercised the right not to sub-delegate this delegation</p>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p> <p>Council Policy &lt;&lt;insert ref #&gt;&gt; Purchasing Policy</p> <p>Council Policy &lt;&lt;insert ref #&gt;&gt; Pre-Qualified Supplier Panels</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>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p>

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## 1. Local Government Act 1995 Delegations

### 1.2.15 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager of Works</b> <b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	



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## 1. Local Government Act 1995 Delegations

Compliance Links:	Council Policy <<insert ref #>> Regional Price Preference
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.16 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) Disposing of Property <i>Local Government (Functions and General) Regulations 1996</i> s.30(3)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>to the highest bidder at public auction [s.3.58(2)(a)].</li> <li>to 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 tenders [s.3.58(2)(b)]</li> </ol> 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. 3. Authority to dispose of property under regulation 30(3) of the Local Government (Function and General) Regulations 1996.
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</li> <li>In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$150,000 or less.</li> <li>When determining the method of disposal:                             <ul style="list-style-type: none"> <li>Where a public auction is determined as the method of disposal:</li> </ul> </li> </ol>

## 1. Local Government Act 1995 Delegations

	<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> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <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 that the reasons for such a decision are recorded.</li> </ul> </li> <li>d. 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:             <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.</li> </ul> </li> <li>e. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</li> </ul>
<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

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## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager of Works</b> <b>Manager of Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>a. Value of property that may be disposed under this delegation shall not exceed \$50,000 including plant and assets with a depreciated value not exceeding \$50,000, in accordance with the provisions of section 5.43(d) of the <i>Local Government Act 1995</i>.</p> <p>b. <i>Section 3.58(4) – where the market value of the lease is less than \$15,000 pa</i></p>

Compliance Links:	<a href="#">Local Government Act 1995</a> – s.3.58 Disposal of Property <a href="#">Local Government (Functions and General) Regulations 1995</a> – r.30 Dispositions of property excluded from Act s. 3.58 Council Policy <<insert ref #>> Disposal of Property
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.17 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 (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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. Authority to make payments is subject to annual budget limitations. b. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b> <b>Governance Executive Officer</b> <b>Administration &amp; Finance Officer</b> <b>Finance Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation</i>	1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.

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## 1. Local Government Act 1995 Delegations

<i>also apply to the sub-delegations.</i>	<ol style="list-style-type: none"><li>2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO or Manager of Corporate Services.</li><li>3. Delegates that prepare and/or upload of payments are not delegate to make approve payments.</li></ol>
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Compliance Links:	<p><a href="#">Local Government Act 1995</a></p> <p><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.</p> <p><a href="#">Local Government (Audit) Regulations 1996</a></p> <p>Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a></p> <p>Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a></p>
Record Keeping:	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – Regulation 19</p> <p>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p>

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## 1. Local Government Act 1995 Delegations

### 1.2.18 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>	<b>Chief Executive Officer</b>
<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 Shire [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)].</li> <li>4. Regulations may prescribe circumstances in which a Local Government is not to exercise a power under subsection (1) or regulate the exercise of that power.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire. <ol style="list-style-type: none"> <li>i. Limited to individual debts valued below \$1,000 or cumulative debts of a debtor valued below \$3,000. Write off of debts greater than these values must be referred for Council decision.</li> </ol> </li> <li>b. Exercising of delegation to be in accordance with any 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

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## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Collection of Rates Debts – refer Delegations: <<insert Ref #>> Agreement as to Payment of Rates and Service Charges <<insert Ref #>> Recovery of Rates or Service Charges <<insert Ref #>> Recovery of Rates Debts – Require Lessee to Pay Rent <<insert Ref #>> Recovery of Rates Debts – Actions to Take Possession of the Land
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.19 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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].</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 investment Policy.</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 to position titles.</li> <li>d. Procedures are to be administratively reviewed per Audit Regulation 17</li> <li>e. Exercising of delegation to be in accordance with any 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

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## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	1. A decision to invest must be jointly confirmed by two Delegates.

Compliance Links:	<a href="#">Local Government (Financial Management) Regulations 1996</a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy <b>XX - Investments</b>
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.20 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>	<b>Chief Executive Officer</b>
<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. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 1. Local Government Act 1995 Delegations

Compliance Links:	<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
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.21 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 charges [s.6.49].
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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

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## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> <li>1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49]. on the provision that the payment agreement clears all outstanding debt owing to the shire within the current financial year.</li> <li>2. Approval of making an agreement must be made in writing.</li> </ol>

Compliance Links:	Council Policy <<## - Rates Collection>>
Record Keeping:	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – Regulation 19</p> <p>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p>

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## 1. Local Government Act 1995 Delegations

### 1.2.22 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 Shire [s.6.50].
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 1. Local Government Act 1995 Delegations

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.23 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 1. Local Government Act 1995 Delegations

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.24 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 Shire [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>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

# Delegation Register

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## 1. Local Government Act 1995 Delegations

Compliance Links:	<a href="#">Local Government Act 1995</a> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60. Council Policy <<## - Rates Collection>>
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

### Version Control:

1	OMC 21 February 2019 (22/2019)
2	CEO 21 February 2019 – Sub Delegation approved
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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.2.25 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) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>  <i>This is a precis only.</i> <i>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 Shire [s.6.71].</li> </ol> </li> </ol> </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> <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</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</li> </ol>

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## 1. Local Government Act 1995 Delegations

<b>this Delegation:</b>	<p>sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</p> <p>b. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<p><a href="#">Local Government Act 1995</a> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <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.</p> <p>Council Policy &lt;&lt;## - Rates Collection&gt;&gt;</p>
Record Keeping:	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – Regulation 19</p> <p>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p>

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## 1. Local Government Act 1995 Delegations

### 1.2.26 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 1. Local Government Act 1995 Delegations

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.27 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> S5.98 (2)-(4) Fees etc for Council Members <i>Local Government (Administration) Regulations 1996</i> r.32(1) (a)-(c) Expenses that may be approved for reimbursement.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 council member who incurs an expense of a kind prescribed as being an expense –                         <ol 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> </ol>                         is entitled to be reimbursed for the expense in accordance with subsection (3)                     </li> <li>2. A council member to whom subsection (2) applies is to be reimburse for the expense –                         <ol 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> </ol> </li> <li>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.</li> </ol>

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## 1. Local Government Act 1995 Delegations

<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> Local Government (Administration) Regulations 1996 – refer specifically r.32(1) (a)-(c) Expense that may be approved for reimbursement
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.2.28 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> s. 6.9(4) Trust Fund
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Where money has been held in the trust fund for 10 years it may be transferred by the local government to the municipal fund but the local government is required to repay the money, together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment.
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 1. Local Government Act 1995 Delegations

Compliance Links:	<a href="#">Local Government Act 1995</a> Local Government (Administration) Regulations 1996 – refer specifically r.32(1) (a)-(c) Expense that may be approved for reimbursement
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.29 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 of occupier of land
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. To give a person who is the owner or, unless Schedule 3.1 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>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation</i>	

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## 1. Local Government Act 1995 Delegations

<i>also apply to the sub-delegations.</i>	
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Compliance Links:	<a href="#">Local Government Act 1995</a>
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.30 Additional powers when notices given

<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.3.26 Additional powers when notices given
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 do anything considers necessary to achieve, so far as is practicable, the purpose for which the notice was given. [s.3.26(s)}</li><li>2. Authority to recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.[s3.26(3)]</li></ol>
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 1. Local Government Act 1995 Delegations

Compliance Links:	<a href="#">Local Government Act 1995</a>
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 1. Local Government Act 1995 Delegations

### 1.2.31 Performing Particular things on land that is not Local Government 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.3.27 Particular things local governments can do on land that is not local government property
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. To do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the local government does not have consent to do it.</li> <li>2A. In subsection (1) land includes Crown land the subject of a pastoral lease within the meaning of the <i>Land Administration Act 1997</i> section 3.</li> <li>2. Schedule 3.2 may be amended by regulations</li> <li>3. If Schedule 3.20 expressly states that this subsection applies, subsection (1) does not authorise anything to be done on land that is being used as the site of curtilage of a building has been developed in any other way, or is cultivated.</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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

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## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<a href="#">Local Government Act 1995</a>
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 2. Building Act 2011 Delegations

### 1.3 CEO to Employees

#### 1.3.1 Determine if an Emergency for Emergency Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
<b>Delegate/s:</b>	<b>Manager of Works</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
<b>CEO Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	Delegation 1.2.3 Powers of Entry
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 2. Building Act 2011 Delegations

### 1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
<b>Delegate/s:</b>	<b>Manager of Works</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.8: <ol style="list-style-type: none"> <li>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.8 Obstruction of Footpaths and Thoroughfares.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local</i></li> </ol>

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## 2. Building Act 2011 Delegations

	<p><i>Government (Uniform Local Provisions) Regulations 1996.</i></p> <p>c. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council</p>
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.8 Obstructions of Footpaths and Thoroughfares.</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 <i>Local Government Act 1995</i></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>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p>

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## 2. Building Act 2011 Delegations

### 1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
<b>Delegate/s:</b>	<b>Manager of Works</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.10: <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Public Thoroughfares – Dangerous Excavations.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>

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## 2. Building Act 2011 Delegations

	c. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Public Thoroughfares – Dangerous Excavations.</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 <i>Local Government Act 1995</i></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>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p>

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## 2. Building Act 2011 Delegations

### 1.3.4 Financial Management Systems and Procedures

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
<b>Delegate/s:</b>	<b>Manager Corporate Services</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> <li>Collection of money owed to the Shire;</li> <li>Safe custody and security of money collected or held by the Shire;</li> <li>Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;</li> <li>Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;</li> <li>Making of payments in accordance with Delegated Authority 1.2.17;</li> <li>Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.</li> </ol> <p>[FM r.5].</p>
<b>CEO Conditions on this Delegation:</b>	a. 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 to position titles.



# Delegation Register

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## 2. Building Act 2011 Delegations

	<p>b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee. [Audit r.17]</p> <p>c. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council</p>
<b>Express Power to Sub-Delegate:</b>	Nil.

Compliance Links:	<p><a href="#">Local Government Act 1995</a></p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a></p> <p><a href="#">Local Government (Audit) Regulations 1996</a></p> <p>Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a></p>
Record Keeping:	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – Regulation 19</p> <p>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p>

### Version Control:

1	CEO 21 February 2019 - Delegation CEO to Employee approved
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## 2. Building Act 2011 Delegations

## 2 Building Act 2011 Delegations

### 2.1 Council to CEO / Employees

#### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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</li> </ol> </li> </ol>

# Delegation Register

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## 2. Building Act 2011 Delegations

	<p>rectification of defects of works for which the permit was granted [r.24(1)]</p> <p>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</p> <p>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</p>
<b>Council Conditions on this Delegation:</b>	<p>a. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Building Act 2011:</i></p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<p><a href="#">Building Act 2011</a></p> <p>s.119 Building and demolition permits – application for review by SAT</p> <p>s.23 Time for deciding application for building or demolition permit</p> <p>s.17 Uncertified application to be considered by building surveyor</p> <p><a href="#">Building Regulations 2012</a> – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011 – Section 7</i></p> <p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage of Western Australia Act 1990</i></p>
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## 2. Building Act 2011 Delegations

Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Building Act 2011-Section 130
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### Version Control:

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## 2. Building Act 2011 Delegations

### 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  Building Regulations 2012 r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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> </ol>

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## 2. Building Act 2011 Delegations

	5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<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>
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Building Act 2011-Section 130

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## 2. Building Act 2011 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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>	<ol style="list-style-type: none"> <li>a. Exercising of delegation to be in accordance with any 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)

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## 2. Building Act 2011 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<a href="#">Building Act 2011</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>
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Building Act 2011-Section 130

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## 2. Building Act 2011 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
<b>Council Conditions on this Delegation:</b>	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012. b. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 2. Building Act 2011 Delegations

Compliance Links:	<a href="#"><u>Building Act 2011:</u></a>  s.97 requires each person designated as an authorised person must have an identity card.  r.5A Authorised persons (s.3) – definition
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Building Act 2011-Section 130

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## 2. Building Act 2011 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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</li> </ol>

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## 2. Building Act 2011 Delegations

	anything in regard to non-compliance with a building order [s.118(3)].  6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i> .
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<u><a href="#">Building Act 2011:</a></u>  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
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3)  Local Government (Administration) Regulations 1996 – Regulation 19  Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan  Building Act 2011-Section 130

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## 2. Building Act 2011 Delegations

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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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 2. Building Act 2011 Delegations

Compliance Links:	<a href="#">Building Act 2011</a> - s.146 Confidentiality
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Building Act 2011-Section 130

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## 2. Building Act 2011 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)].
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 2. Building Act 2011 Delegations

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Building Act 2011-Section 130

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## 2. Building Act 2011 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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>	<ol style="list-style-type: none"> <li>a. Exercising of delegation to be in accordance with any 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)

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## 2. Building Act 2011 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	
Record Keeping:	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – Regulation 19</p> <p>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p> <p>Building Act 2011-Section 130</p>

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## 2. Building Act 2011 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation</i>	

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## 2. Building Act 2011 Delegations

<i>also apply to the sub-delegations.</i>	
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Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Building Act 2011-Section 130

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## 3. Bush Fires Act 1954 Delegations

### 3 Bush Fires Act 1954 Delegations

#### 3.1 Council to CEO, President 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to request on behalf of the Shire that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Bush Fires Act 1954 Section 50

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## 3. Bush Fires Act 1954 Delegations

### Version Control:

1	OMC 18 October 2018 (140//2018)
2	OMC 21 February 2019 (22/2019) – Minor amendment to wording of Council conditions on this delegation regarding adhering to policies and record keeping practices
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## 3. Bush Fires Act 1954 Delegations

### 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
<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>	<b>President and Chief Bush Fire Control Officer (jointly)</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. Exercising of delegation to be in accordance with any 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>

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## 3. Bush Fires Act 1954 Delegations

Compliance Links:	Policy No. 10.5 – Bushfire Control – Fire Hazard Reduction
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Bush Fires Act 1954 Section 50

### Version Control:

1	OMC 18 October 2018 (140//2018)
2	OMC 21 February 2019 (22/2019) – Minor amendment to wording of Council conditions on this delegation regarding adhering to policies and record keeping practices
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## 3. Bush Fires Act 1954 Delegations

### 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.17(7) Prohibited burning times may be declared by Minister  s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions  s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land  <i>Bush Fire Regulations 1954:</i>  r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.  r.38C 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>	<b>Chief Executive Officer</b>
<b>Function:</b>  <i>This is a precis only.</i>  <i>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</li> </ol>

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## 3. Bush Fires Act 1954 Delegations

	<p>Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>6. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p>
<b>Council Conditions on this Delegation:</b>	<p>a. Decisions under s.17(7) must be undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).</p> <p>b. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</p>
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<p>Policy No. <b>10.5</b> – Bushfire Control – Fire Hazard Reduction</p> <p>Policy No. <b>10.7</b> – Harvest &amp; Movement of Vehicle bans</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>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p> <p>Bush Fire Act 1954 Section 50</p>

### Version Control:

1	OMC 18 October 2018 (140/2018)
2	OMC 21 February 2019 (22/2019) – Minor amendment to wording of Council conditions on this delegation regarding adhering to policies and record keeping practices
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## 3. Bush Fires Act 1954 Delegations

### 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>	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land  <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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> </ol>

## 3. Bush Fires Act 1954 Delegations

	<ol style="list-style-type: none"> <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 prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>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)].</li> <li>9. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

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## 3. Bush Fires Act 1954 Delegations

Compliance Links:	Policy No. 10.5 – Bushfire Control – Fire Hazard Reduction
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Bush Fires Act 1954 Section 50

### Version Control:

1	OMC 18 October 2018 (140/2018)
2	OMC 21 February 2019 (22/2019) – Minor amendment to wording of Council conditions on this delegation regarding adhering to policies and record keeping practices
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## 3. Bush Fires Act 1954 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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>	<ol style="list-style-type: none"> <li>a. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.</li> </ol>

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## 3. Bush Fires Act 1954 Delegations

<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	Policy No. <b>10.5</b> – Bushfire Control – Fire Hazard Reduction
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Bush Fire Act 1954 Section 50

### Version Control:

1	OMC 18 October 2018 (140//2018)
2	OMC 21 February 2019 (22/2019) – Minor amendment to wording of Council conditions on this delegation regarding adhering to policies and record keeping practices
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## 3. Bush Fires Act 1954 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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> </ol> </li> </ol>



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## 3. Bush Fires Act 1954 Delegations

	<p>b. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</p> <p>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</p> <p>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)].</p>
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>	Policy No. <b>10.5</b> – Bushfire Control – Fire Hazard Reduction
<b>Record Keeping:</b>	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – Regulation 19</p> <p>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p> <p>Bush Fires Act 1954 Section 50</p>

### Version Control:

1	OMC 18 October 2018 (140//2018)
2	OMC 21 February 2019 (22/2019) – Minor amendment to wording of Council conditions on this delegation regarding adhering to policies and record keeping practices
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## 3. Bush Fires Act 1954 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 Shire:                             <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>	<ol style="list-style-type: none"> <li>a. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council</li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Sub-delegation is prohibited by s.48(3)

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## 3. Bush Fires Act 1954 Delegations

Compliance Links:	Policy No. 10.5 – Bushfire Control – Fire Hazard Reduction
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Bush Fires Act 1954 Section 50

### Version Control:

1	OMC 18 October 2018 (140//2018)
2	OMC 21 February 2019 (22/2019) – Minor amendment to wording of Council conditions on this delegation regarding adhering to policies and record keeping practices
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## 3. Bush Fires Act 1954 Delegations

### 3.1.8 Appoint Bush Fire Control 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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>b. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and</li> <li>c. 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 Shire [s.38(5A)]</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>	<p>Policy No. <b>10.1</b> – Bushfire Control – Advisory Committee</p> <p>Policy No. <b>10.3</b> – Bushfire Control – Officers Profile</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>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p> <p>Bush Fire Act 1954 Section 50</p>

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### Version Control:

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## 3. Bush Fires Act 1954 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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>b. 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>	<ol style="list-style-type: none"> <li>a. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	Policy No. <b>10.3</b> – Bushfire Control – Officers Profile
<b>Record Keeping:</b>	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – Regulation 19</p> <p>Classified and retained in accordance with the Shire's Record Keeping Plan</p> <p>Bush Fires Act 1954 Section 50</p>

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2	OMC 21 February 2019 (22/2019) – Minor amendment to wording of Council conditions on this delegation regarding adhering to policies and record keeping practices
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## 3. Bush Fires Act 1954 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 Shire or those on behalf of the Shire to do [s.58].
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Bush Fire Act 1954 Section 50

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## 3. Bush Fires Act 1954 Delegations

### 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>	<b>Chief Executive Officer</b> <b>Bush Fire Control Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Bush Fires Act 1954 Section 50

# Delegation Register

Shire of Wyalkatchem



## 3. Bush Fires Act 1954 Delegations

### Version Control:

1	OMC 18 October 2018 (140/2018)
2	OMC 21 February 2019 (22/2019) – Minor amendment to wording of Council conditions on this delegation regarding adhering to policies and record keeping practices
3	

## 4. Cat Act 2011 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 or cats within the Shire of Wyalkatchem District [Regs. Sch. 3 cl. 1(4)]</li> </ol>

# Delegation Register

Shire of Wyalkatchem



## 4. Cat Act 2011 Delegations

<b>Council Conditions on this Delegation:</b>	<p>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>.</p> <p>b. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Cat Act 2011:</i></p> <p>s.45 Delegation by CEO of local government</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b> <b>Governance Executive Officer</b> <b>Finance and Administration Officer</b> <b>Finance Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>a. Sub-Delegation does not apply to clause 5 of the CEO delegation</p>

<b>Compliance Links:</b>	<p>Cat Regulations 2012</p> <p>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</p> <p>r.12 Period of registration (s.9(7))</p> <p>r.11 Changes in registration</p> <p>r.14 Registration certificate (s.11(1)(b))</p> <p>r.15 Registration tags (s.76(2))</p> <p>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>.</p>
<b>Record Keeping:</b>	<p>Cat Act 2011 Section 47</p> <p>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p>

### Version Control:

1	OMC 21 February 2019 (22/2019)
2	CEO 21 February 2019 – Sub Delegation approved

# Delegation Register

Shire of Wyalkatchem



## 4. Cat Act 2011 Delegations

3

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 Shire's District [s.26].
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation</i>	

# Delegation Register

Shire of Wyalkatchem



## 4. Cat Act 2011 Delegations

<i>also apply to the sub-delegations.</i>	
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Compliance Links:	<i>Cat Regulations 2012 – r.20</i> Cat control notice [s.23(3)], prescribes the Form of the notice.
Record Keeping:	Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Cat Act 2011 Section 47

### Version Control:

1	OMC 21 February 2019 (22/2019)
2	CEO 21 February 2019 – Sub Delegation approved
3	

# Delegation Register

Shire of Wyalkatchem



## 4. Cat Act 2011 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
<b>Council Conditions on this Delegation:</b>	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> . b. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
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# Delegation Register

Shire of Wyalkatchem



## 4. Cat Act 2011 Delegations

<b>CEO Conditions on this Sub-Delegation:</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. CEO must be consulted before actioning delegation for clauses 1,2 and 3.
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Compliance Links:	Cat Regulations 2012:  r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record Keeping:	Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan  Cat Act 2011 Section 47

### Version Control:

1	OMC 21 February 2019 (22/2019)
2	CEO 21 February 2019 – Sub Delegation approved
3	

# Delegation Register

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## 4. Cat Act 2011 Delegations

### 4.1.4 Appoint Authorised Persons

<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. 48 Authorised persons
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.48].
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

# Delegation Register

Shire of Wyalkatchem



## 4. Cat Act 2011 Delegations

Compliance Links:	
Record Keeping:	Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Cat Act 2011 Section 47

### Version Control:

1	OMC 21 February 2019 (22/2019)
2	CEO 21 February 2019 – Sub Delegation approved
3	

## 4. Cat Act 2011 Delegations

### 4.2 Cat Act Delegations - CEO to Employees

#### 4.2.1 Infringement Notices – Extensions and Withdrawals

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
<b>Delegate/s:</b>	<b>Manager Corporate Services</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1))
<b>Record Keeping:</b>	Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Cat Act 2011 Section 47

# Delegation Register

Shire of Wyalkatchem



## 4. Cat Act 2011 Delegations

### Version Control:

1	CEO 21 February 2019 - Delegation CEO to Employee approved
2	
3	

## 5. Dog Act 1976 Delegations

### 5 Dog Act 1976

#### 5.1 Dog Act Delegations Council to CEO

##### 5.1.1 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(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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; 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</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> </ol>

# Delegation Register

Shire of Wyalkatchem



## 5. Dog Act 1976 Delegations

	<p>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s15(4A)].</p> <p>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)].</p> <p>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</p>
<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. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Dog Act 1976:</i></p> <p>s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>a. Sub-Delegation must consult the CEO and obtaining approval before proceeding with actions under delegation clause 3 and 4.</p>

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Shire of Wyalkatchem



## 5. Dog Act 1976 Delegations

Compliance Links:	<i>Dog Act 1976</i>  s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)
Record Keeping:	Local Government Act 1995 – Section 5.46(3)  Local Government (Administration) Regulations 1996 – Regulation 19  Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan  Dog Act 1996 Section 10AB

### Version Control:

1	OMC 21 February 2019 (22/2019)
2	CEO 21 February 2019 – Sub Delegation approved
3	



# Delegation Register

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## 5. Dog Act 1976 Delegations

### 5.1.2 Appoint Authorised Persons

<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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3].</li> <li>2. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1)].</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. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 5. Dog Act 1976 Delegations

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Dog Act 1976 Section 10AB

### Version Control:

1	OMC 21 February 2019 (22/2019)
2	CEO 21 February 2019 – Sub Delegation approved
3	

# Delegation Register

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## 5. Dog Act 1976 Delegations

### 5.1.3 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 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. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 5. Dog Act 1976 Delegations

Compliance Links:	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)
Record Keeping:	Local Government Act 1995 – Section 5.46(3)  Local Government (Administration) Regulations 1996 – Regulation 19  Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan  Dog Act 1976 Section 10AB

### Version Control:

1	OMC 21 February 2019 (22/2019)
2	
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## 5. Dog Act 1976 Delegations

### 5.1.4 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 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. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b> <b>Manager of Works</b>
<b>CEO Conditions on this Sub-Delegation:</b>	

# Delegation Register

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## 5. Dog Act 1976 Delegations

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Dog Act 1976 Section 10AB

### Version Control:

1	OMC 21 February 2019 (22/2019)
2	CEO 21 February 2019 – Sub Delegation approved

# Delegation Register

Shire of Wyalkatchem



## 5. Dog Act 1976 Delegations

### 5.1.5 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation</i>	

# Delegation Register

Shire of Wyalkatchem



## 5. Dog Act 1976 Delegations

<i>also apply to the sub-delegations.</i>	
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Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Dog Act 1976 Section 10AB

### Version Control:

1	OMC 21 February 2019 (22/2019)
2	CEO 21 February 2019 – Sub Delegation approved
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# Delegation Register

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## 5. Dog Act 1976 Delegations

### 5.1.6 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 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) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>b. Exercising of delegation to be in accordance with any 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)

# Delegation Register

Shire of Wyalkatchem



## 5. Dog Act 1976 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Manager Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Dog Act 1976 Section 10AB

### Version Control:

1	OMC 21 February 2019 (22/2019)
2	CEO 21 February 2019 – Sub Delegation approved
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### 6. Food Act 2008 Delegations

## 6 Food Act 2008

### 6.1 Council to CEO

#### 6.1.1 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 (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.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 on</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.

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### 6. Food Act 2008 Delegations

<b>this Delegation:</b>	<p>b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$30,000. Compensation requests above this value are to be reported to Council.</p> <p>c. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council</p>
<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>Record Keeping:</b>	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – Regulation 19</p> <p>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p> <p>Food Act 2008</p>

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### 6. Food Act 2008 Delegations

#### 6.1.2 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 (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.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<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 on this Delegation:</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. Exercising of delegation to be in accordance with any 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.

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### 6. Food Act 2008 Delegations

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### 6. Food Act 2008 Delegations

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Food Act 2008

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### 6. Food Act 2008 Delegations

#### 6.1.3 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 (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.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<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 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)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Council Conditions on this Delegation:</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, 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> </li> <li>b. Exercising of delegation to be in accordance with any 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.



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### 6. Food Act 2008 Delegations

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Food Act 2008

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### 6. Food Act 2008 Delegations

#### 6.1.4 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.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 Delegated:</b>	<i>Food Act 2008:</i>  s.122(1) Appointment of authorised officers  s.126(6), (7) and (13) Infringement Officers
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>  <i>This is a precis only.</i>  <i>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 a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</li> </ol>
<b>Council Conditions on this Delegation:</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, 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> </ul> </li> </ol>

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### 6. Food Act 2008 Delegations

	<ul style="list-style-type: none"> <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> <p>b. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council</p>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	<p>s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers</p> <p>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed</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>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p> <p>Food Act 2008</p>

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### 6. Food Act 2008 Delegations

#### 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 (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.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 on this Delegation:</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. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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### 6. Food Act 2008 Delegations

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Food Act 2008

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### 6. Food Act 2008 Delegations

#### 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 (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 Regulations 2009:</i> r.43 Local government may require security r.45 Withdrawal of inspection services
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: ii. require a person to provide security, iii. determine the form that security is to be provided, and iv. discharge a security held by the Shire [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
<b>Council Conditions on this Delegation:</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. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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### 6. Food Act 2008 Delegations

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Food Act 2008

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### 6. Food Act 2008 Delegations

#### 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 Delegated:</b>	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 on this Delegation:</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. Exercising of delegation to be in accordance with any 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>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3)



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### 6. Food Act 2008 Delegations

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## 7. Graffiti Vandalism Act 2016 Delegations

### 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>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	CEO has exercised the right not to sub-delegate this delegation
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# Delegation Register

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## 7. Graffiti Vandalism Act 2016 Delegations

<b>CEO Conditions on this Sub-Delegation:</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Graffiti Vandalism Act 2016 Part 3

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## 7. Graffiti Vandalism Act 2016 Delegations

### 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>Local Government Act 1995:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ul 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> </ul>
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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

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## 7. Graffiti Vandalism Act 2016 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Graffiti Vandalism Act 2016 Part 3

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## 7. Graffiti Vandalism Act 2016 Delegations

### 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>Local Government Act 1995:</i> s.25(1) Local government graffiti powers on land not local government property
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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## 7. Graffiti Vandalism Act 2016 Delegations

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Graffiti Vandalism Act 2016 Part 3

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## 7. Graffiti Vandalism Act 2016 Delegations

### 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>Local Government Act 1995:</i> s.28 Notice of entry s.29 Entry under warrant
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	CEO has exercised the right not to sub-delegate this delegation
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	



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## 7. Graffiti Vandalism Act 2016 Delegations

Compliance Links:	
Record Keeping:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Graffiti Vandalism Act 2016 Part 3

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## 8. Public Health Act 2016 Delegations

### 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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. Exercising of delegation to be in accordance with any 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>	<i>Criminal Procedure Act 2004 – Part 2</i>
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan Public Health Act 2016 Section 30-32

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## 8. Public Health Act 2016 Delegations

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## 8. Public Health Act 2016 Delegations

### 8.1.2 Designate Authorised Officers

<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.24(1) and (3) Designation of authorised officers
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> <li>The Public Health Act 2016 or other specified Act</li> <li>Specified provisions of the Public Health Act 2016 or other specified Act</li> <li>Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.</li> </ol> Including: <ol style="list-style-type: none"> <li>an environmental health officer or environmental health officers as a class; OR</li> <li>a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>a mixture of the two. [s.24(1) and (3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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>A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> <li>Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council</li> </ol>

# Delegation Register

Shire of Wyalkatchem



## 8. Public Health Act 2016 Delegations

<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)].
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<b>Compliance Links:</b>	<p><i>Public Health Act 2016</i></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> <li>s.31 Issuing and production of certificate of authority for purposes of other written laws</li> <li>s.32 Certificate of authority to be returned.</li> <li>s.136 Authorised officer to produce evidence of authority</li> </ul> <p><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></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>Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan</p> <p>Public Health Act 2016</p>

### Version Control:

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# Delegation Register

Shire of Wyalkatchem



## 8. Public Health Act 2016 Delegations

### 8.1.3 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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 is limited to a maximum value of \$5,000, with any proposal for compensation above this value to be referred for Council's determination. b. Exercising of delegation to be in accordance with any 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>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

# Delegation Register

Shire of Wyalkatchem



## 8. Public Health Act 2016 Delegations

### Version Control:

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# Delegation Register

Shire of Wyalkatchem



## 8. Public Health Act 2016 Delegations

### 8.1.4 Commence Proceedings

<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.280 Commencing Proceedings
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan



# Delegation Register

Shire of Wyalkatchem



## 8. Public Health Act 2016 Delegations

### Version Control:

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## 9. Liquor Control Act 1998 Delegations

## 9 Liquor Control Act 1998

### 9.1 Council to CEO

#### 9.1.1 Certificate of Local Government

<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>Liquor Control Act 1998:</i> s.39 Certificate of local government as to whether premises comply with Health (Miscellaneous Provisions) Act 1911, Public Health Act 2016, the Food Act 2008, the Local Government Act 1995 and the Building Act 2011. s.40 Certificate of planning authority as to whether use of premises complies with planning laws s.61 Extended trading permit for extended area, pre-requisites for grant of s.69 Advertising, referring, investigation and intervening in applications
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. The Chief Executive Officer is delegated authority to issue a certificate and determine whether premises comply with Health (Miscellaneous Provisions) Act 1911, the foot Act 2008, the Local Government Act 1995 and Building Act 2011. Where the premises do not comply, provide the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply. [s.39] 2. The Chief Executive Officer is delegated authority to issue a certificate as to whether the use of premises complies with respective planning laws or will not comply with the planning requirements specified for the reasons specified.
<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council

# Delegation Register

Shire of Wyalkatchem



## 9. Liquor Control Act 1998 Delegations

<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
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<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	CEO has exercised the right not to sub-delegate this delegation.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

### Version Control:

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## 10. Planning and Development Act 2005

### 10 Planning and Development Act 2005

#### 10.1 Council to CEO

##### 10.1.1 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 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>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>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>

# Delegation Register

Shire of Wyalkatchem



## 10. Planning and Development Act 2005

<b>Council Conditions on this Delegation:</b>	a. Exercising of delegation to be in accordance with any 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>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	CEO has exercised the right not to sub-delegate this delegation.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	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 Maintain records of decisions that are in accordance with the Shire's Record Keeping Plan

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## 11 Statutory Authorisations and Delegations to Local Government from State Government Entities

### 11.1 Environmental Protection Act 1986

#### 11.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

Published by:  
Environment

**GOVERNMENT GAZETTE**  
Western Australia  
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No. 47. 19-Mar-2004  
Page: 919 [Pdf](#) - 476kb

**EV401**

#### **ENVIRONMENTAL PROTECTION ACT 1986**

##### **Section 20**

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9<sup>th</sup> day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

## 11.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

Published by:  
Environment

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Western Australia  
[Previous](#) [Close](#) [Next](#)

No. 232. 20-Dec-2013  
Page: 6282 Pdf - 3Mb

**EV402**

### **ENVIRONMENTAL PROTECTION ACT 1986**

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
  - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

# Delegation Register

Shire of Wyalkatchem

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## 11.1.3 Noise Management Plans – Construction Sites

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No. 71. 16-May-2014  
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**EV405**

### **ENVIRONMENTAL PROTECTION ACT 1986**

#### Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

## 11.2 Planning and Development Act 2005

### 11.2.1 Instrument of Authorisation - Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

#### *PLANNING AND DEVELOPMENT ACT 2005*

#### INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the *2<sup>nd</sup>* day of *June* 2016

A handwritten signature in black ink, appearing to be "D. Redman", written over a horizontal line.

**HON DONALD TERRENCE REDMAN MLA**  
**MINISTER FOR LANDS**

# Delegation Register

Shire of Wyalkatchem



## SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

### Column 1

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- the land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,

in respect of development applications being made under or referred to in:

- (i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);
- (iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- (iv) section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- (v) section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);
- (vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;
- (vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

### Column 2

City of Albany  
City of Amadale  
Shire of Ashburton  
Shire of Augusta-Margaret River  
Town of Bassendean  
City of Bayswater  
City of Belmont  
Shire of Beverley  
Shire of Boddington  
Shire of Boyup Brook  
Shire of Bridgetown-Greenbushes  
Shire of Brookton  
Shire of Broome  
Shire of Broomehill-Tambellup  
Shire of Bruce Rock  
City of Bunbury  
Shire of Busselton  
Town of Cambridge  
City of Canaling  
Shire of Capel  
Shire of Carnamah  
Shire of Carnarvon  
Shire of Chapman Valley  
Shire of Chitterling  
Shire of Christmas Island  
Town of Claremont  
City of Cockburn  
Shire of Cocos (Keeling) Islands  
Shire of Collie  
Shire of Coolgardie  
Shire of Coorow  
Shire of Corrigin  
Town of Cottesloe  
Shire of Cranbrook  
Shire of Cuballing  
Shire of Cue  
Shire of Cunderdin  
Shire of Dalwallinu  
Shire of Dandaragan  
Shire of Dardanup  
Shire of Denmark  
Shire of Derby-West Kimberley  
Shire of Donnybrook-Balingup  
Shire of Downer  
Shire of Dumbleyung  
Shire of Dundas  
Town of East Fremantle  
Shire of East Pilbara  
Shire of Esperance  
Shire of Exmouth  
City of Fremantle  
City of Greater Geraldton

### Column 3

In accordance with and subject to approved Government Land policies.

Any signature subject to the following endorsement:  
Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

# Delegation Register

Shire of Wyalkatchem



Shire of Tammin  
Shire of Three Springs  
Shire of Toodyay  
Shire of Trayning  
Shire of Upper Gascoyne  
Town of Victoria Park  
Shire of Victoria Plains  
Town of Vincent  
Shire of Wagin  
Shire of Wandering  
City of Wanneroo  
Shire of Warroona  
Shire of West Arthur  
Shire of Westonia  
Shire of Wickepin  
Shire of Williams  
Shire of Wiluna  
Shire of Wongan-Ballidu  
Shire of Woodanilling  
Shire of Wyalkatchem  
Shire of Wyndham-East Kimberley  
Shire of Yalgoo  
Shire of Yilgarn  
Shire of York

HON DONALD TERENCE REDMAN MLA  
MINISTER FOR LANDS

2<sup>nd</sup> day of June 2016

## 11.2.2 Development Control Powers - Metropolitan Region Scheme

Published by:  
Planning and Infrastructure

**GOVERNMENT GAZETTE**  
Western Australia  
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No. 168. 20-Sep-2002  
Page: 4718 [Pdf](#) - 504kb

**PI402**

### **WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985**

#### **Delegation**

Development Control Powers under the Metropolitan Region Scheme - to Local Governments

File: 970-1-1-3

Notice is hereby given that the Western Australian Planning Commission (*Commission*) has resolved to—

(a) Revoke its delegation of functions to local governments and to members and officers of those local governments as detailed in the Notice of Delegation published in the *Government Gazette* of 28 September 2001 (pages 5391-5393), relating to the determination of applications for approval to commence and carry out development within their respective districts;

AND

(b) Delegate to local governments and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the *Metropolitan Region Scheme* (MRS), of applications for approval to commence and carry out development specified in Clauses 1 and 2 below, within their respective districts.

(c) The delegation is subject to the exceptions and conditions set out in Clauses 1 to 5 and Schedule 1.

#### **1. Development on zoned land**

Applications for development on land zoned under the MRS except—

(i) where the land is subject to a resolution under Clause 32 of the MRS; or

(ii) where the land is subject to the declaration of a planning control area under Section 35C of the *Metropolitan Region Town Planning Scheme Act 1959*; or

(iii) where that land is partly within the management area within the meaning of the *Swan River Trust Act 1988* or is outside the management area but abuts waters within the management area; or

(iv) where the local government is of the opinion that the application should be determined by the Commission on the grounds that the proposal is of State or regional importance or is in the public interest, or

(v) in respect of public works undertaken by public authorities.

(iv) where the local government is of the opinion that the application should be determined by the Commission on the grounds that the proposal is of State or regional importance or is in the public interest, or

(v) in respect of public works undertaken by public authorities.

## 2. Development on regional road reservations

Applications for development on land reserved under the MRS for the purpose of a regional road.

## 3. Referral requirements for development on land on or abutting a regional road reservation

The following applications for development on land on or abutting a regional road reservation classified as Category 1, 2 or 3 shall be referred to Main Roads WA or the Department for Planning and Infrastructure, as applicable, for comment and recommendation before being determined by the local government.

Type of Regional Road Reservation	Classification	Referral Agency
Primary Regional Road	Category 1 & 2	Main Roads WA
	Category 3	Department for Planning and Infrastructure
Other Regional Road	Category 1, 2 and 3	Department for Planning and Infrastructure

### Category 1 roads—

- applications for development, including earthworks and drainage, which encroaches upon the road reservation;
- applications which involve direct access between the subject land and the road reservation;
- applications with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation.

### Category 2 roads—

- applications for development, including earthworks and drainage, which encroaches upon the road reservation;
- applications which involve additional, relocated or new access between the subject land and the road reservation;
- applications with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation;
- applications which propose retention of an existing access between the subject land and the road reservation, where there is an alternative access to a local road.



Referral is not required in respect of Category 1 and 2 roads where—

- the local government first decides to refuse an application under the MRS; or
- the application is for a residential development of less than five dwellings without any development encroachment upon the road reservation and does not involve additional, relocated or new access between the subject land and the road reservation; or
- the application is for an ancillary and incidental addition or modification to an existing authorised development which does not encroach upon the road reservation.

Category 3 roads—

- all applications.

Referral is not required in respect of Category 3 roads where—

- the local government first decides to refuse an application under the MRS.

In determining applications under this delegation, local governments shall have regard to the Commission's Policy DC 5.1 "Regional Roads (Vehicular Access)".

Note: Clause 3 relates to all regional road reservations in the MRS as amended from time to time. Commission plans SP 693/2 and SP 694/1 (as revised from time to time) show the current regional roads under the responsibility of Main Roads WA (Plan SP 693/2) and the Commission (Plan SP 694/1). Plan SP 693/2 also shows additional roads under control of Main Roads WA that are not currently reserved in the MRS. Plans SP 693/2 and SP 694/1 categorise the regional roads as—

Category 1—frontage access is not allowed (control of access).

Category 2—frontage access may be allowed subject to approval.

Category 3—road reservation not accurately defined or under review.

(See the section below headed "Interpretations" for further explanation of these categories).

The regional road network changes from time to time with amendments to the MRS and the Department for Planning and Infrastructure should be contacted with regard to new additions to the regional road network to ascertain the category and whether Main Roads WA or the Commission has responsibility. Similarly, the Department for Planning and Infrastructure should be contacted to ascertain the latest revision of plans SP 693/2 and SP 694/1.

Copies of plans SP 693/2 and SP 694/1 are available from the office of the Commission, Albert Facey House, 469 Wellington Street, Perth.

## **4. Referral requirements for development on land abutting the Swan River Trust Management Area**

Applications for development on land that is outside the management area but abutting land that is in the management area, or which in the opinion of the local government are likely to affect waters in the management area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

## **5. Referral requirements for development on land abutting other reservations**

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust management area and is covered by Clause 4 of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department for Planning and Infrastructure before being determined by the local government.

## **Schedule 1**

For the purpose of this notice—

(a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.

(b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the Commission for determination.

(c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government town planning scheme.

## **Interpretations**

In this Notice of Delegation, unless the context otherwise requires—

"access" means both entry and exit from either a road or abutting development by a vehicle.

— "development" has the same meaning given to it in and for the purposes of the *Town Planning and Development Act 1928*. —



"local government" means a local government within the area covered by the MRS.

"local road" means a road other than a private road or a road subject of reservation under Part II of the MRS.

"not acceptable" means that the local government wishes to determine the application, as a delegate of the Commission, in a manner that is inconsistent with the recommendation received from the public authority to which the local government was required to consult under this Notice of Delegation.

"regional road" means any road designated under the Scheme as follows—

(a) land coloured red in the Scheme Map—Primary Regional Roads; and

(b) land coloured dark blue in the Scheme Map—Other Regional Roads.

"reserved land" means land reserved under Part II of the MRS.

"road reservation" means land reserved for the purposes of a regional road.

"category 1 road" applies where regional roads—

(a) are constructed or planned to a fully controlled and grade separated freeway standard; or

(b) are constructed or planned to an access controlled arterial standard, (i.e. a primary or district distributor road with widely-spaced signalised intersections or roundabouts, and few, if any, direct access points to individual sites or local streets).

"category 2 road" applies where regional roads—

(a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or

(b) have direct frontage access to abutting properties due to the historic development of the road and properties.

R. N. STOKES, Secretary,  
Western Australian Planning Commission.

## 11.2.3 Development Control Powers – Greater Bunbury Region Scheme

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**PL402**

### **PLANNING AND DEVELOPMENT ACT 2005 Instrument of Delegation**

Del 2012/01

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme.

#### **Preamble**

Under exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

#### **Resolution under section 16 of the Act (delegation)**

On 16 March 2012, pursuant to section 16 of the Act, the WAPC resolved—

A To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;

B To revoke its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 19 December 2008 (pages 5452-5455).

NEIL THOMPSON, A/Secretary,  
Western Australian Planning Commission.

---

## **PLANNING AND DEVELOPMENT ACT 2005**

### **Instrument of delegation**

#### **Schedule 1—Development on reserved land delegated to local governments**

1. Development on land in a regional road reservation where the local government accepts the recommendation and any advice of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.
3. Development on reserved land, which requires planning approval under the GBRS and which is—
  - (a) Ancillary and incidental development that does not conflict with the purposes of the reservation; and
  - (b) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.

#### **Schedule 2—Development on zoned land delegated to local governments**

Applications for development on zoned land, excluding public works undertaken by public authorities—

1. On land abutting regional open space reservations, development which requires planning approval under the GBRS and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the GBRS and which is of one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of Main Roads Western Australia.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
3. On land abutting an other regional roads reservation, development which requires planning approval under the GBRS and which is of one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.

(b) Development which—

(i) complies with an approved access policy pertaining to other regional roads reservations submitted by the local government and endorsed by the WAPC, and

(ii) is approved subject to conditions requiring compliance with that policy.

(c) Development for which the local government decides to refuse approval under the GBRs.

4. On land abutting a port installations, public purposes, railways, state forests or waterways reservation, development of one or more of the following kinds—

(a) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.

(b) Development for which the local government decides to refuse approval under the GBRs.

5. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the GBRs and which is of one or more of the following kinds—

(a) Development where the local government accepts the recommendation and any advice of the Department of Water and/or the Water Corporation, as the case may be.

(b) Development for which the local government decides to refuse approval under the GBRs.

6. On land in the Kemerton industrial zone buffer special control area (SCA No. 2), development which requires planning approval under the GBRs and which is one or more of the following kinds—

(a) Development where the local government accepts the recommendation and any advice of the Department of State Development and the Environmental Protection Authority.

(b) Development for which the local government decides to refuse under approval under the GBRs.

7. On land in the Glen Iris service corridor buffer special control area (SCA No. 3) development which requires planning approval under the GBRs and which is one or more of the following kinds—

(a) Development where the local government accepts the recommendation and any advice of the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority.

(b) Development for which the local government decides to refuse approval under the GBRs.



8. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic agricultural resource policy area and which requires planning approval under the GBRS—

(a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.

(b) Development for which the local government decides to refuse approval under the GBRS.

9. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area and which requires planning approval under the GBRS—

(a) Development where the local government accepts the recommendation and any advice of the Department of Mines and Petroleum.

(b) Development for which the local government decides to refuse approval under the GBRS.

10. Development of one or more of the following kinds which is on land partly or wholly within the land subject to the floodplain management policy area and which requires planning approval under the GBRS—

(a) Development where the local government accepts the recommendation and any advice of the Department of Water;

(b) Development for which the local government decides to refuse approval under the GBRS.

11. Development in an activity centre which is for shop-retail purposes and which requires planning approval under the GBRS and for which the local government decides to refuse approval under the GBRS.

12. Development in the rural zone, other than for an animal husbandry-intensive, which requires planning approval under the GBRS and for which the local government decides to refuse approval under the GBRS.

13. Development for an animal husbandry-intensive premises, or for any extension or addition in excess of 100 m<sup>2</sup> to the improvements of an existing animal husbandry-intensive premises and which is one or more of the following kinds—

(a) Development where the local government accepts the recommendation and any advice of the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environment and Conservation and/or Environmental Protection Authority.

(b) Development for which the local government decides to refuse approval under the GBRS.

14. Any extension and/or change to a non-conforming use which requires planning approval under the GBRS and which is one or more of the following kinds—

(a) Development where the local government accepts the recommendation and any advice of the Department of Planning.

(b) Development for which the local government decides to refuse.

## **Schedule 3—Terms of delegations to determine development on reserved and zoned land**

1. Under clause 36 of the GBRS, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC in seven days and make recommendations to the WAPC within 42 days, or such longer period as the WAPC allows.

2. An application for development on reserved land, excluding regional open space, shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.

3. An application for development on or abutting regional open space reservations, shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.

4. An application for development in or abutting a primary regional roads reservation shall be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.

5. An application for development in or abutting an other regional roads reservation shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.

6. An application for development abutting a port installations, public purposes, railways, state forests or waterways reservation shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.

7. An application for development within the water catchments special control area (SCA No. 1) shall be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.

8. An application for development in the Kemerton industrial zone buffer special control area (SCA No. 2) shall be referred within seven days to the Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.

9. An application for development in the Glen Iris service corridor buffer special control area (SCA No. 3) shall be referred within seven days to the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.

# Delegation Register

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10. An application for development within, adjacent to or in close proximity to the strategic agricultural resource policy area shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government.

11. An application for development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area shall be referred within seven days to the Department of Mines and Petroleum for advice and recommendation before being considered by the local government.

12. An application for development partly or wholly within the floodplain management policy area shall be referred within seven days to the Department of Water for advice and recommendation before being considered by the local government.

13. An application for an animal husbandry-intensive premises shall be referred to the Department of Planning, Department of Agriculture and Food, Department of Health and Department for Environment and Conservation and/or the Environmental Protection Authority for advice and recommendation before being considered by the local government.

14. An application for any extension and/or change to a non-conforming use shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.

15. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or delegate of, or a local government acting under delegated power, may determine the application on that basis.

16. Following referral for advice and recommendation, an application which is to be determined by the WAPC shall be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all the advice agencies consulted together with the advice and recommendation of the local government.

17. Where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provided by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination.

18. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.

19. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.



## Schedule 4—Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the GBRS. Unless the context otherwise requires—

‘Abutting’ reserved land means the zoned land shares a common boundary with reserved land.

‘Access’ means entry or exit (or both) from either a road or abutting development by a vehicle.

‘Activity centre’ means the category of activity centres set out in Table 2 of the *Activity Centres for Greater Bunbury Policy*, namely—

- City Centre
- District Centres
- Neighbourhood centres
- Special Centres
- Town Centres

‘Advice agency’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.

‘Animal husbandry-intensive’ has the same meaning as in the *Town Planning Regulations 1967*.

‘Forward to the WAPC’ and similar expressions mean convey by mail, by hand or electronically to the Bunbury office of the Department of Planning.

‘Net lettable area’ means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, tea rooms and plant rooms and other service areas;
- (b) lobbies between lifts facing other lifts servicing the same floor
- (c) areas set aside for the provision of facilities or services to the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

‘Non-conforming use’ has the same meaning as it has in the *Planning and Development Act 2005* section 172.



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'Not acceptable' means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.

'Planning approval' and 'planning approval under the GBRS' mean the planning approval of the WAPC as required under the GBRS and by resolution of the WAPC under clause 27 of the GBRS, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.

'Proximity' and 'in close proximity' mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area.

'Shop-retail' means the land use activities included in "Planning land use category 5: Shop/Retail" as defined by the Commission's South West Land Use and Employment Survey (as amended from time-to-time).

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## 11.2.4 WA Planning Commission – Section 25 of the Strata Titles Act 1985

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### PLANNING AND DEVELOPMENT ACT 2005

#### Instrument of Delegation

#### Del 2009/03 Powers of Local Governments

**Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 25 of the *Strata Titles Act 1985***

#### Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

#### Resolution under section 16 of the Act (delegation)

On 26 May 2009, pursuant to section 16 of the Act, the WAPC RESOLVED—

A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 25 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.

TONY EVANS, Western Australian Planning Commission.

#### SCHEDULE 1

##### 1. Applications made under section 25 of the *Strata Titles Act 1985*

Power to determine applications for the issuing of a certificate of approval under section 25 of the *Strata Titles Act 1985* for a plan of subdivision, re-subdivision or consolidation, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
  - (i) a type of development; and/or
  - (ii) land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

##### 2. Reporting requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

## 11.3 Main Roads Act 1930

### 11.3.1 Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

**WESTERN AUSTRALIA  
ROAD TRAFFIC CODE 2000  
REGULATION 297(2)  
INSTRUMENT OF AUTHORISATION**

**RELATING TO  
TRAFFIC MANAGEMENT FOR EVENTS**

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

# Delegation Register

Shire of Wyalkatchem



Dated:

**THE COMMON SEAL OF THE  
COMMISSIONER OF MAIN ROADS**

**WAS AFFIXED BY**

**COMMISSIONER OF MAIN ROADS**

**FOR THE TIME BEING IN THE  
PRESENCE OF:**

\_\_\_\_\_  
*Signature of Witness*

\_\_\_\_\_  
*Name of Witness (please print)*

## ACKNOWLEDGMENT BY AUTHORISED BODY

.....*(Insert name of Local Government)*..... agrees to unconditionally observe,  
perform and be bound by the above conditions.

**THE COMMON SEAL of**

\_\_\_\_\_  
*[Insert name of Local Government]*

Was hereunto affixed pursuant to a  
resolution of the Council in the  
presence of:

\_\_\_\_\_  
*Signature of Chief Executive Officer*

\_\_\_\_\_  
*Signature of Witness*

\_\_\_\_\_  
*Name of Witness (please print)*



## 11.3.2 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

### WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises .....  
("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

# Delegation Register

Shire of Wyalkatchem



Dated:

THE COMMON SEAL OF THE )  
COMMISSIONER OF MAIN ROADS )  
WAS AFFIXED BY )  
)  
)  
COMMISSIONER OF MAIN ROADS )  
FOR THE TIME BEING IN THE PRESENCE OF: )

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Witness

## ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to observe, perform and be  
bound by the above conditions.

THE COMMON SEAL OF THE )  
..... )  
WAS AFFIXED PURSUANT TO A RESOLUTION )  
OF THE COUNCIL IN THE PRESENCE OF )

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Witness



## 11.4 Road Traffic (Vehicles) Act 2012

### 11.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia  
Department of Transport  
Driver and Vehicle Services

#### **ROAD TRAFFIC (VEHICLES) ACT 2012**

*Road Traffic (Vehicles) Regulations 2014*

**RTVR-2017-202046**

#### **APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES**

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "*special use vehicle*" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

#### **CONDITIONS**

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must: