

City of Nedlands  
Register of Delegated Authority

REVIEW

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## INTRODUCTION

## DELEGATIONS

<b>Delegation</b>	<b>1.1.1 Performing Functions Outside the District</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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.3.20(1) Performing functions outside district
<b>Function</b>	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation, and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Director Planning and Development Director Technical Services
<b>Subdelegate conditions</b>	A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation, and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.2 Compensation - Damage Incurred when Performing Executive Functions</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Delegation is limited to settlements which do not exceed a material value as determined annually by Council.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Planning and Development Director Technical Services
<b>Subdelegate conditions</b>	Exercise of discretion is subject to assessment of compensation by the Executive Leadership Team
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>1.1.3 Powers of Entry</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Development and Compliance Coordinator Environmental Health Coordinator Rangers Director Planning and Development Director Technical Services Manager Building Services Manager Health & Compliance Senior Environmental Health Officer
<b>Subdelegate conditions</b>	Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#"><i>Local Government Act 1995:</i></a> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022

<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
17 Jan 2024	Amended delegation	Delegation amended to include the Manager Health and Compliance, the Senior environmental health officer, the Coordinator environmental health, the coordinator Rangers, the Coordinator Development and Compliance and the Manager Building Services.	Nil

<b>Delegation</b>	<b>1.1.4 Declare Vehicle is Abandoned Vehicle Wreck</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Planning and Development Director Technical Services
<b>Subdelegate conditions</b>	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.5 Confiscated or Uncollected Goods</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Rangers Director Corporate Services Director Planning and Development Director Technical Services Manager Health & Compliance
<b>Subdelegate conditions</b>	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#"><i>Local Government Act 1995</i></a> : Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022

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<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
17 Jan 2024	Amended delegation	Delegation amended to include the Manager health and compliance and the Coordinator Rangers.	

<b>Delegation</b>	<b>1.1.6 Disposal of Sick or Injured Animals</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Rangers Director Corporate Services Director Planning and Development Director Technical Services Manager Health & Compliance
<b>Subdelegate conditions</b>	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
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<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

Amendments			
Approved	Type	Amendment	References
17 Jan 2024	Amended delegation	Delegation amended to include the Manager Health and Compliance and the Coordinator Rangers.	

<b>Delegation</b>	<b>1.1.7 Close Thoroughfares to Vehicles</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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 the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)]</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Transport and Development Director Technical Services
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)]</li> </ol>
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>



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<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
17 Jan 2024	Amended delegation	Amended to include Coordinator Transport and Development delegation from CEO.	

<b>Delegation</b>	<b>1.1.8 Control Reserves and Certain Unvested Facilities</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].</li> <li>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the City that the City could do under s.5 of the <a href="#">Parks and Reserves Act 1895</a>. [s.3.54(1)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Technical Services
<b>Subdelegate conditions</b>	Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.9 Obstruction of Footpaths and Thoroughfares</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good 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> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Development and Compliance Director Planning and Development Director Technical Services

<b>Subdelegate conditions</b>	<p>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</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>
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

Amendments			
Approved	Type	Amendment	References
8 Feb 2024	Amended delegation	A sub-delegation was approved by the CEO to the Coordinator Development and Compliance.	

<b>Delegation</b>	<b>1.1.10 Gates Across Public Thoroughfares</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</li> <li>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</li> <li>5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Each approval provided must be recorded in the City's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Planning and Development Director Technical Services
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Each approval provided must be recorded in the City's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</li> </ol>
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record keeping</b>	In accordance with Cl 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022

<b>Last reviewed</b>	28 November 2023
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<b>Delegation</b>	<b>1.1.11 Public Thoroughfare – Dangerous Excavations</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>iii. 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> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Planning and Development Director Technical Services
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>iii. 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> </ol> </li> </ol>

<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – 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>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>1.1.12 Crossing – Construction, Repair and Removal</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Planning and Development Director Technical Services
<b>Subdelegate conditions</b>	Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (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> <p>Refer also Delegation 1.4.1 under the <i>Template Activities in Thoroughfares and Public Places and Trading Local Law</i></p>
<b>Record keeping</b>	In accordance with Cl 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022

<b>Last reviewed</b>	28 November 2023
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<b>Delegation</b>	<b>1.1.13 Private Works on, over or under Public Places</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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> r.17 Private works on, over, or under public places – Sch.9.1 cl.
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</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 private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. Provided evidence of sufficient Public Liability Insurance.</li> <li>iii. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Planning and Development Director Technical Services
<b>Subdelegate conditions</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 private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place 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> </ol> </li> </ol>

<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#"><i>Local Government (Uniform Local Provisions) Regulations 1996</i></a> – prescribe applicable statutory procedures</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</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>	In accordance with CI 19 Local Government (Administration) Regulations 1996
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
<b>Function</b>	1. Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ <i>ULP r.21(1)</i> ].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Development and Compliance Director Planning and Development Director Technical Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record keeping</b>	In accordance with Cl 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

Amendments			
Approved	Type	Amendment	References
17 Jan 2024	Amended delegation	Delegation amended to include Coordinator Development and Compliance.	

<b>Delegation</b>	<b>1.1.15 Expressions of Interest for Goods and Services</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.</li> <li>b. Consideration of expressions of interest only. Excludes decision on which expression of interest to accept.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Director Planning and Development Director Technical Services
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.</li> <li>b. Consideration of expressions of interest only. Excludes decision on which expression of interest to accept.</li> </ol>
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#"><i>Local Government (Functions and General) Regulations 1996</i></a> – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p>
<b>Policy</b>	Council Policy: Procurement of Goods and Services Policy
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022

<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>1.1.16 Tenders for Goods and Services – Call Tenders</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14 (5)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>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 where:</p> <ol style="list-style-type: none"> <li>i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or</li> <li>ii. a current supply contract expiry is imminent; and</li> <li>iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	<p>Director Corporate Services Director Planning and Development Director Technical Services</p>

<b>Subdelegate conditions</b>	<p>Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.</p> <p>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 where:</p> <ul style="list-style-type: none"> <li>i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or</li> <li>ii. a current supply contract expiry is imminent; and</li> <li>iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ul>
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p>
<b>Policy</b>	Council Policy Purchasing Policy
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	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.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G r.18(2)].</li> <li>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> <li>i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> <li>ii. To accept the tender that is most advantageous within \$350,000 (GST exclusive), detailed as a condition on this Delegation [F&amp;G r.18(4)].</li> </ol> </li> <li>4. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> <li>5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> <li>6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</li> <li>8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract and the revised contract value remains within the approved budget. [F&amp;G r.21A(a)].</li> <li>9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</li> <li>10. The CEO in consultation with the Mayor, may accept a tender to a maximum value of \$500,000 and may decline to accept any tender, from 27th December to 31 January during the yearly Council recess period.</li> </ol>
<b>Delegates</b>	Chief Executive Officer

<b>Conditions</b>	<ul style="list-style-type: none"> <li>a. Exercise of authority under F&amp;G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</li> <li>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: <ul style="list-style-type: none"> <li>i. The total consideration under the resulting contract is \$350,000 (GST exclusive) or less;</li> <li>ii. The expense is included in the adopted Annual Budget; and</li> <li>iii. The tenderer has complied with requirements under F&amp;G r.18(2) and (4).</li> </ul> </li> <li>c. A decision to vary a tendered contract before entry into the contract [F&amp;G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</li> <li>d. A decision to vary a tendered contract after entry into the contract [F&amp;G r.21A(a)] must include evidence that the variation is necessary and does not change the scope of the contract.</li> <li>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</li> <li>f. shall report to Council at least six monthly on the exercise of this delegation.</li> </ul>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Subdelegates</b>	<p>Director Corporate Services Director Planning and Development Director Technical Services</p>
<b>Subdelegate conditions</b>	<ul style="list-style-type: none"> <li>a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.</li> <li>b. a. Exercise of authority under F&amp;G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</li> <li>c. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: <ul style="list-style-type: none"> <li>i. The total consideration under the resulting contract is \$350,000 (GST exclusive) or less;</li> <li>ii. The expense is included in the adopted Annual Budget; and</li> <li>iii. The tenderer has complied with requirements under F&amp;G r.18(2) and (4).</li> </ul> </li> <li>d. A decision to vary a tendered contract before entry into the contract [F&amp;G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</li> <li>e. A decision to vary a tendered contract after entry into the contract [F&amp;G r.21A(a)] must include evidence that the variation is necessary and does not change the scope of the contract.</li> <li>f. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</li> </ul>

<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures  WALGA Subscription Service – Procurement Toolkit
<b>Policy</b>	Procurement of Goods and Services Council Policy
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

Amendments			
Approved	Type	Amendment	References
28 Nov 2023	Amended delegation	The CEO in consultation with the Mayor, may accept a tender to a maximum value of \$500,000 and may decline to accept any tender, from 27th December to 31 January during the yearly Council recess period.	

<b>Delegation</b>	<b>1.1.18 Tenders for Goods and Services - Exempt Procurement</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2) When tenders have to be publicly invited (exemptions)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&amp;G r.11(2)(f)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer

<p><b>Conditions</b></p>	<p>a. Tender exempt procurement under F&amp;G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum value specified for the following categories:</p> <table border="1"> <thead> <tr> <th data-bbox="422 331 1141 398">Category individual contracts</th><th data-bbox="1141 331 1473 398">Maximum Value for</th></tr> </thead> <tbody> <tr> <td data-bbox="422 427 1141 555"> WALGA Preferred Supplier Program [F&amp;G.r.11(2)(b)]   F&amp;G.r.11(2)(h)(ii) </td><td data-bbox="1141 427 1473 555"> \$250,000*  *as specified in </td></tr> <tr> <td data-bbox="422 584 1141 757"> Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&amp;G.r.11(2)(e)] specified in F&amp;G.r.11(2)(h)(ii) </td><td data-bbox="1141 584 1473 757"> &lt;\$250,000* *as </td></tr> <tr> <td data-bbox="422 831 1141 1003"> Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&amp;G.r.(2)(f)] specified in F&amp;G.r.11(2)(h)(ii) </td><td data-bbox="1141 831 1473 1003"> \$250,000* *as </td></tr> <tr> <td data-bbox="422 1055 1141 1182"> Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&amp;G.r.11(2)(g)] specified in F&amp;G.r.11(2)(h)(ii) </td><td data-bbox="1141 1055 1473 1182"> \$250,000**as </td></tr> <tr> <td data-bbox="422 1211 1141 1429"> Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&amp;G.r.11(2)(h)] specified in F&amp;G.r.11(2)(h)(ii) </td><td data-bbox="1141 1211 1473 1429"> \$250,000**as </td></tr> <tr> <td data-bbox="422 1458 1141 1585"> Goods or services supplied by an Australian Disability Enterprise [F&amp;G.r.11(2)(i)] specified in F&amp;G.r.11(2)(h)(ii) </td><td data-bbox="1141 1458 1473 1585"> \$250,000* *as </td></tr> </tbody> </table> <p>b. Tender exempt procurement under F&amp;G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification;</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>v. The expense is included in the adopted Annual Budget.</li> </ul> <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$250,000 delegated above, the decision is to be referred to Council.</p>	Category individual contracts	Maximum Value for	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]  F&G.r.11(2)(h)(ii)	\$250,000* *as specified in	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)] specified in F&G.r.11(2)(h)(ii)	<\$250,000* *as	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)] specified in F&G.r.11(2)(h)(ii)	\$250,000* *as	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)] specified in F&G.r.11(2)(h)(ii)	\$250,000**as	Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)] specified in F&G.r.11(2)(h)(ii)	\$250,000**as	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)] specified in F&G.r.11(2)(h)(ii)	\$250,000* *as
Category individual contracts	Maximum Value for														
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]  F&G.r.11(2)(h)(ii)	\$250,000* *as specified in														
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<p><b>Express power to subdelegate</b></p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>														

<b>Subdelegates</b>	Director Corporate Services Director Planning and Development Director Technical Services
<b>Subdelegate conditions</b>	Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.  <i>See above Conditions</i>
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> – prescribe applicable statutory procedures  WALGA Subscription Service – Procurement Toolkit
<b>Policy</b>	Council Policy Procurement of Goods and Services Policy
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>1.1.19 Panels of Pre-Qualified Suppliers for Goods and Services</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine that a 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> <li>7. Authority to decline to accept any application [F&amp;G r.24AH(5)].</li> <li>8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&amp;G r.24AJ(1)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Director Planning and Development Director Technical Services
<b>Subdelegate conditions</b>	Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.

<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#"><i>Local Government (Functions and General) Regulations 1996</i></a> – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p>
<b>Policy</b>	<p>Council Policy Procurement of Goods and Services Purchasing Policy</p> <p>Council Policy WALGA Pre-Qualified Supplier Panels</p>
<b>Record keeping</b>	In accordance with CI 19 Local Government (Administration) Regulations 1996
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.20 Disposing of Property</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>a. the highest bidder at public auction [s.3.58(2)(a)].</li> <li>b. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with section 3.58 (3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. 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>b. 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 \$100,000 or less.</li> <li>c. When determining the method of disposal: <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>◦ Reserve price has been set by independent valuation.</li> <li>◦ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price 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 reasons for the decision are recorded.</li> </ul> </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, as a minimum, the disposal must ensure environmentally responsible disposal.</li> </ul> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Subdelegates</b>	Director Corporate Services Director Planning and Development Director Technical Services
<b>Subdelegate conditions</b>	<p>a. 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.</p> <p>b. 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 \$50,000 or less.</p> <p>c. When determining the method of disposal:</p> <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>◦ Reserve price has been set by independent valuation.</li> <li>◦ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price 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 reasons for the decision are recorded.</li> </ul> </li> </ul> <p>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:</p> <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, as a minimum, the disposal must ensure environmentally responsible disposal</li> </ul>
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> – s.3.58 Disposal of Property</p> <p><a href="#">Local Government (Functions and General) Regulations 1995</a> – r.30 Dispositions of property excluded from Act s. 3.58</p>
<b>Policy</b>	Council Policy Disposal and Acquisition of Land
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.21 Payments from the Municipal or Trust Funds</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Authority to make payments is subject to annual budget limitations.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Director Planning and Development Director Technical Services Manager Financial Services
<b>Subdelegate conditions</b>	Authority to make payments is subject to annual budget limitations.  1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the Director Corporate Services, other Director or Manager only 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <a href="#">Local Government (Audit) Regulations 1996</a>  Department of Local Government, Sport and Cultural Industries Operational Guideline <a href="#">No.11 – Use of Corporate Credit Cards</a>  Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a>
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022

<b>Last reviewed</b>	28 November 2023
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<b>Delegation</b>	<b>1.1.22 Defer, Grant Discounts, Waive or Write Off Debts</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the City [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the City [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the City [s.6.12(1)(c)]</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Write-off a rates or service charge debt up to \$1,000 in accordance with the Financial Hardship Policy [s.6.12(1)(c) &amp;(2)].</li> <li>b. A debt may only be waived where: <ol style="list-style-type: none"> <li>i. it is only to charitable or not for profit community groups</li> </ol> </li> <li>c. A concession may only be granted where: <ol style="list-style-type: none"> <li>i. it is only to charitable or not for profit community groups</li> </ol> </li> <li>d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the City. <ol style="list-style-type: none"> <li>i. Limited to individual debts valued below \$1,000, cumulative debts of a debtor valued below \$1,000. Write off of debts greater than these values must be referred for Council decision.</li> </ol> </li> <li>e. For the CEO to report to Council on the exercise of this delegation.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Director Planning and Development Director Technical Services Manager Assets Manager Building Services Manager Health & Compliance

<b>Subdelegate conditions</b>	<p>May only do so for, or on:</p> <ol style="list-style-type: none"> <li>1. Extend time for payment of a modified penalty or to withdraw an infringement notice;</li> <li>2. In relation to parking infringements, withdraw an infringement in the event of: <ol style="list-style-type: none"> <li>a. Medical emergency;</li> <li>b. Vehicle broken down;</li> <li>c. Eastern States registration;</li> <li>d. No records held by Police Department if unregistered vehicle;</li> <li>e. Stolen vehicle;</li> <li>f. Error made by issuing officer;</li> <li>g. Vehicle towed away; or</li> <li>h. Other compassionate grounds.</li> </ol> </li> <li>3. Manager Health &amp; Compliance may only waive fees and charges related to their operational responsibilities and where such waiver is to rectify a service failure on the part of the City of Nedlands limited to a value less than \$1,000 per customer within a financial year.</li> <li>4. Directors may waive fees and charges related to their operational responsibilities where such waiver is either to: <ol style="list-style-type: none"> <li>i. rectify a service failure on the part of the City limited to a value less than 1,000 per customer within a financial year; or</li> <li>ii. assist a not for profit community group or charitable entity in fulfilling a service, social or cultural outcome within the City.</li> </ol> </li> <li>5. Concessions may only be granted where it is only to charitable or not for profit community grants</li> <li>6. Directors may only write off debts limited to a value of less than \$1,000 debtor within a financial year.</li> </ol>
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Collection of Rates Debts – refer Delegations:</p> <p>1.1.25 Agreement as to Payment of Rates and Service Charges</p> <p>1.1.27 Recovery of Rates or Service Charges</p> <p>1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent</p> <p>1.1.29 Recovery of Rates Debts – Actions to Take Possession of the Land</p>
<b>Record keeping</b>	In accordance with CI 19 Local Government (Administration) Regulations 1996
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>1.1.23 Power to Invest and Manage Investments</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Investments of Council Funds Council 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 for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Manager Financial Services Senior Accountant (Financial Services)
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Investment of Council Funds Council 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 for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</li> <li>e. A decision to invest must be jointly confirmed by two Delegates.</li> <li>f. Investment decisions are limited to a maximum of \$4,000,000 4,000,000</li> <li>g. Where exposure to a single market or investment type will exceed \$10,000,000</li> </ol>

<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#"><i>Local Government (Financial Management) Regulations 1996</i></a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))
<b>Policy</b>	Council Policy Investments of Council Funds
<b>Record keeping</b>	In accordance with CI 19 Local Government (Administration) Regulations 1996
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.24 Rate Record Amendment</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services
<b>Subdelegate conditions</b>	Delegates must comply with the requirements of s.6.40 of the Act.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#"><i>Local Government Act 1995 – s.6.40</i></a> prescribes consequential actions that may be required following a decision to amend the rate record.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.25 Agreement as to Payment of Rates and Service Charges</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>	Local Government Act 1995: s.6.49 Agreement as to payment of rates and service charges
<b>Function</b>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Decisions under this delegation must comply with Council Policy Hardship Provisions Policy . b. Agreements must be in writing and, subject to the Council Policy Hardship Provisions Policy must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
<b>Express power to subdelegate</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services
<b>Subdelegate conditions</b>	a. Decisions under this delegation must comply with Council Policy Hardship Provisions Policy. b. Agreements must be in writing and, subject to the Council Policy Hardship Provisions Policy , must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Policy</b>	Council Policy Hardship Provisions Policy
<b>Record keeping</b>	In accordance with CI 19 Local Government (Administration) Regulations 1996
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.26 Determine Due Date for Rates or Service Charges</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	1. Authority to determine the date on which rates or service charges become due and payable to the City [s.6.50].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.27 Recovery of Rates or Service Charges</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>	Local Government Act 1995: s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].</li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Decisions under this delegation must comply with Council Policy Hardship Provisions Policy .
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services
<b>Subdelegate conditions</b>	Decisions under this delegation must comply with Council Policy Hardship Provisions Policy
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the City [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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Decisions under this delegation must comply with Council Policy Hardship Provisions Policy
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services
<b>Subdelegate conditions</b>	Decisions under this delegation must comply with Council Policy Hardship Provisions Policy
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government 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.</p>
<b>Policy</b>	Council Policy Hardship Provisions Policy
<b>Record keeping</b>	In accordance with CI 19 Local Government (Administration) Regulations 1996
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.64(1) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> <li>i. lease the land, or</li> <li>ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>II. cause the land to be transferred to the City [s.6.71].</li> </ol> </li> </ol> </li> <li>2. 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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Decisions under this delegation must comply with Council Policy Hardship Provisions Policy</li> <li>b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</li> <li>c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>a. Decisions under this delegation must comply with Council Policy Hardship Provisions Policy.</li> <li>b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</li> <li>c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.</li> </ol>



<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#"><i>Local Government Act 1995</i></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="#"><i>Local Government (Financial Management) Regulations 1996</i></a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p>
<b>Policy</b>	Council Policy Hardship Provisions Policy
<b>Record keeping</b>	In accordance with CI 19 Local Government (Administration) Regulations 1996
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.30 Rate Record – Objections</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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 who made the objection [s.6.76(5)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services
<b>Subdelegate conditions</b>	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p>
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.31 Renewal or Extension of Contracts during a State of Emergency</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(ja)
<b>Function</b>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ul style="list-style-type: none"> <li>• contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and</li> <li>• contracts formed through a public tender.</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ol style="list-style-type: none"> <li>It is exercised at the sole discretion of the Local Government;</li> <li>It is in the best interests of the Local Government;</li> <li>It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration;</li> <li>It has potential to promote local and/or regional economic benefits.</li> </ol> </li> <li>This authority may only be exercised where the total consideration for the renewal or extension is 250,000 or less.</li> <li>Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c).</li> <li>The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy.</li> <li>This authority may only be exercised where the total consideration under the resulting contract is \$250,000 or less.</li> <li>The CEO cannot sub-delegate this authority</li> </ol>
<b>Statutory framework</b>	<a href="#"><i>Local Government (Functions and General) Regulations 1996</i></a> WALGA Subscription Service – Procurement Toolkit
<b>Policy</b>	Council Policy Procurement of Goods and Services Policy
<b>Record keeping</b>	In accordance with CI 19 Local Government (Administration) Regulations 1996
<b>Date adopted</b>	27 September 2022

<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.1.32 Procurement of Goods or Services required to address a State of Emergency</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(aa) Associated definition under subregulation 11(3)
<b>Function</b>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> <li>1. Determine that particular goods or services with a purchasing value of \$250,000 or less are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&amp;G r11(3)(b)]; and</li> <li>2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&amp;G r.11(2)(aa)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe.</li> <li>b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan.</li> <li>c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8.</li> <li>d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration.</li> <li>e. The CEO cannot sub-delegate this authority.</li> </ol>
<b>Statutory framework</b>	<a href="#"><i>Local Government (Functions and General) Regulations 1996</i></a> WALGA Subscription Service – Procurement Toolkit
<b>Policy</b>	Council Policy Procurement of Goods and Services Policy
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022

<b>Last reviewed</b>	28 November 2023
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<b>Delegation</b>	<b>1.1.33 Leases at the Tresillian Arts Centre</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Councillor
<b>Express power to delegate</b>	<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(3) and (4) Disposing of Property
<b>Function</b>	1. The CEO is authorised to accept and vary leases negotiated at Tresillian Arts Centre in accordance with section 3.58 of the Local Government Act 1995, up to an annual rental income of \$10,000. 2. Delegates authority to the CEO to sign the associated Deeds of Lease as a deed following a negotiation process in accordance with that noted in 1.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Up to an annual rental income of \$10,000.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	Reg. 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	23 May 2023
<b>Adoption references</b>	Adopted by Council at 23 May 2023 OCM.
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.2.1 Determine if an Emergency for Emergency Powers of Entry</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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>Function</b>	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>Delegates</b>	Director Corporate Services Director Planning and Development Director Technical Services Manager Building Services
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
17 Jan 2024	Amended delegation	Delegation to Manager Building Services from CEO.	



<b>Delegation</b>	<b>1.2.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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>Function</b>	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9:</p> <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>Delegates</b>	Director Planning and Development Director Technical Services
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.9 Obstructions of Footpaths and Thoroughfares.</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#"><i>Local Government (Uniform Local Provisions) Regulations 1996</i></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>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022

<b>Last reviewed</b>	28 November 2023
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<b>Delegation</b>	<b>1.2.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
<b>Function</b>	<p>When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12:</p> <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>Delegates</b>	Director Planning and Development
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</p> <p><a href="#"><i>Local Government (Uniform Local Provisions) Regulations 1996</i></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>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>1.2.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, 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.17(5)(b)].</li> <li>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</li> </ol>
<b>Delegates</b>	Director Planning and Development Director Technical Services
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places</p>
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.2.5 Appoint Persons (other than employees) to Open Tenders</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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 (Functions and General) Regulations 1996:</i> r.16(3) Receiving and opening tenders, procedure for
<b>Function</b>	1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
<b>Delegates</b>	Coordinator Procurement and Contracts Director Corporate Services Director Planning and Development Director Technical Services Procurement Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.2.6 Electoral Enrolment Eligibility Claims and Electoral Roll</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13 (2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> <li>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</li> <li>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].</li> </ol>
<b>Delegates</b>	Director Corporate Services Executive Officer
<b>Conditions</b>	Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).

<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Department of Local Government, Sport and Cultural Industries: Returning Officer Manual</a>
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>1.2.7 Destruction of Electoral Papers</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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 (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
<b>Function</b>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
<b>Delegates</b>	Director Corporate Services Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Department of Local Government, Sport and Cultural Industries: Returning Officer Manual</a>
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.2.8 Appoint Authorised Persons</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
<b>Function</b>	<p>1. Authority to appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <ul style="list-style-type: none"> <li>a. <i>Local Government Act 1995</i> 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.</li> <li>b. <i>Caravan Parks and Camping Grounds Act 1995</i>;</li> <li>c. <i>Cat Act 2011</i>;</li> <li>d. <i>Cemeteries Act 1986</i>;</li> <li>e. <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</li> <li>f. <i>Dog Act 1976</i>;</li> <li>g. <i>Graffiti Vandalism Act 2016</i> – refer s.15; and</li> <li>h. any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</li> </ul> <p>2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, as a <u>precondition</u> for appointment as authorised officers in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i> and section 6(b) of the <i>Criminal Procedure Act 2004</i>.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul 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> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022

<b>Last reviewed</b>	28 November 2023
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<b>Delegation</b>	<b>1.2.9 Information to be Available to the Public</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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 (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)].</li> <li>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)].</li> <li>3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].</li> <li>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)].</li> <li>5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</li> </ol>
<b>Delegates</b>	Director Corporate Services Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>1.2.10 Financial Management Systems and Procedures</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> <li>i. Collection of money owed to the City;</li> <li>ii. Safe custody and security of money collected or held by the City</li> <li>iii. Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;</li> <li>v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;</li> <li>vi. Making of payments in accordance with Delegated Authority 1.2.25</li> <li>vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.</li> </ol> </li> </ol>
<b>Delegates</b>	Director Corporate Services
<b>Conditions</b>	<ol style="list-style-type: none"> <li>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.</li> <li>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 at least once within each 3 financial years. [Audit r.17]</li> </ol>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#"><i>Local Government Act 1995</i></a></p> <p><a href="#"><i>Local Government (Financial Management) Regulations 1996</i></a></p> <p><a href="#"><i>Local Government (Audit) Regulations 1996</i></a></p> <p><a href="#"><i>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</i></a></p>
<b>Record keeping</b>	In accordance with CI 19 Local Government (Administration) Regulations 1996
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022

<b>Last reviewed</b>	28 November 2023
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<b>Delegation</b>	<b>1.2.11 Audit – CEO Review of Systems and Procedures</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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 (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
<b>Function</b>	1. Authority to conduct the review of the appropriateness and effectiveness of the City's systems and procedures in relation to i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
<b>Delegates</b>	Director Corporate Services
<b>Conditions</b>	a. Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#"><i>Local Government (Audit) Regulations 1996</i></a>
<b>Record keeping</b>	In accordance with CI 19 Local Government (Administration) Regulations 1996
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>1.2.12 Infringement Notices</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</li> <li>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol>
<b>Delegates</b>	Coordinator Building Services Coordinator Rangers Manager Building Services Manager Health & Compliance
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</li> <li>b. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a precondition for appointment as an "Approved Officer" in accordance with Building Regulation 70(1) for the purposes of the Criminal Procedure Act 2004 section 6(a) and Building Act 2011 Infringement Notices:: <ul style="list-style-type: none"> <li>• Manager Building Services</li> <li>• Senior Building Surveyor</li> </ul> </li> </ol> <p><b>NOTE: Delegates must also be appointed as an "Approved Officer" – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</b></p>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with CI 19 Local Government (Administration) Regulations 1996
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022

<b>Last reviewed</b>	28 November 2023
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<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
17 Jan 2024	Amended delegation	Delegation amended to include Manager compliance and Coordinator Rangers.	
8 Feb 2024	Amended delegation	Revoked delegation to the Senior Building Surveyor. CEO delegation to Coordinator Building Services.	

<b>Delegation</b>	<b>1.2.13 Authority to acknowledge receipt of Primary and Annual Returns</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	Authority to acknowledge receipt of Councillors and officers Primary and Annual Returns on behalf of the Chief Executive Officer in accordance with section 5.77 of the Local Government Act 1995.
<b>Express power or duty delegated</b>	Section 5.77 Local Government Act 1995.
<b>Function</b>	Acknowledgement of receipt of a Primary and Annual Return.
<b>Delegates</b>	Coordinator Governance and Risk Executive Officer
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Nil.
<b>Statutory framework</b>	Local Government Act 1995.
<b>Policy</b>	Nil.
<b>Record keeping</b>	In accordance with regulation 19 Local Government (Administration) Regulations 1996.
<b>Date adopted</b>	14 August 2023
<b>Adoption references</b>	Adopted by the CEO on 14 August 2023 by memorandum to officers.
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>1.3.1 All Local Laws of the City of Nedlands</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>	All the powers, duties, and responsibilities of the local government under all City of Nedlands Local Laws, viz: <ul style="list-style-type: none"> <li>• Thoroughfares</li> <li>• Trading in Public Places</li> <li>• Standing Orders</li> <li>• Site Erosion and Sand Drift</li> <li>• Reserves, Foreshores and Beaches</li> <li>• Parking and Parking Facilities</li> <li>• Health</li> <li>• Dogs</li> <li>• Council Halls</li> <li>• Repeals Local Law 2016</li> <li>• Waste</li> </ul>
<b>Function</b>	<i>All the powers, duties, and responsibilities of the local government under all City of Nedlands Local Laws.</i>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	In respect to the Parking and Parking Facilities Local Law, determination of parking stalls and parking stations. (Section 3.1): <ol style="list-style-type: none"> <li>1. Where the local government makes a determination of resolution under this clause, it shall erect signs to give effect to the determination or resolution; and</li> <li>2. Delegation is to constitute, determine and vary and also indicate by signs, <b>minor</b> instances only of parking stalls and parking stations as described in clause 3.1 (1) of the Parking and Parking Facilities Local Law.</li> </ol> <p>A decision made under Part 6- Permits of the Thoroughfares Local Law where the permit exceeds six months is to be referred to Council for consideration.</p>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Development and Compliance Director Corporate Services Director Planning and Development Director Technical Services Manager Assets Manager Building Services Manager City Projects and Programs Manager Health & Compliance

<b>Subdelegate conditions</b>	<p>In respect to the Parking and Parking Facilities Local Law, determination of parking stalls and parking stations. (Section 3.1):</p> <ol style="list-style-type: none"> <li>1. Where the local government makes a determination of resolution under this clause, it shall erect signs to give effect to the determination or resolution; and</li> <li>2. Delegation is to constitute, determine and vary and also indicate by signs, minor instances only of parking stalls and parking stations as described in clause 3.1 (1) of the Parking and Parking Facilities Local Law.</li> </ol>
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>A register of all special environmental areas must be maintained under cl.5.8 of the Activities in Thoroughfares and Public Places and Trading Local Law.</p> <p>Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer CEO Delegations 1.3.3 and 1.3.4.</p> <p>Crossing permits are approved under Regulations 12 and 13 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.</p>
<b>Record keeping</b>	In accordance with CI 19 <i>Local Government (Administration) Regulations 1996</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
17 Jan 2024	Amended delegation	Delegation amended to include Coordinator development and compliance.	

<b>Delegation</b>	<b>2.1.1 Grant a Building Permit</b>
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Manager Building Services
<b>Statutory framework</b>	<p><a href="#"><i>Building Act 2011</i></a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor</p> <p><a href="#"><i>Building Regulations 2012</i></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</i> – Section 7 <i>Home Building Contracts Act 1991</i> – Part 3A, Division 2 – Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i></p>
<b>Record keeping</b>	In accordance with s130 Building Act 2011, cl 12 <i>Building Regulations 2012</i>

<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
8 Feb 2024	Amended delegation	Revoked delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	

<b>Delegation</b>	<b>2.1.2 Demolition Permits</b>
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Manager Building Services
<b>Statutory framework</b>	<a href="#"><i>Building Act 2011</i></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</i> – Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
<b>Record keeping</b>	In accordance with s130 Building Act 2011, cl 12 <i>Building Regulations 2012</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022



<b>Last reviewed</b>	28 November 2023
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<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	

<b>Delegation</b>	<b>2.1.3 Occupancy Permits or Building Approval Certificates</b>
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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 <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Manager Building Services
<b>Statutory framework</b>	<a href="#"><i>Building Act 2011</i></a> s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT  <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
<b>Record keeping</b>	In accordance with s130 Building Act 2011, cl 12 <i>Building Regulations 2012</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

Amendments			
Approved	Type	Amendment	References
8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	

<b>Delegation</b>	<b>2.1.4 Designate Employees as Authorised Persons</b>
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</li> </ol> <p>NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Manager Building Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<a href="#"><i>Building Act 2011:</i></a> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
<b>Record keeping</b>	In accordance with s130 <i>Building Act 2011</i> .
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

Amendments			
Approved	Type	Amendment	References
8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	

<b>Delegation</b>	<b>2.1.5 Building Orders</b>
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)]</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order ; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Manager Building Services
<b>Subdelegate conditions</b>	Nil

<b>Statutory framework</b>	<a href="#"><u>Building Act 2011:</u></a> 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>	In accordance with s130 Building Act 2011, cl 12 <i>Building Regulations 2012</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

Amendments			
Approved	Type	Amendment	References
8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	

<b>Delegation</b>	<b>2.1.6 Inspection and Copies of Building Records</b>
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
<b>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Manager Building Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<a href="#"><i>Building Act 2011</i></a> - s.146 Confidentiality
<b>Record keeping</b>	In accordance with s130 <i>Building Act 2011</i> , cl 12 <i>Building Regulations 2012</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	



<b>Delegation</b>	<b>2.1.7 Referrals and Issuing Certificates</b>
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the City's District [s.145A(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Manager Building Services
<b>Subdelegate conditions</b>	In undertaking Function 2 of the Delegation, the sub-delegate must be appropriately qualified pursuant to r.5 of the <i>Building Regulations 2012</i> and must hold the appropriate registration in accordance with the <i>Building Services (Registration) Regulations 2011</i> .
<b>Statutory framework</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Record keeping</b>	In accordance with s130 <i>Building Act 2011</i> , cl 12 <i>Building Regulations 2012</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	

<b>Delegation</b>	<b>2.1.8 Private Pool Barrier – Alternative and Performance Solutions</b>
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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 compliant 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>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Manager Building Services
<b>Subdelegate conditions</b>	In undertaking Function 2 of the Delegation, the sub-delegate must be appropriately qualified pursuant to r.5 of the <i>Building Regulations 2012</i> and must hold the appropriate registration in accordance with the <i>Building Services (Registration) Regulations 2011</i> .
<b>Statutory framework</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Record keeping</b>	In accordance with s130 Building Act 2011, cl 12 <i>Building Regulations 2012</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

Amendments			
Approved	Type	Amendment	References
8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	

<b>Delegation</b>	<b>2.1.9 Smoke Alarms – Alternative Solutions</b>
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Manager Building Services
<b>Subdelegate conditions</b>	In undertaking Function 2 of the Delegation, the sub-delegate must be appropriately qualified pursuant to r.5 of the <i>Building Regulations 2012</i> and must hold the appropriate registration in accordance with the <i>Building Services (Registration) Regulations 2011</i> .
<b>Statutory framework</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Record keeping</b>	In accordance with s130 Building Act 2011, cl 12 <i>Building Regulations 2012</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	

<b>Delegation</b>	<b>2.1.10 Appointment of approved officers and authorised officers</b>
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). NOTE: <i>Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i></li> <li>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). NOTE: <i>Only employees appointed under s 9.10 of the Local Government Act 1995 <u>and</u> authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Statutory framework</b>	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment.
<b>Record keeping</b>	In accordance with s130 <i>Building Act 2011</i> , cl 12 <i>Building Regulations 2012</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>3.1.1 Make Request to FES Commissioner – Control of Fire</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	1. Authority to request on behalf of the City that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
<b>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i>
<b>Record keeping</b>	In accordance with s50 <i>Bush Fires Act 1954</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>3.1.2 Prohibited Burning Times - Vary</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister  <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Function</b>	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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Decisions under s,17(7) must be undertaken by the Chief Executive Officer and must comply with the procedural requirements of s.17(7B) and (8).
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fire Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record keeping</b>	In accordance with s50 <i>Bush Fires Act 1954</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>3.1.3 Prohibited Burning Times – Control Activities</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>6. Authority to recover the cost of measures taken by the City or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record keeping</b>	In accordance with s50 <i>Bush Fires Act 1954</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>3.1.4 Restricted Burning Times – Vary and Control Activities</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<p><i>Bush Fires Act 1954:</i></p> <p>s.18(5), (11) Restricted burning times may be declared by FES Commissioner</p> <p>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.15C Local Government may prohibit burning on certain days</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>

<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].               <ol style="list-style-type: none"> <li>a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</li> </ol> </li> <li>2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].</li> <li>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].</li> <li>5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</li> <li>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the 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 City 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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record keeping</b>	In accordance with s50 <i>Bush Fires Act 1954</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022

<b>Last reviewed</b>	28 November 2023
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<b>Delegation</b>	<b>3.1.5 Control of Operations Likely to Create Bush Fire Danger</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record keeping</b>	In accordance with s50 Bush Fires Act 1954
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>3.1.6 Burning Garden Refuse / Open Air Fires</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</li> <li>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> <li>a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].</li> <li>b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].</li> </ol> </li> <li>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> <li>a. camping or cooking [s.25(1)(a)]</li> <li>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]</li> <li>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>

<b>Record keeping</b>	In accordance with s50 <i>Bush Fires Act 1954</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>3.1.7 Firebreaks</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the City: <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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	That decisions are made following consultation with qualified officers.
<b>Express power to subdelegate</b>	Express Power to Sub-Delegate: NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record keeping</b>	In accordance with s50 <i>Bush Fires Act 1954</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> <li>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]</li> </ol> </li> <li>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the City [s.38(5A)]</li> <li>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> <li>a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</li> </ol> </li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	That decisions are made following consultation with qualified officers.
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record keeping</b>	In accordance with s50 <i>Bush Fires Act 1954</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>3.1.9 Control and Extinguishment of Bush Fires</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. <ol style="list-style-type: none"> <li>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</li> </ol> </li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	That decisions are made following consultation with qualified officers.
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i>
<b>Record keeping</b>	In accordance with s50 <i>Bush Fires Act 1954</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>3.1.10 Recovery of Expenses Incurred through Contraventions of this Act</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the City or those on behalf of the City to do [s.58].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	That decisions are made following consultation with qualified officers.
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i>
<b>Record keeping</b>	In accordance with s50 <i>Bush Fires Act 1954</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>3.1.11 Prosecution of Offences</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to institute and carry-on proceedings against a person for an offence alleged to be committed against this Act [s.59].</li> <li>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
<b>Record keeping</b>	In accordance with s50 <i>Bush Fires Act 1954</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>4.1.1 Cat Registrations</b>
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</li> <li>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the City's District [Regs. Sch. 3 cl.1(4)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</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>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Rangers Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</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>	In accordance with s47 <i>Cat Act 2011</i>
<b>Date adopted</b>	27 September 2022

<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>4.1.2 Cat Control Notices</b>
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the City's District [s.26].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Rangers Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<i>Cat Regulations 2012</i> – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
<b>Record keeping</b>	In accordance with s47 <i>Cat Act 2011</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>4.1.3 Approval to Breed Cats</b>
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].</li> <li>3. Authority to cancel an approval to breed cats [s.38].</li> <li>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>.</li> <li>b. Decisions will comply with City of Nedlands Local Laws</li> </ol>
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	An exemption will not be granted unless it is demonstrated that the number of cats to be exempt will not be a nuisance or injurious or dangerous to health.
<b>Statutory framework</b>	<i>Cat Regulations 2012:</i> r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
<b>Record keeping</b>	In accordance with s47 <i>Cat Act 2011</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>4.1.4 Recovery of Costs – Destruction of Cats</b>
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
<b>Function</b>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<i>Cat Act 2011</i>
<b>Record keeping</b>	In accordance with s47 <i>Cat Act 2011</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>4.1.5 Applications to Keep Additional Cats</b>
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [r.8(3)]</li> <li>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].</li> <li>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i>
<b>Statutory framework</b>	<i>Cat Act 2011</i> <i>Cat (Uniform and Local Provisions) Regulations 2013</i>
<b>Record keeping</b>	In accordance with s47 <i>Cat Act 2011</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>4.1.6 Reduce or Waiver Registration Fee</b>
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
<b>Function</b>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to <u>any class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Rangers Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<i>Cat Act 2011</i>
<b>Record keeping</b>	In accordance with s47 <i>Cat Act 2011</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>4.2.1 Infringement Notices – Extensions and Withdrawals</b>
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>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].</li> <li>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].</li> </ol>
<b>Delegates</b>	Director Planning and Development Manager Health & Compliance
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil.
<b>Statutory framework</b>	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1))
<b>Record keeping</b>	In accordance with s47 <i>Cat Act 2011</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons</b>
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$50 [s.10A(1)(a) and (3)]</li> <li>2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express power to subdelegate</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>Subdelegates</b>	Coordinator Rangers Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<i>Dog Act 1976</i>
<b>Record keeping</b>	In accordance with s14 Dog Act 1976
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>5.1.2 Refuse or Cancel Registration</b>
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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, <i>the 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> <li>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the City's District [s15(4A)].</li> <li>4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> <li>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</li> </ol> </li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</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>Subdelegates</b>	Director Planning and Development Manager Health & Compliance

<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<p><i>Dog Act 1976</i>  s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p>
<b>Record keeping</b>	In accordance with s14 <i>Dog Act 1976</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>5.1.3 Kennel Establishments</b>
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
<b>Function</b>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the City of Nedlands Dogs Local Law.
<b>Express power to subdelegate</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>Subdelegates</b>	Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s14 <i>Dog Act 1976</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>5.1.4 Recovery of Moneys Due Under this Act</b>
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</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>Subdelegates</b>	Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
<b>Record keeping</b>	In accordance with s14 <i>Dog Act 1976</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>5.1.5 Dispose of or Sell Dogs Liable to be Destroyed</b>
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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.10AA Delegation of local government powers and duties
<b>Function</b>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p>b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</p>
<b>Express power to subdelegate</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>Subdelegates</b>	Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<i>Dog Act 1976</i>
<b>Record keeping</b>	In accordance with s14 <i>Dog Act 1976</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>5.1.6 Declare Dangerous Dog</b>
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
<b>Express power to subdelegate</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>Subdelegates</b>	Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s14 <i>Dog Act 1976</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke</b>
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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) and (2) Local government may revoke declaration or proposal to destroy
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> <li>i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</li> </ol> </li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>b. This sub-delegation is not the same position as authorised under Delegation Declaration of a dangerous dog</li> </ol>
<b>Express power to subdelegate</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>Subdelegates</b>	Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s14 <i>Dog Act 1976</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022

<b>Last reviewed</b>	28 November 2023
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<b>Delegation</b>	<b>5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice</b>
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
<b>Function</b>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: a. .notice declaring a dog to be dangerous; or b. notice proposing to cause a dog to be destroyed.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express power to subdelegate</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>Subdelegates</b>	Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s14 <i>Dog Act 1976</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
17 Jan 2024	Amended delegation	Delegation to remove Director Technical Services and to include Manager health and compliance.	

<b>Delegation</b>	<b>5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration</b>
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
<b>Function</b>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>b. Delegation does not include s.33M(1)(b) as the setting of a fixed fee is recommended to occur by Council resolution in accordance with s.6.16 of the <i>Local Government Act 1995</i>.</li> </ul>
<b>Express power to subdelegate</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>Subdelegates</b>	Director Planning and Development Manager Health & Compliance
<b>Subdelegate conditions</b>	<ul style="list-style-type: none"> <li>a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>b. Delegation does not include s.33M(1)(b) as the setting of a fixed fee is recommended to occur by Council resolution in accordance with s.6.16 of the <i>Local Government Act 1995</i>.</li> </ul>
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s14 <i>Dog Act 1976</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>6.1.1 Determine Compensation</b>
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer Coordinator Environmental Health Director Planning and Development Manager Health & Compliance
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$1,000 compensation requests above this value are to be reported to Council.</li> </ol>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s38 Food Act 2008
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

Amendments			
Approved	Type	Amendment	References
28 Nov 2023	Amended delegation	Amended condition b. from \$500 to \$1,000.	



<b>Delegation</b>	<b>6.1.2 Prohibition Orders</b>
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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 <i>Food Act 2008</i> [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>Delegates</b>	Chief Executive Officer Coordinator Environmental Health Director Planning and Development Manager Health & Compliance
<b>Conditions</b>	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s38 Food Act 2008
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>6.1.3 Food Business Registrations</b>
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<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>Delegates</b>	Chief Executive Officer Coordinator Environmental Health Director Planning and Development Manager Health & Compliance Senior Environmental Health Officer
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s38 Food Act 2008
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>6.1.4 Appoint Authorised Officers and Designated Officers</b>
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [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>Delegates</b>	Chief Executive Officer Coordinator Environmental Health Director Planning and Development Manager Health & Compliance
<b>Conditions</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors</li> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Statutory framework</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>	In accordance with s38 Food Act 2008
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>6.1.5 Debt Recovery and Prosecutions</b>
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].</li> </ol>
<b>Delegates</b>	Chief Executive Officer Coordinator Environmental Health Director Planning and Development Manager Health & Compliance
<b>Conditions</b>	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Statutory framework</b>	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers  s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
<b>Record keeping</b>	In accordance with s38 Food Act 2008
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>6.1.6 Food Businesses List – Public Access</b>
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
<b>Delegates</b>	Chief Executive Officer Coordinator Environmental Health Director Planning and Development Manager Health & Compliance
<b>Conditions</b>	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Statutory framework</b>	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers  s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
<b>Record keeping</b>	In accordance with s38 Food Act 2008
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>7.1.1 Give Notice Requiring Obliteration of Graffiti</b>
<b>Head of power</b>	07 Graffiti Vandalism Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Function</b>	<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Director Technical Services Manager Assets
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s16 Graffiti Vandalism Act 2016
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>7.1.2 Notices – Deal with Objections and Give Effect to Notices</b>
<b>Head of power</b>	07 Graffiti Vandalism Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice [s.22(3)].</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and</li> <li>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. The Chief Executive Officer is permitted to sub-delegate to employees {s.10AA(3)}.
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Director Technical Services Manager Assets
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s16 Graffiti Vandalism Act 2016
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>7.1.3 Obliterate Graffiti on Private Property</b>
<b>Head of power</b>	07 Graffiti Vandalism Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
<b>Function</b>	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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Subject to exercising Powers of Entry.
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Director Technical Services Manager Assets
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s16 Graffiti Vandalism Act 2016
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>7.1.4 Powers of Entry</b>
<b>Head of power</b>	07 Graffiti Vandalism Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Subject to exercising Powers of Entry.
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Director Technical Services Manager Assets
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with s16 Graffiti Vandalism Act 2016
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)</b>
<b>Head of power</b>	08 Public Health Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	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>Delegates</b>	Chief Executive Officer
<b>Conditions</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>Express power to subdelegate</b>	Nil – the Health (Asbestos) Regulations 1992 do not provide a power to sub-delegate.
<b>Statutory framework</b>	<i>Criminal Procedure Act 2004</i> – Part 2
<b>Record keeping</b>	In accordance with s244 Public Health Act 2016
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>8.1.2 Enforcement Agency Reports to the Chief Health Officer</b>
<b>Head of power</b>	08 Public Health Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the City [s.22(1)]</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</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>Statutory framework</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
<b>Record keeping</b>	In accordance with s244 Public Health Act 2016
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>8.1.3 Designate Authorised Officers</b>
<b>Head of power</b>	08 Public Health Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	Public Health Act 2016 s.24(1) and (3) Designation of authorised officers
<b>Function</b>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <p>i. The Public Health Act 2016 or other specified Act</p> <p>ii. Specified provisions of the Public Health Act 2016 or other specified Act</p> <p>iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.</p> <p>Including:</p> <p>a. an environmental health officer or environmental health officers as a class; OR</p> <p>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</p> <p>c. a mixture of the two. [s.24(1) and (3)].</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>a. Subject to each person so appointed being;</p> <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> <p>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.</p>
<b>Express power to subdelegate</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>Statutory framework</b>	<p><i>Public Health Act 2016</i></p> <p>s.20 Conditions on performance of functions by enforcement agencies.</p> <p>s.25 Certain authorised officers required to have qualifications and experience.</p> <p>s.26 Further provisions relating to designations</p> <p>s.27 Lists of authorised officers to be maintained</p> <p>s.28 When designation as authorised officer ceases</p> <p>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>s.30 Certificates of authority</p> <p>s.31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s.32 Certificate of authority to be returned.</p> <p>s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p><i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>
<b>Record keeping</b>	In accordance with s244 Public Health Act 2016
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>8.1.4 Determine Compensation for Seized Items</b>
<b>Head of power</b>	08 Public Health Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<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>Function</b>	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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Compensation is limited to a maximum value of \$1,000 with any proposal for compensation above this value to be referred for Council's determination.
<b>Express power to subdelegate</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>Statutory framework</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>	In accordance with s244 Public Health Act 2016
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>9.1.1 Illegal Development</b>
<b>Head of power</b>	09 Planning and Development Act 2005 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>a. to remove, pull down, take up, or alter the development; and</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Development and Compliance Director Planning and Development Manager Building Services Manager Urban Planning
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>
<b>Record keeping</b>	In accordance with s268A Planning and Development Act 2005
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



Amendments			
Approved	Type	Amendment	References
17 Jan 2024	Amended delegation	Delegation amended to include Coordinator development and compliance.	

<b>Delegation</b>	<b>9.2.1 Local Planning Scheme - Council to CEO</b>
<b>Head of power</b>	09 Planning and Development Act 2005 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Planning and Development Act 2005 – Part 10</i> City of Nedlands Local Planning Scheme 3
<b>Express power or duty delegated</b>	Metropolitan Region Scheme <i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> City of Nedlands Local Planning Scheme No 3
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Determination of applications under Clause 68 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes Regulations 2015)</i> and Determine applications for development approval under the City of Nedlands Local Planning Scheme No 3 and the <i>Planning and Development Act 2005</i>.</li> <li>2. Advertising of applications and proposals in accordance with Clause 66(1) and 77(3) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and subclause 30 (1) of the Metropolitan Region Scheme and Determining the requirement and extent of advertising of applications and proposals made under City of Nedlands Local Planning Scheme No.3 and Metropolitan Region Scheme.</li> <li>3. Amending or Cancelling a development approval, including waiving, or varying a requirement in Part 8 or 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for minor amendments and temporary works or use, under Clause 77 and subclauses 61((1) (f) and 61 (2)(d) if Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> <li>4. Discretion and determining conditions Exercise discretion, determine and apply conditions to all applications for development approval made under the City of Nedlands Local Planning Scheme No.3 and or Metropolitan Region Scheme.</li> <li>5. Rights of Entry and Inspection  In accordance with Clause 82 and 83 of <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. Entry and inspection of land within the Scheme Area for the purpose of assessment and monitoring, pursuant to Clause 79(1) and 2(a) and (b) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> <li>6. Exercising powers under the <i>Planning &amp; Development Act 2005</i> delegated by the WAPC to: <ol style="list-style-type: none"> <li>1. Determine applications,</li> <li>2. Revoke applications; and</li> <li>3. Limit time of approval.</li> </ol> </li> </ol>
<b>Delegates</b>	Chief Executive Officer

<b>Conditions</b>	<p>In relation to 1. above:</p> <p>Except for where the following applies:</p> <ul style="list-style-type: none"> <li>a. Change of Use applications which are classified IP, P, D or A and uses not listed where after advertising, submissions have been received which raise objections in relation to the matter at hand which are not able to be rectified by way of negotiation and/or amendment(s) being made to the proposal,</li> <li>b. Grouped and/or Multiple Dwelling developments involving five (5) or more dwellings; and</li> <li>c. Refusal of applications where discretion exists for Council to approve the variations under the City's Local Planning Scheme no. 3, policies and/or the Residential Design Codes.</li> </ul> <p>In relation to 2. above:</p> <p>The requirement and extent of advertising to be in accordance with the City's adopted Local Planning Policy Consultation of Planning Proposals.</p> <p>In relation to 3. above:</p> <p>The requirement and extent of advertising to be in accordance with the City's adopted Local Planning Policy Consultation of Planning Proposals.</p> <p>In relation to 4. above:</p> <p>Where a Section 31 Reconsideration is sought through the State Administrative Appeals Tribunal and where the determination recommended is contrary to that of the original Council decision, the application must be referred back to Council for determination.</p> <p>In relation to 5. above:</p> <p>Written or verbal notice being provided to the landowner wherever possible prior to entry.</p> <p>In relation to 6. above:</p> <p>exception of:</p> <p>Does not apply where objections are received on planning grounds and those objections are not capable of being addressed by way of the recommendation of a planning condition imposed on the proposed development.</p> <p><u>And</u></p> <p>-</p> <p>When the property is within an area subject to clause 32 of the Metropolitan Region Scheme.</p>
<b>Express power to subdelegate</b>	Nil
<b>Subdelegates</b>	Coordinator Statutory Planning Director Planning and Development Manager Urban Planning Senior Urban Planner
<b>Subdelegate conditions</b>	Nil

<b>Statutory framework</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>
<b>Record keeping</b>	In accordance with s268A Planning and Development Act 2005
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>10.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	Section 20 of the <i>Environmental Protection Act 1986</i>
<b>Express power or duty delegated</b>	<p><a href="#">Instrument of Delegation</a> — Government Gazette No. 47. pg. 919 - 19 March 2004</p> <p>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.</p> <p>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 <i>Local Government Act 1995</i>.</p>
<b>Function</b>	<p>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.</p> <p>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 <i>Local Government Act 1995</i>.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Environmental Protection Authority
<b>Express power to delegate</b>	<i>Section 20 Environmental Protection Act 1986</i>
<b>Express power or duty delegated</b>	<p><a href="#">Instrument of Delegation</a> - Government Gazette 232, Delegation No. 112 Pg. 6282 - 20 Dec 2013</p> <p>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—</p> <ul style="list-style-type: none"> <li>a. waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B;</li> <li>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);</li> <li>c. community activities—noise control notices in respect of community noise under regulation 16;</li> <li>d. motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;</li> <li>e. shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;</li> <li>f. calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</li> <li>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— <ul style="list-style-type: none"> <li>i. Subregulation 18(13)(b) is not delegated.</li> </ul> </li> </ul>
<b>Function</b>	<p>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—</p> <ul style="list-style-type: none"> <li>a. waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B;</li> <li>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);</li> <li>c. community activities—noise control notices in respect of community noise under regulation 16;</li> <li>d. motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;</li> <li>e. shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;</li> <li>f. calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</li> <li>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— <ul style="list-style-type: none"> <li>i. Subregulation 18(13)(b) is not delegated.</li> </ul> </li> </ul>

<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Subregulation 18(13)(b) is not delegated.
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>10.1.3 Noise Management Plans – Construction Sites</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Environmental Protection Authority
<b>Express power to delegate</b>	Section 20 <i>Environmental Protection Act 1986</i>
<b>Express power or duty delegated</b>	<p>I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of—</p> <ul style="list-style-type: none"> <li>a. Chief Executive Officer under the <i>Local Government Act 1995</i>; and</li> <li>b. to any employee of the local government under the <i>Local Government Act 1995</i> 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 <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.</li> </ul>
<b>Function</b>	<p>I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of—</p> <ul style="list-style-type: none"> <li>a. Chief Executive Officer under the <i>Local Government Act 1995</i>; and</li> <li>b. to any employee of the local government under the <i>Local Government Act 1995</i> 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 <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023



<b>Delegation</b>	<b>10.2.1 Planning and Development Act 2005 - Local Government CEOs - Sign Development Applications for Crown Land as Owner</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Minister for Lands
<b>Express power to delegate</b>	Section 267A <i>Planning and Development Act 2005</i>
<b>Express power or duty delegated</b>	<p><a href="#">Instrument of Delegation</a> - <a href="http://www.dplh.wa.gov.au">www.dplh.wa.gov.au</a></p> <p>I, Donald Terrence Redman MLA, Minister for Lands, a body corporate continued by section 7(1) of the <i>Land Administration Act 1997</i> HEREBY authorise, in respect of each local government established under the <i>Local Government Act 1995</i> 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</p>
<b>Function</b>	<p>I, Donald Terrence Redman IWLA, Minister for Lands, a body corporate continued by section 7 (1) of the <i>Land Administration Act 1997</i> HEREBY authorise, in respect of each local government established under the <i>Local Government Act 1995</i> 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</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	See Column 3 of the <a href="#">Schedule</a>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>10.2.2 Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02)</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Western Australian Planning Commission
<b>Express power to delegate</b>	s16 <i>Planning and Development Act 2005</i>
<b>Express power or duty delegated</b>	<p><a href="#">Instrument of Delegation</a> - 30 May 2017 GOVERNMENT GAZETTE, WA 2739</p> <p>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 an officer of a public authority or to a local government, a committee established under the <i>Local Government Act 1995</i> or an employee of a local government.</p> <p>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.</p>
<b>Function</b>	<p>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 Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Subject to the conditions set out in clauses 1 to 4 of Section B
<b>Statutory framework</b>	<i>Planning and Development Act 2005</i>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>10.2.3 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Western Australian Planning Commission
<b>Express power to delegate</b>	Section 16(4) of the <i>Planning and Development Act 2005</i>
<b>Express power or duty delegated</b>	<p>On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—</p> <ul style="list-style-type: none"> <li>A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the Strata Titles Act 1985 as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</li> <li>B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the Strata Titles Act 1985 as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</li> <li>C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.</li> </ul>
<b>Function</b>	<p>Schedule 1</p> <ol style="list-style-type: none"> <li>1. Applications made under section 15 of the Strata Titles Act 1985 Power to determine applications under section 15 of the Strata Titles Act 1985, except those applications that— <ul style="list-style-type: none"> <li>a. propose the creation of a vacant lot;</li> <li>b. propose vacant air stratas in multi-tiered strata scheme developments;</li> <li>c. propose the creation or postponement of a leasehold scheme;</li> <li>d. propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the Strata Titles Act 1985);</li> <li>e. 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— <ul style="list-style-type: none"> <li>i. a type of development; and/or</li> <li>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.</li> </ul> </li> </ul> </li> <li>2. Applications under sections 21 and 22 of the Strata Titles Act 1985 Power to determine applications under— <ul style="list-style-type: none"> <li>a. section 21 of the Strata Titles Act 1985;</li> <li>b. section 22 of the Strata Titles Act 1985 where the amendment or repeal of scheme by-laws requires the approval of the WAPC.</li> </ul> </li> <li>3. Reporting requirements</li> </ol> <p>A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.</p>
<b>Delegates</b>	Chief Executive Officer

<b>Conditions</b>	3. Reporting requirements A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>10.3.1 Traffic Management - Events on Roads</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Commissioner of Main Roads
<b>Express power to delegate</b>	Regulation 297(2) of the <i>Road Traffic Code 2000</i>
<b>Express power or duty delegated</b>	<p><a href="#">Instrument of Delegation</a> - Traffic Management for Events - CODE OF PRACTICE (Pg. 41)</p> <p>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:</p> <ul style="list-style-type: none"> <li>i. "event" subject to an order from the Commissioner of Police pursuant to Part VA of the Road Traffic Act 1974;</li> <li>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</li> <li>iii. public meeting or procession the subject of a permit granted by the Commissioner of Police under the <i>Public Order in Streets Act 1984</i>;</li> </ul> <p>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</p>
<b>Function</b>	<p>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:</p> <ul style="list-style-type: none"> <li>i. "event" subject to an order from the Commissioner of Police pursuant to Part VA of the Road Traffic Act 1974;</li> <li>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</li> <li>iii. public meeting or procession the subject of a permit granted by the Commissioner of Police under the Public Order in Streets Act 1984;</li> </ul> <p>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</p>
<b>Delegates</b>	Chief Executive Officer

<b>Conditions</b>	<p>SUBJECT ALWAYS to the following terms and conditions:</p> <ul style="list-style-type: none"> <li>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 <a href="http://www.mainroads.wa.gov.au">www.mainroads.wa.gov.au</a> or by contacting Main Roads by phone;</li> <li>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</li> <li>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.</li> </ul>
<b>Policy</b>	<a href="#">Traffic Management for Events CODE OF PRACTICE</a>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>10.3.2 Traffic Management – Road Works</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Commissioner of Main Roads
<b>Express power to delegate</b>	Regulation 297(2) of the <i>Road Traffic Code 2000</i>
<b>Express power or duty delegated</b>	<p><a href="#">Instrument of Delegation</a> -Traffic Management for Works on Roads - CODE OF PRACTICE (Pg. 77)</p> <p>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 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</p>
<b>Function</b>	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 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
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>SUBJECT ALWAYS to the following terms and conditions:</p> <ul style="list-style-type: none"> <li>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 <a href="http://www.mainroads.wa.gov.au">www.mainroads.wa.gov.au</a> or by contacting Main Roads by phone;</li> <li>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</li> <li>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.</li> </ul>
<b>Policy</b>	<a href="#">Traffic Management for Works on Roads CODE OF PRACTICE</a>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023





<b>Delegation</b>	<b>10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Department of Transport
<b>Express power to delegate</b>	Pursuant to the Road Traffic (Vehicles) Regulations 2014
<b>Express power or duty delegated</b>	<p>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:</p> <ul style="list-style-type: none"> <li>a. the <i>Local Government Act 1995</i>;</li> <li>b. regulations made under the <i>Local Government Act 1995</i>;</li> <li>c. a local law;</li> <li>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 <i>Dog Act 1976</i>); or</li> <li>e. any combination of the above paragraphs (a) to (d);</li> </ul> <p>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,</p>
<b>Function</b>	<p>To perform functions on its behalf under:</p> <ul style="list-style-type: none"> <li>a. the <i>Local Government Act 1995</i>;</li> <li>b. regulations made under the <i>Local Government Act 1995</i>;</li> <li>c. a local law;</li> <li>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 <i>Dog Act 1976</i>); or</li> <li>e. any combination of the above paragraphs (a) to (d);</li> </ul> <p>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,</p>
<b>Delegates</b>	Chief Executive Officer

<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.</li> <li>6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.</li> <li>7. Any vehicle fitted with flashing lights for the purposes of this approval must:  have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle. This condition 7 is not intended to prevent the use of additional words on the vehicle.</li> </ol>
<b>Date adopted</b>	27 September 2022
<b>Adoption references</b>	Adopted at Ordinary Council Meeting 27/09/2022
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>A1.1.1 Public Art Committee</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	S. 5.16 Delegation of some powers or duties to certain committees
<b>Express power or duty delegated</b>	Local Government Act 1995
<b>Function</b>	1. The Committee has delegated authority to implement public artworks of not more than \$10,000 each to the value of up to, in all, the budget allocation approved by Council within the current financial year's budget. Artworks over \$10,000 shall be recommended to Council for approval.
<b>Delegates</b>	Public Art Committee
<b>Conditions</b>	Artworks under \$10,000 where there is a budget allocation in the current financial year's budget.
<b>Express power to subdelegate</b>	N/A.
<b>Subdelegate conditions</b>	N/A.
<b>Statutory framework</b>	Local Government Act 1995.
<b>Policy</b>	N/A.
<b>Record keeping</b>	regulation 19 Local Government (Administration) Regulations 1996. Section 5.18 Local Government Act.
<b>Date adopted</b>	28 November 2023
<b>Adoption references</b>	Adopted by Council on 28 November.
<b>Last reviewed</b>	28 November 2023

<b>Delegation</b>	<b>A1.1.2 Audit and Risk Committee</b>
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	Local Government Act 1995: 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>	Local Government Act 1995: s 7.12A(2), Duties of Local Government with respect to audits
<b>Function</b>	1. Authority to meet with the City's Auditor at least once every year on behalf of the Council [s 7.12A(2)].
<b>Delegates</b>	Audit and Risk Committee
<b>Conditions</b>	N/A.
<b>Express power to subdelegate</b>	Nil. Sub-delegation is prohibited by s 7.1B.
<b>Subdelegate conditions</b>	N/A.
<b>Statutory framework</b>	Local Government Act 1995.
<b>Policy</b>	N/A.
<b>Record keeping</b>	Regulation 19 Local Government (Administration) Regulations 1996.
<b>Date adopted</b>	28 November 2023
<b>Adoption references</b>	Adopted by Council on 28 November.
<b>Last reviewed</b>	28 November 2023

## AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
1.1.3 Powers of Entry	17 Jan 2024	Amended delegation	Delegation amended to include the Manager Health and Compliance, the Senior environmental health officer, the Coordinator environmental health, the coordinator Rangers, the Coordinator Development and Compliance and the Manager Building Services.	Nil
1.1.5 Confiscated or Uncollected Goods	17 Jan 2024	Amended delegation	Delegation amended to include the Manager health and compliance and the Coordinator Rangers.	
1.1.6 Disposal of Sick or Injured Animals	17 Jan 2024	Amended delegation	Delegation amended to include the Manager Health and Compliance and the Coordinator Rangers.	
1.1.7 Close Thoroughfares to Vehicles	17 Jan 2024	Amended delegation	Amended to include Coordinator Transport and Development delegation from CEO.	
1.1.9 Obstruction of Footpaths and Thoroughfares	8 Feb 2024	Amended delegation	A sub-delegation was approved by the CEO to the Coordinator Development and Compliance.	
1.1.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	17 Jan 2024	Amended delegation	Delegation amended to include Coordinator Development and Compliance.	
1.1.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options	28 Nov 2023	Amended delegation	The CEO in consultation with the Mayor, may accept a tender to a maximum value of \$500,000 and may decline to accept any tender, from 27th December to 31 January during the yearly Council recess period.	
1.2.1 Determine if an Emergency for Emergency Powers of Entry	17 Jan 2024	Amended delegation	Delegation to Manager Building Services from CEO.	
1.2.12 Infringement Notices	17 Jan 2024	Amended delegation	Delegation amended to include Manager compliance and Coordinator Rangers.	
1.2.12 Infringement Notices	8 Feb 2024	Amended delegation	Revoked delegation to the Senior Building Surveyor. CEO delegation to Coordinator Building Services.	

Delegation	Approved or adopted	Type	Amendment	References
1.3.1 All Local Laws of the City of Nedlands	17 Jan 2024	Amended delegation	Delegation amended to include Coordinator development and compliance.	
2.1.1 Grant a Building Permit	8 Feb 2024	Amended delegation	Revoked delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	
2.1.2 Demolition Permits	8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	
2.1.3 Occupancy Permits or Building Approval Certificates	8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	
2.1.4 Designate Employees as Authorised Persons	8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	
2.1.5 Building Orders	8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	
2.1.6 Inspection and Copies of Building Records	8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	
2.1.7 Referrals and Issuing Certificates	8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	
2.1.8 Private Pool Barrier – Alternative and Performance Solutions	8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	
2.1.9 Smoke Alarms – Alternative Solutions	8 Feb 2024	Amended delegation	Revoked sub-delegation to Senior Building Surveyor, issued sub-delegation to Coordinator Building Services.	
5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice	17 Jan 2024	Amended delegation	Delegation to remove Director Technical Services and to include Manager health and compliance.	

Delegation	Approved or adopted	Type	Amendment	References
6.1.1 Determine Compensation	28 Nov 2023	Amended delegation	Amended condition b. from \$500 to \$1,000.	
9.1.1 Illegal Development	17 Jan 2024	Amended delegation	Delegation amended to include Coordinator development and compliance.	