



# Shire of Gingin Delegated Authority Register

Adopted OCM 19 July 2022 Item 11.1

## REVIEW

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## INTRODUCTION

### Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No.17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to read as preventing –

- (a) A local government from performing any of its functions by acting through a person other than the CEO"; or
- (b) A CEO from performing any of his or her functions by acting through another person."

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

## Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

*Planning and Development Act 2005 and associated regulations*  
*Dog Act 1976 and regulations;*  
*Cat Act 2011 and regulations*  
*Bush Fires Act 1954, regulations and local law created under that Act;*  
*Litter Act 1979 and regulations*  
*Local Government (Miscellaneous Provisions) 1960 as amended;*  
*Caravan Parks and Camping Grounds Act 1995;*  
*Control of Vehicles (Off-Road Areas) Act 1978 and regulations;*  
*Environmental Protection Act 1986*  
*Environmental Protection (Noise) Regulations 1997*  
*Building Act 2011*

N.B. – This is not an exhaustive list.

## DELEGATIONS

## 1. Local Government Act 1995

<b>Delegation</b>	<b>1.1.1 Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.3.25 Notices requiring certain things to be done by owner or occupier of land</li> <li>• s.3.26 Additional powers when notices given</li> </ul>
<b>Function</b>	<p>1. To issue notices requiring the owner or, unless indicated otherwise by Schedule 3.1, the occupier of land to do anything:</p> <ul style="list-style-type: none"> <li>• specified in Schedule 3.1, Division 1; or</li> <li>• that is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 1.</li> </ul> <p>2. If the notice recipient fails to comply with the notice, to do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given.</p> <p>3. To recover the cost of anything done under 2. above from the person who fails to comply with the notice.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Operations and Assets Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• <i>Sch. 3.1 Powers under notices to owners or occupiers of land</i></li> </ul>
<b>Policy</b>	Nil



<b>Record keeping</b>	Each exercise of delegation is to be captured in the Shire's records management system.
<b>Date adopted</b>	15 June 2021
<b>Adoption references</b>	OCM 15 June 2021 - Item 11.1

<b>Delegation</b>	<b>1.1.2 Doing Any of the Things Prescribed in Schedule 3.2 on Land That is Not Shire Property</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.3.27 Particular things local governments can do on land that is not local government property</li> </ul>
<b>Function</b>	To do any of the things prescribed in Schedule 3.2 even though the land on which the thing is to be done is not Shire property and the Shire does not have consent to do it.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Operations and Assets Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	<b>Executive Manager Regulatory and Development Services</b> Subdelegation is restricted to: Sch. 3.2(6) Place on land signs to indicate the names of thoroughfares.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegation to be captured in the Shire's records management system.
<b>Date adopted</b>	6 May 2008
<b>Adoption references</b>	OCM 6 May 2008 - Item 11.2.2

<b>Delegation</b>	<b>1.1.3 Administering the Shire's Local Laws</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s. 5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s. 3.18 Performing executive functions
<b>Function</b>	To exercise all the powers and discharge all the duties of the Shire of Gingin so as to administer the Local Laws made by the Shire.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s. 5.44 CEO may delegate powers and duties to other employees
<b>Subdelegates</b>	Community Emergency Services Manager/Chief Bush Fire Control Officer Executive Manager Operations and Assets Executive Manager Regulatory and Development Services Ranger Senior Ranger
<b>Subdelegate conditions</b>	<b>CESM/CBFCO</b>  Delegated powers limited to:  1. Activities in Thoroughfares and Public Places and Trading Local Law 2004  a. cl. 5.15 When application for permit can be approved b. cl. 5.16 Prohibitions on burning
<b>Statutory framework</b>	<b>Shire of Gingin Local Laws</b>  <ul style="list-style-type: none"> <li>• Activities in Thoroughfares and Public Places and Trading Local Law 2004</li> <li>• Bee Keeping Local Law 2004</li> <li>• Bush Fire Brigades Local Law 2004</li> <li>• Cemeteries Local Law 2014</li> <li>• Dogs Local Law 2004</li> <li>• Extractive Industries Local Law 2004</li> <li>• Fencing Local Law 2016</li> <li>• Health Local Law 2017</li> <li>• Keeping and Control of Cats Local Law 2016</li> <li>• Local Government Property Local Law 2004</li> <li>• Meeting Procedures Local Law 2014</li> <li>• Parking and Parking Facilities Local Law 2004</li> <li>• Pest Plants Local Law 2015</li> <li>• By-laws Relating to Signs and Bill Posting 1982</li> <li>• Waste Local Law 2016</li> </ul>

<b>Policy</b>	Nil
<b>Record keeping</b>	<p>Records of the exercise of all delegations are to be kept in accordance with:</p> <p><i>Local Government Act 1995</i> s. 5.46 Register of, and records relevant to, delegations to CEO and employees</p> <p><i>Local Government (Administration) Regulations 1996</i> Reg. 19 Delegates to keep certain records (Act s. 5.46(3))</p>
<b>Date adopted</b>	6 May 2008
<b>Adoption references</b>	OCM 6 May 2008 - Item 11.2.2

<b>Delegation</b>	<b>1.1.4 Powers of Entry</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.3.28 When this Subdivision applies</li> <li>• s.3.32 Notice of entry</li> <li>• s.3.33 Entry under warrant</li> <li>• s.3.34 Entry in an emergency</li> <li>• s.3.36 Opening fences</li> </ul>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of entry to enter onto land to perform any of the local government's functions under the <i>Local Government Act 1995</i>, 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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	<p>Executive Manager Operations and Assets  Executive Manager Regulatory and Development Services  Manager Ranger Services  Senior Ranger</p>
<b>Subdelegate conditions</b>	<p><b>Manager Ranger Services</b>  Delegation is restricted to authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</p> <p><b>Senior Ranger</b>  Delegation is restricted to authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</p>

<b>Statutory framework</b>	<i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons - refer also s.3.32(2) Part 3, Division 3 - prescribes statutory processes for Powers of Entry
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegation is to be captured in the Shire's records management system.
<b>Date adopted</b>	16 June 2020
<b>Adoption references</b>	OCM 16 June 2020 - Item 11.1.2

<b>Delegation</b>	<b>1.1.5 Appointment of Authorised Persons and Approval of Complaint of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates)</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express power or duty delegated</b>	<i>Local Government (Model Code of Conduct) Regulations 2021</i> Schedule 1 Model code of conduct <ul style="list-style-type: none"> <li>• cl.11(2)(a) and (b) and 11(3) Complaint about alleged breach</li> </ul>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Approve the form in which complaints relating to alleged breaches of the Code of Conduct for Council Members, Committee Members and Candidates must be submitted.</li> <li>2. Appoint authorised persons to receive complaints and withdrawals of complaints in relation to alleged breaches of the Code of Conduct for Council Members, Committee Members and Candidates.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Statutory framework</b>	Nil
<b>Policy</b>	Code of Conduct for Council Members, Committee Members and Candidates
<b>Record keeping</b>	Each exercise of delegation is to be captured in the Shire's records management system.
<b>Date adopted</b>	16 February 2021
<b>Adoption references</b>	Minute Item 11.1.3

<b>Delegation</b>	<b>1.1.6 Tenders for Goods and Services - Call Tenders</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> <li>• s.3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996</i></p> <ul style="list-style-type: none"> <li>• r.11(1) and (2) when tenders have to be publicly invited</li> <li>• r.13 Requirements when local government invites tenders though not required to do so</li> <li>• r.14 Publicly inviting tenders, requirements for</li> </ul>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [r.11(1)].</li> <li>2. Authority to invite tenders although not required to do so [r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [r.14(2a)].</li> <li>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [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 with notice of the variation [r.14(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. 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: <ol style="list-style-type: none"> <li>a. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the local government; r</li> <li>b. a current supply contract expiry is imminent; and</li> <li>c. the value of the proposed new contract has been included in the draft annual budget proposed for adoption; and</li> <li>d. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by Council.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>



<b>Subdelegates</b>	Executive Manager Corporate and Community Services Executive Manager Operations and Assets Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	<p>1. Sub-delegation only applies to Function 5. All variations to tender information are to be forwarded to Governance for distribution.</p> <p>2. Request for Tender (RFT) documents, including selection criteria and details of information to be disclosed to prospective tenderers, are to be approved by the CEO as part of the decision-making process to invite tenders under Function 2.</p>
<b>Statutory framework</b>	Nil
<b>Policy</b>	Policy 3.10 Purchasing
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	15 June 2021
<b>Adoption references</b>	Minute Item 11.1

<b>Delegation</b>	<b>1.1.7 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> <li>• s.3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1995</i></p> <ul style="list-style-type: none"> <li>• r.11(2)(i) Exercising contract extension options</li> <li>• r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders</li> <li>• r.20(1), (2), (3) Variation of requirements before entry into contract</li> <li>• r.21A Varying a contract for the supply of goods or services</li> </ul>

<p><b>Function</b></p>	<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;Gr.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>a. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> <li>b. To accept the tender that is most advantageous within the value limitation detailed as a condition on this Delegation [F&amp;G r.18(4)].</li> </ol> </li> <li>4. Authority to decline to accept any tender [F&amp;G r.18(5)]</li> <li>5. Authority to accept the next most advantageous tender if, within 6 months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> <li>6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement <u>OR</u> the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</li> <li>8. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied and do not change the scope of the original contract or increase the contract value beyond the amount set aside in the adopted Budget.</li> <li>9. Authority to exercise a contract extension option that was included in the original tender specification and contract [F&amp;G r.11(2)(j)]</li> </ol>
<p><b>Delegates</b></p>	<p>CEO</p>

<b>Conditions</b>	<p>1. In accordance with s.5.43(b), tenders may only be accepted under this delegation where:</p> <p>a. The total consideration under the resulting contract is \$500,000 or less; and</p> <p>b. The expense is included in the adopted Annual Budget.</p> <p>2. A decision to vary a tendered contract <u>before</u> entry into the contract can only be made under this delegation where the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>3. A decision to vary a tendered contract <u>after</u> entry into the contract can only be made under this delegation if the variation is necessary for the goods and/or services to be supplied, and does not change the scope of the contract.</p> <p>4. A decision to vary any contract can only be made under this delegation if the cost of the variation can be met from funds set aside for the contract in the adopted Budget.</p> <p>5. A decision to renew or extend a contract can only be made under this delegation if:</p> <p>a. The original contract contained an option to renew or extend its term as per f.11(2)(j); and</p> <p>b. The contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term; and</p> <p>c. The extension is either on the same terms and conditions as the last year of the original term (allowing for price increases in line with the contract provision for price, if any), or is subject to a variation that is deemed to be a minor variation.</p> <p>6. Variations to tenders and contracts with a value exceeding 10% of the total contract value must be progressed in consultation with the Shire President and Deputy Shire President.</p>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	<p>Executive Manager Corporate and Community Services  Executive Manager Operations and Assets  Executive Manager Regulatory and Development Services</p>
<b>Subdelegate conditions</b>	<p>1. Sub-delegation applies only to the following functions:</p> <ul style="list-style-type: none"> <li>• Function 2; and</li> <li>• Function 3a.</li> </ul> <p>2. All other functions require the submission of a written recommendation by the relevant Executive Manager to the CEO. The CEO will then make the final decision under delegated authority.</p>
<b>Policy</b>	<p>Policy 3.10 Purchasing</p>
<b>Record keeping</b>	<p>Details of each exercise of delegated power must be captured within the Shire's electronic records management system in accordance with s.5.46 of the <i>Local Government Act 1995</i> and r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p>
<b>Date adopted</b>	<p>15 June 2021</p>

<b>Adoption references</b>	Minute Item 11.1
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<b>Delegation</b>	<b>1.1.8 Application of Regional Price Preference Policy</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegations of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government (Functions and General) Regulations 1996</i></p> <ul style="list-style-type: none"> <li>• r.24G Adopted regional price preference policy, effect of</li> </ul>
<b>Function</b>	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
<b>Delegates</b>	CEO
<b>Conditions</b>	1. This delegation may only be exercised following an investigation that determines there are no regional tenderers that are able to provide the services.
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Statutory framework</b>	Delegates are designated employee under s.5.74 and are required to provide Primary and Annual Returns.
<b>Policy</b>	Council Policy 1.44 Regional Price Preference Council Policy 3.10 Purchasing
<b>Record keeping</b>	Each exercise of delegation is to be captured in the Shire's records management system.
<b>Date adopted</b>	19 October 2021
<b>Adoption references</b>	OCM 19 October 2021 - Item 13.1

<b>Delegation</b>	<b>1.1.9 Waive or Grant Concessions on Money Owed to the Shire</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.6.12(10)(b) &amp; (c) Power to defer, grant discounts, waive or write off debts</li> </ul>
<b>Function</b>	<p>To:</p> <ol style="list-style-type: none"> <li>1. Waive or grant concessions in relation, or write off, any amount of money which is owed to the Shire; and</li> <li>2. Determine any conditions that may be applicable to the granting of a concession under subsection 6.12(1)(b).</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. The maximum amount to be written off under this delegation is \$1,000.00.</li> <li>2. This delegation extends only to monies owed to the Shire under the provisions of the <i>Local Government Act 1995</i>.</li> <li>3. Fees levied under the <i>Planning and Development Act 2005</i> and the <i>Building Act 2011</i> are addressed by Council's Policy 3.19 - Fees Relating to Planning and Building Matters.</li> <li>4. This delegation does not apply to the writing off or waiving of rates or service charges in accordance with s.6.12(2) of the <i>Local Government Act 1995</i>.</li> </ol>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate powers to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Corporate and Community Services
<b>Subdelegate conditions</b>	In accordance with conditions relating to Primary Delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Council Policy 3.19 - Fees Relating to Planning and Building Matters
<b>Record keeping</b>	Each exercise of delegation must be recorded in the Shire's Records Management System.
<b>Date adopted</b>	5 June 2007
<b>Adoption references</b>	OCM 5 June 2007 - Item 11.2.2

<b>Delegation</b>	<b>1.1.10 Power to Invest and Manage Investments</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.6.14 Power to invest</li> </ul> <p><i>Local Government (Financial Management) Regulations 1995:</i></p> <ul style="list-style-type: none"> <li>• r.19 Investments, control procedures for</li> </ul>
<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 [r.19].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	1. All investment activity must comply with r.19C ad Council Policy 3.2 Investments.
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers ad duties to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Corporate and Community Services
<b>Subdelegate conditions</b>	In accordance with primary delegation.
<b>Statutory framework</b>	<p><i>Local Government (Financial Management) Regulations 1995:</i></p> <ul style="list-style-type: none"> <li>• r.19C Investment of money, restrictions on (Act s.6.14(2)(a))</li> </ul>
<b>Policy</b>	Policy 3.2 - Investments
<b>Record keeping</b>	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	5 June 2008
<b>Adoption references</b>	Minute Item 11.2.2



<b>Delegation</b>	<b>1.1.11 Rates and Service Charges</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.6.39(2)(b) Rate record</li> <li>• s.6.49 Agreement as to payment of rates and service charges</li> <li>• s.6.50 Rates or service charges due and payable</li> <li>• s.6.56 Rates or service charges recoverable in court</li> <li>• s.6.60 Local government may require lessee to pay rent</li> <li>• s.6.64(3) Actions to be taken</li> <li>• s.6.76 Grounds of objection</li> </ul>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine any requirement to amend the rate record for the five years preceding the current financial year [s.6.39(2)(b)].</li> <li>2. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].</li> <li>3. Authority to determine the date on which rates or service charges become due and payable to the Shire of Gingin [s.6.50].</li> <li>4. 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>5. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</li> <li>6. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Gingin [s.6.60(2)].</li> <li>7. 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> <li>8. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li> <li>9. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing that written notice of the decision and reasons for the decision are promptly served upon the person who made the objection [s.6.76(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Corporate and Community Services
<b>Subdelegate conditions</b>	In accordance with primary delegation.

<b>Statutory framework</b>	<p><b>Functions 1 &amp; 8</b> <i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.6.40 Effect of amendment of rate records</li> </ul> <p>NOTE: Decisions under these delegations may be referred to the State Administrative Tribunal for review. Affected parties must be provided with written reasons for any decision and informed of their rights of objection and review in accordance with s.9.4 and 9.5 of the <i>Local Government Act 1995</i>.</p> <p><b>Functions 5 &amp; 6</b> <i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.6.61 Requirement to give name of person liable</li> <li>• s.6.62 Application of money paid for rates and service charges</li> <li>• Sch. 6.2 Provisions relating to lease of land where rates or service charges unpaid</li> </ul>
<b>Policy</b>	Policy 1.39 Financial Hardship
<b>Record keeping</b>	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	21 August 1997
<b>Adoption references</b>	Minute Item 5.1.3

<b>Delegation</b>	<b>1.1.12 Disposing of Assets</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.3.58(2) &amp; (3) Disposing of property</li> </ul>
<b>Function</b>	<p>1. Authority to dispose of property to:</p> <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> <p>2. Authority to dispose of property by private treaty only in accordance with s.3.58(3) and, prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>1. Disposal of land or building assets is limited to:</p> <ol style="list-style-type: none"> <li>a. Matters specified in the annual Budget; or</li> <li>b. The following instances of property that is exempt from disposition of property requirements under s.30 of the <i>Local Government (Functions and General) Regulations 1996</i>: <ol style="list-style-type: none"> <li>i. The leasing of land to community groups, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature, and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.</li> <li>ii. The leasing of land to an employee of the local government for use as the employee's residence.</li> <li>iii. The leasing of residential property to a person.</li> </ol> <p style="margin-left: 40px;">In any other instance a Council resolution is required for the disposal of land.</p> </li> </ol> <p>2. In accordance with s.5.43 of the Act, 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.</p> <p>3. Assets other than land with a value not exceeding \$20,000 can be disposed of regardless of whether such disposal has been identified in the annual Budget, provided that disposal is undertaken in accordance with Council Policy 3.18 Disposition of Assets.</p>

<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegate conditions</b>	N/A
<b>Statutory framework</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.3.58 Disposal of property</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• r.30 Dispositions of property excluded from Act s.3.58</li> </ul>
<b>Policy</b>	Policy 3.18 - Disposition of Assets
<b>Record keeping</b>	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	20 August 2013
<b>Adoption references</b>	Minute Item 11.1.2

<b>Delegation</b>	<b>1.1.13 Payments from the Municipal or Trust Funds</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• r.12(1) Payments from municipal fund or trust fund, restrictions on making</li> </ul>
<b>Function</b>	To make payments from the Municipal Fund or Trust Fund.
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Authority to make payments is subject to annual budget limitations.</li> <li>2. Requests for donations can be determined under this delegation where the individual value of the donation sought is \$1,000 or less and sufficient funds are available in the current adopted budget, subject to the following criteria: <ol style="list-style-type: none"> <li>a. it can be demonstrated that the donation will be of significant benefit to the local community;</li> <li>b. The request is made by a community group or not for profit organization, or from a person or group who is running a not for profit activity;</li> <li>c. The group's financial status is such as to justify a donation from the Shire;</li> <li>d. Special circumstances or needs existing,, in the opinion of the CEO, to warrant a donation (eg support of needy groups or individuals who bring credit to the municipality by achieving State or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses).</li> </ol> </li> <li>3. Details of all donations approved under delegated authority, including justification of the decision, are to be provided to Council on a monthly basis.</li> </ol>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate powers and to other employees.</li> </ul>
<b>Subdelegates</b>	<p>Executive Manager Corporate and Community Services  Executive Manager Operations and Assets  Executive Manager Regulatory and Development Services</p>

<b>Subdelegate conditions</b>	<p><u>General Payments</u></p> <ol style="list-style-type: none"> <li>1. Cheques/electronic fund transfers in excess of \$200,000 are to be signed by the Chief Executive Officer and the Executive Manager Corporate and Community Services.</li> <li>2. Cheques/electronic fund transfers up to the value of \$200,000 are to be jointly signed by any two of the following officers: <ul style="list-style-type: none"> <li>• Chief Executive Officer;</li> <li>• Executive Manager Corporate and Community Services;</li> <li>• Executive Manager Regulatory and Development Services; and</li> <li>• Executive Manager Operations.</li> </ul> </li> </ol> <p><u>Donation Requests</u></p> <ol style="list-style-type: none"> <li>1. Sub-delegation does not extend to the consideration of donation requests. All requests for donations are to be determined by the CEO.</li> </ol>
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p><i>Local Government (Audit) Regulations 1996</i></p> <p>Department of Local Government, Sport and Cultural Industries' Operational Guideline No. 11 - Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries' Accounting Manual</p>
<b>Policy</b>	<p>Council Policy 3.2 Investments</p> <p>Council Policy 3.9 Purchasing and Ordering of Goods</p> <p>Council Policy 3.10 Purchasing</p>
<b>Record keeping</b>	<p>Each exercise of delegation is to be recorded in the Shire's records management system.</p>
<b>Date adopted</b>	<p>16 June 2020</p>
<b>Adoption references</b>	<p>OCM 16 June 2020 - Item 11.1.2</p>

<b>Delegation</b>	<b>1.1.14 Declare Vehicle to be Abandoned Vehicle Wreck</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.3.40A(4) Abandoned vehicle wreck may be taken</li> </ul>
<b>Function</b>	Authority to declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	6 May 2008
<b>Adoption references</b>	OCM 6 May 2008 - Item 11.2.2

<b>Delegation</b>	<b>1.1.15 Confiscated or Uncollected Goods</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.3.46 Goods may be withheld until costs paid</li> <li>• s.3.47 Confiscated or uncollected goods, disposal of</li> <li>• s.3.48 Impounding expenses, recovery of</li> </ul>
<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 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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Policy</b>	Policy 3.18 Disposition of Assets
<b>Record keeping</b>	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	7 December 1999
<b>Adoption references</b>	OCM 7 December 1999 - Item 10.7



<b>Delegation</b>	<b>1.1.16 Disposal of Sick or Injured Impounded Animals</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.3.46A Sick or injured animals, disposal of</li> <li>• s.3.48 Impounding expenses, recovery of</li> </ul>
<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 that it shall be humanely destroyed and the carcass disposed of [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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. The disposal of animal carcasses will be undertaken accordance with any requirements of cl. 6.7 of the Shire of Gingin Health Local Law 2017.</li> </ol>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	<p>Executive Manager Regulatory and Development Services  Manager Ranger Services  Ranger  Senior Ranger</p>
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>1. In accordance with the primary delegation.</li> <li>2. Actual destruction and disposal of impounded animals shall only be carried out by Rangers.</li> </ol>
<b>Statutory framework</b>	<p><i>Shire of Gingin Health Local Law 2017:</i>  cl.6.7 Disposal of dead animals</p>
<b>Policy</b>	Nil
<b>Record keeping</b>	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	17 June 2014
<b>Adoption references</b>	OCM 17 June 2014 - Item 11.1.1

<b>Delegation</b>	<b>1.1.17 Gates Across Public Thoroughfares</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• r.9 Permission to have gate across public thoroughfare - Sch. 9.1 cl.5(1)</li> </ul>
<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 [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 [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 [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 [r.9(6)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. The road in question must be of a minor nature with a low traffic density.</li> <li>2. The proposed gate must be a heavy duty swing type.</li> <li>3. The proposed gate must be left unlocked at all times.</li> <li>4. All landowners adjoining the road or using the road for access must confirm, in writing, their support for the proposal.</li> <li>5. 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>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Operations and Assets
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> - prescribe applicable statutory procedures.</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>Policy</b>	Nil

<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	21 August 1997
<b>Adoption references</b>	OCM 21 August 1997 - Item 5.1.33333

<b>Delegation</b>	<b>1.1.18 Close Thoroughfares to Vehicles</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.3.50 Closing certain thoroughfares to vehicles</li> <li>• s.3.50A Partial closure of thoroughfare for repairs or maintenance</li> <li>• s.3.51 Affected owners to be notified of certain proposals</li> </ul>
<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: <ol style="list-style-type: none"> <li>a. give public notice, written notice to the Commissioner for Main Roads and written notice to prescribed persons and persons who own prescribed land; and</li> <li>b. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ol> </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. Authority, before doing anything to which s.3.51 applies, to 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 to drain water from a thoroughfare to private land [s.3.51].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Delegation only relates to circumstances where there is an alternative route available to traffic which might otherwise use the section of road to be closed, or where the closure is intended to be of such short duration that no great inconvenience will be suffered.</li> <li>2. Elected Members are to be advised of any road closure likely to be in effect for more than five working days.</li> </ol>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Operations and Assets
<b>Subdelegate conditions</b>	In accordance with the primary delegation.

<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 - Item 11.1.1

<b>Delegation</b>	<b>1.1.19 Obstruction of Footpaths and Thoroughfares</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• r.5(2) Interfering with, or taking from, local government land</li> <li>• r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl.3(1)(a)</li> <li>• r.7A Obstruction of public thoroughfare by fallen things - Sch. 9.1 cl.3(1)(b)</li> <li>• r.7 Encroaching on public thoroughfare - Sch. 9.1 cl.3(2)</li> </ul>
<b>Function</b>	<p>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:</p> <p>a. prevent damage to the footpath; or</p> <p>b. prevent inconvenience to the public or danger from falling materials [r.5.2].</p> <p>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 [r.6(2) and (4)].</p> <p>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission given at the time written notice is given to the person to whom permission is granted [r.6(6)].</p> <p>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 [r.7A].</p> <p>5. Authority to require an owner or occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority, on a public thoroughfare [r.7].</p>
<b>Delegates</b>	CEO

<b>Conditions</b>	<p>1. Actions under this delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>2. Permission may only be granted where the proponent has:</p> <p>a. where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</p> <p>b. 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 the works.</p> <p>c. provided evidence of sufficient public liability insurance.</p> <p>d. provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995</i>:</p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Operations and Assets
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i>  Penalties under the Regulations are administered in accordance with the <i>Local Government Act 1995</i>, Part 9, Division 2.</p>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 - Item 11.1.1

<b>Delegation</b>	<b>1.1.20 Public Thoroughfare - Dangerous Excavations</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• r.11(1), (4), (6) and (8) Dangerous excavation in or near public thoroughfare - Sch. 9.1 cl.6</li> </ul>
<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 [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 [r.11(4)].</li> <li>3. Authority to impose conditions on granting permission [r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time any condition imposed on a permission granted [r.11(8)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Actions under this delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>2. Permission may only be granted where the proponent has: <ol style="list-style-type: none"> <li>a. Where appropriate, obtained written permission from, or entered into a legal agreement with, each owner of adjacent property which may be impacted by the proposed works.</li> <li>b. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public asset/s at the completion of the works.</li> <li>c. Provided evidence of sufficient public liability insurance.</li> <li>d. 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>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Operations and Assets
<b>Subdelegate conditions</b>	In accordance with the primary delegation.



<b>Statutory framework</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Regulations are administered in accordance with the <i>Local Government Act 1995</i>, Part 9, Division 2.</p> <p>Determination of bond value and conditions – refer to Delegation 1.2.5 Determine and Manage Conditions on Permission for Dangerous Excavations on or on Land Adjoining Public Thoroughfares</p>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 - Item 11.1.1

<b>Delegation</b>	<b>1.1.21 Crossing - Construction, Repair and Removal</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• r.12(1) Crossing from public thoroughfare to private land or private thoroughfare - Sch. 9.1 cl.7(2)</li> <li>• r.13(1) Requirement to construct or repair crossing - Sch. 9.1 cl.7(3)</li> </ul>
<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 [r.12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the local government [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 [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 to recover 50% of the cost of doing so as a debt due from the person [r.13(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	1. Actions under this delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	Executive Manager Operations and Assets
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i>  Penalties under the Regulations are administered in accordance with the <i>Local Government Act 1995</i>, Part 9, Division 2.</p>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	19 July 2022

<b>Adoption references</b>	OCP 19 July 2022 - Item 11.1
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<b>Delegation</b>	<b>1.2.1 Information to be Available to the Public</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.5.95(1)(b) and (3)(b) Limits on right to inspect local government information</li> </ul> <i>Local Government (Administration) Regulations 1996:</i> <ul style="list-style-type: none"> <li>• r.29B Copies of certain information not to be provided (Act s.5.96)</li> </ul>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine not to provide a right to inspect information, where it is considered that doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions.</li> <li>2. 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 [r.29B].</li> </ol>
<b>Delegates</b>	Executive Manager Corporate and Community Services
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	20 May 2008
<b>Adoption references</b>	OCM 20/05/2008 - Item 11.2.3

<b>Delegation</b>	<b>1.2.2 Infringement Notices</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.9.13(6)(b) Onus of proof in vehicle offences may be shifted</li> <li>• s.9.19 Extension of time</li> <li>• s.9.20 Withdrawal of notice</li> </ul> <i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>• r.70(1A), (1) and (2) Approved officers and authorised officers</li> </ul>
<b>Function</b>	<p>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)].</p> <p>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.9.10].</p> <p>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].</p>
<b>Delegates</b>	Executive Manager Regulatory and Development Services
<b>Conditions</b>	<p>1. A delegate who participated in a decision to issue an infringement notice <b>MUST NOT</b> determine any matter related to that infringement under this delegation.</p> <p>2. <u>Extension of Time to Pay or Withdrawal of Infringements Relating to the <i>Building Act 2011</i></u>  In order to exercise the functions of s.9.19 and s.9.20 of the LGA with respect to infringements relating to the <i>Building Act 2011</i>, a delegate must also be appointed as an "Approved Officer" in accordance with r.70(1) of the <i>Building Regulations 2021</i> for the purposes of the <i>Criminal Procedure Act 2004</i> s.6(a) and <i>Building Act 2011</i> infringement notices. Del. No. 2.1.8 empowers the CEO to make such appointments.</p>
<b>Express power to subdelegate</b>	Nil
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil

<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	20 June 2019
<b>Adoption references</b>	Synergy Document: NM15447

<b>Delegation</b>	<b>1.2.3 Determine if an Emergency for Emergency Powers of Entry</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.3.34(2) Entry in emergency</li> </ul>
<b>Function</b>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions.
<b>Delegates</b>	Executive Manager Operations and Assets Executive Manager Regulatory and Development Services Manager Ranger Services Senior Ranger
<b>Conditions</b>	1. An emergency is deemed to exist where the circumstances are such tha compliance with the usual requirements for obtaining entry would be impractical or unreasonable because of, or because of the imminent risk of:  a. injury or illness to any person; or  b. a natural or other disaster or emergency.
<b>Express power to subdelegate</b>	Nil
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Shire of Gingin Delegation 1.19 Powers of Entry
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i>
<b>Date adopted</b>	20 June 2019
<b>Adoption references</b>	Synergy Document: NM15447

<b>Delegation</b>	<b>1.2.4 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> <li>• r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl.3(1)(a)</li> </ul>
<b>Function</b>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.1.19: <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 [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 [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 [r.6(5)(d)].</li> </ol>
<b>Delegates</b>	Executive Manager Operations and Assets
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Decisions under this Delegation must be exercised in alignment with Council's Delegation 1.1.19 Obstruction of Footpaths and Thoroughfares.</li> <li>2. 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>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Shire of Gingin Delegation 1.1.19 Obstruction of Footpaths and Thoroughfares
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	22 July 2022
<b>Adoption references</b>	Synergy Document: NM23016



<b>Delegation</b>	<b>1.2.5 Determine and Manage Conditions on Approvals for Dangerous Excavations on or on Land Adjoining Public Thoroughfares</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> <li>• r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare</li> </ul>
<b>Function</b>	When determining to grant permission for a dangerous excavation under Delegated Authority 1.1.20: 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)]. 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)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been undertaken satisfactorily.
<b>Delegates</b>	Executive Manager Operations and Assets
<b>Conditions</b>	1. Decisions under this Delegation must be exercised in alignment with Council's Delegation 1.1.20 Public Thoroughfare - Dangerous Excavations. 2. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
<b>Express power to subdelegate</b>	Nil
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Shire of Gingin Delegation 1.1.20 Public Thoroughfare - Dangerous Excavations
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	22 July 2022
<b>Adoption references</b>	Synergy Document: NM23016

<b>Delegation</b>	<b>1.2.6 Electoral Enrolment Eligibility Claims and Electoral Roll</b>
<b>Category</b>	1. Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.4.32(4), (5A) and (5) Eligibility to enrol under s.4.30, how to claim</li> <li>• s.4.34 Accuracy of enrolment details to be maintained</li> <li>• s.4.35 Decision that eligibility to enrol under s.4.30 has ended</li> <li>• s.4.37 New roll for each election</li> </ul> <p><i>Local Government (Elections) Regulations 1997:</i></p> <ul style="list-style-type: none"> <li>• r.11(1a) Nomination of co-owners or co-occupiers - s.4.31</li> <li>• r.13(2) and (4) Register - s.4.2(6)</li> </ul>
<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>	Executive Manager Corporate and Community Services

<b>Conditions</b>	1. 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>Express power to subdelegate</b>	Nil
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	23 June 2020
<b>Adoption references</b>	Synergy Document: NM17408

## 2. Building Act 2011

<b>Delegation</b>	<b>2.1.1 Approve or Refuse a Building Permit</b>
<b>Category</b>	2. Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(1) and (3) Delegation: special permit authorities and local governments</li> </ul>
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.18 Further information</li> <li>• s.20 Grant of building permit</li> <li>• s.22 Further grounds for not granting an application</li> <li>• s.27(1) and (3) Conditions imposed by permit authority</li> </ul>
<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) and (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 [s.27(1) and (3)]. <ol style="list-style-type: none"> <li>a. 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>b. 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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. This delegation applies to retaining walls between 1 metre and 1.8 metres in height. Plans showing height, length and location and accompanied by certification of structural adequacy prepared by a Professional (Structural) Engineer (as defined in the Building Code of Australia) must be submitted.</li> <li>2. Plans submitted for retaining walls with a height exceeding 1.8 metres must be referred to Council for determination.</li> <li>3. Discretion is to be exercised in issuing a building licence for earthworks and retaining walls prior to issuing a building licence for a dwelling on the subject lot.</li> </ol>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(6A) Delegation: special permit authorities and local governments</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services

<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>• s.119 Building and demolition permits - application for review by SAT</li> <li>• s.23 Time for deciding application for building or demolition permit</li> <li>• s.17 Uncertified application to be considered by building surveyor</li> </ul> <p><i>Building Regulations 2012:</i></p> <ul style="list-style-type: none"> <li>• r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) - reviewable by the State Administrative Tribunal</li> </ul> <p><i>Building Services (Registration) Act 2011:</i></p> <ul style="list-style-type: none"> <li>• s.7 Carrying out prescribed building service when not registered</li> </ul> <p><i>Home Building Contracts Act 1991:</i></p> <ul style="list-style-type: none"> <li>• Part 3A, Division 2 - Part 7, Division 2</li> </ul> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
<b>Policy</b>	<p>Policy 8.1 (Building Control Disclaimer)</p> <p>Policy 8.3 (Building Licence - Deposit for Footpaths/Cycleways)</p> <p>Policy 8.4 (Sign Applications)</p> <p>Policy 8.5 (Amalgamation of Lots for Building Sites)</p> <p>Policy 8.6 (Roof Drainage)</p> <p>Policy 8.7 (Roof Guttering on Outbuildings)</p> <p>Policy 8.8 (Temporary Accommodation)</p> <p>Policy 8.9 (Retaining Walls)</p> <p>Policy 8.10 (Retaining Walls - Cut and Fill of Lots)</p> <p>Policy 8.11 (Oversized Outbuildings)</p>
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	18 October 2011
<b>Adoption references</b>	OCM 18 October 2011 - Item 11.4.1

<b>Delegation</b>	<b>2.1.2 Occupancy Permits and Building Approval Certificates</b>
<b>Category</b>	2. Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>• s.127(1) and (3) Delegation: special permit authorities and local governments</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>• s.55 Further information</li> <li>• s.58 Grant of occupancy permit, building approval certificate</li> <li>• s.62(1) and 93) Conditions imposed by permit authority</li> <li>• s.65(4) Extension of period of duration</li> </ul> <p><i>Building Regulations 2012:</i></p> <ul style="list-style-type: none"> <li>• r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)</li> </ul>
<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 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 within which an occupancy permit or building approval certificate has effect [s.65(4) and r.40].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>• s.127(6A) Delegation: special permit authorities and local governments</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	In accordance with the primary delegation.

<b>Statutory framework</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>• s.59 Time for granting occupancy permit or building approval certificate</li> <li>• s.60 Notice of decision not to grant occupancy permit or grant building approval certificate</li> <li>• s.121 Occupancy permits and building approval certificates - application for review by SAT</li> </ul> <p><i>Building Services (Complaint Resolution and Administration) Act 2011:</i></p> <ul style="list-style-type: none"> <li>• Part 7, Division 2</li> </ul> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	18 October 2011
<b>Adoption references</b>	OCM 18 October 2011 - Item 11.4.1

<b>Delegation</b>	<b>2.1.3 Building Orders</b>
<b>Category</b>	2. Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(1) and (3) Delegation: special permit authorities and local governments</li> </ul>
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.110(1) A permit authority may make a building order</li> <li>• s.111(1) Notice of proposed building order other than building order (emergency)</li> <li>• s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect</li> <li>• s.118(2) and (3) Permit authority may give effect to building order if non-compliance</li> <li>• s.133(1) A permit authority may commence a prosecution for an offence against this Act</li> </ul>
<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. Authority, if there is non-compliance with a building order, 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 is required to cease by the order, 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 expenses 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 s.110.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(6A) Delegation: special permit authorities and local governments</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	In accordance with primary delegation.



<b>Statutory framework</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>• s.111 Notice of proposed building order other than building order (emergency)</li> <li>• s.112 Content of building order</li> <li>• s.113 Limitation on effect of building order</li> <li>• s.114 Service of building order</li> <li>• Part 9 Review - s.122 Building orders - application for review by SAT</li> </ul>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i>
<b>Date adopted</b>	18 October 2011
<b>Adoption references</b>	OCM 18 October 2011 - Item 11.4.1

<b>Delegation</b>	<b>2.1.4 Demolition Permits</b>
<b>Category</b>	2. Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(1) and (3) Delegation: special permit authorities and local governments</li> </ul>
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.18 Further information</li> <li>• s.21 Grant of demolition permit</li> <li>• s.22 Further grounds for not granting an application</li> <li>• s.27(1) and (3) Impose conditions on permit</li> </ul> <i>Building Regulations 2012</i> <ul style="list-style-type: none"> <li>• r.23 Application to extend time during which permit has effect (s.32)</li> <li>• r.24 Extension of time during which permit has effect (s.32(3))</li> <li>• r.26 Approval of new responsible person</li> </ul>
<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 [4.23]. <ol style="list-style-type: none"> <li>a. 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>b. 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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(6A) Delegation: special permit authorities and local governments</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	In accordance with primary delegation.

<b>Statutory framework</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>• s.119 Building and demolition permits - application for review by SAT</li> <li>• s.23 Time for deciding application for building or demolition permit</li> </ul> <p><i>Building Services (Complaint Resolution and Administration) Act 2011:</i></p> <ul style="list-style-type: none"> <li>• Part 7, Division 2</li> </ul> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	18 October 2011
<b>Adoption references</b>	OCM 18 October 2011 - Item 11.4.1

<b>Delegation</b>	<b>2.1.5 Designate Employees as Authorised Persons</b>
<b>Category</b>	2. Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(1) and (3) Delegation: special permit authorities and local governments</li> </ul>
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.96(3) Authorised persons</li> <li>• s.99(3) Limitations on powers of authorised person</li> </ul>
<b>Function</b>	<p>1. Authority to designate an employee as an authorised person[s.96(3)].</p> <p>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)].</p> <p>NOTE: An authorised person for the purposes of s.96(3) and 99(3) is not an approved officer or authorised officer for the purposes of r.70 of the <i>Building Act 2011</i>.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	1. 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> <ul style="list-style-type: none"> <li>• s.127(6A) Delegation: special permit authorities and local government</li> </ul>
<b>Subdelegate conditions</b>	N/A
<b>Statutory framework</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.97 Identity cards</li> </ul>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	20 August 2013
<b>Adoption references</b>	OCM 20 August 2013 - Item 11.1.1

<b>Delegation</b>	<b>2.1.6 Private Pool Barrier - Alternative and Performance Solutions</b>
<b>Category</b>	2. Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(1) an (3) Delegation: special permit authorities and local governments</li> </ul>
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>• r.51 Approvals by permit authority</li> </ul>
<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 they 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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(6A) Delegation: special permit authorities and local governments</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 - Item 11.1.1

<b>Delegation</b>	<b>2.1.7 Smoke Alarms - Alternative Solutions</b>
<b>Category</b>	2. Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(1) and (3) Delegation: special permit authorities and local governments</li> </ul>
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>• r.55 Terms used (alternative building solution approval)</li> <li>• r.61 Local government approval of battery powered smoke alarms</li> </ul>
<b>Function</b>	1. Authority to approve alternative building solutions which meet the performance requirements of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(6A) Delegation: special permit authorities and local governments</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 - Item 11.1.1

<b>Delegation</b>	<b>2.1.8 Appointment of Approved Officers and Authorised Officers</b>
<b>Category</b>	2. Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(1) and (3) Delegation: special permit authorities and local governments</li> </ul>
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>• r.70 Approved officers and authorised officers</li> </ul>
<b>Function</b>	<p>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 r.70(1) and 70(1A).  <b>NOTE: Only employees delegated under s.5.44(1) of the <i>Local Government Act 1995</i> with power under s.9.19 or 9.20 of that Act may be appointed as "approved officers".</b></p> <p>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 r.70(2).  <b>NOTE: Only employees appointed under s.9.10 of the <i>Local Government Act 1995</i> and authorised for the purpose of performing functions under s.9.16 of that Act may be appointed as "authorised officers".</b></p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>• s.127(6A) Delegation: special permit authorities and local governments</li> </ul>
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>• r70(3) Approved officers and authorised officers - each authorised officer must be issued with a certificate of appointment.</li> </ul>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	21 April 2020
<b>Adoption references</b>	OCM 21 April 2020 - Item 11.1.2

## 3. Bush Fires Act 1954

<b>Delegation</b>	<b>3.1.1 Prohibited Burning Times - Vary and Control Activities</b>
<b>Category</b>	3. Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> <li>• s.48 Delegation by local government</li> <li>• 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))</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> <li>• s.17(7) Prohibited burning times may be declared by Minister</li> <li>• s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</li> <li>• s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</li> </ul> <p><i>Bush Fires Regulations 1954</i></p> <ul style="list-style-type: none"> <li>• r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</li> <li>• r.15C Local government may prohibit burning on certain days</li> <li>• r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</li> <li>• r.39B Crop dusters etc., use of in restricted or prohibited burning times</li> </ul>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority, where seasonal conditions warrant it, to determine a variation of prohibited burning times after consultation with an authorized CALM Act officer [s.17(7)].</li> <li>2. Authority to determine permits to burn during a Prohibited Burning Time that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>3. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of Sunday or public holiday in the whole or a specified part of the District during a Prohibited Burning Time is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>4. 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>5. 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>6. Authority to prohibit the use of tractors, engines or self-propelled harvesters during a Prohibited Burning Time, and to give permission for use of same during a Prohibited Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>7. Authority to recover the cost of measures taken by the Shire of Gingin or a Bush Fire Control Officer to extinguish a fire burning during a Prohibited Burning Time 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 on 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>	CEO Community Emergency Services Manager/Chief Bush Fire Control Officer President
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Delegation of power to the President and the Community Emergency Services Manager/Chief Bush Fire Control Officer relates to Function 1 only. Decisions must be undertaken jointly and must comply with the procedural requirements of s.17(7B) and (8).</li> <li>2. Delegation of power to the CEO relates to Functions 2-6 only.</li> <li>3. The delegation of power under Function 2 is only to be exercised where: <ol style="list-style-type: none"> <li>a. The Chief Bush Fire Control Officer is unable or unwilling to make a determination in this regard; or</li> <li>b. The determination relates to a decision made by the Chief Bush Fire Control Officer.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	Nil
<b>Record keeping</b>	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	15 June 2021
<b>Adoption references</b>	Minute Item 11.1

<b>Delegation</b>	<b>3.1.2 Restricted Burning Times - Vary and Control Activities</b>
<b>Category</b>	3. Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> <li>• s.48 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> <li>• s.18(5), (11) Restricted burning times may be declared by FES Commissioner</li> <li>• s.22(6) and (7) Burning on exempt land and land adjoining exempt land</li> <li>• s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</li> <li>• s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</li> </ul> <p><i>Bush Fires Regulations 1954</i></p> <ul style="list-style-type: none"> <li>• r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</li> <li>• r.15C Local government may prohibit burning on certain days</li> <li>• r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</li> <li>• r.39B Crop dusters etc., use of in restricted or prohibited burning times</li> </ul>

<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)].</li> <li>2. Authority to determine to prohibit burning during a Restricted Burning Time on Sundays or specified days that are public holidays in the District [r.15C].</li> <li>3. Authority, where a permitted burn fire escapes or is out of control in the opinion of a Bush Fire Control Officer or an officer of a 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>4. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>5. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and a Bush Fire Brigade to cooperate in burning firebreaks, and require the occupier of adjoining land to provide, by the date of the burning, ploughed or cleared firebreaks parallel to the common boundary [s.22(6) and (7)].</li> <li>6. 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 a Restricted Burning Time is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>7. 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>8. 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>9. Authority to prohibit the use of tractors, engines or self-propelled harvesters during a Restricted Burning Time, 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>10. Authority to recover the cost of measures taken by the Shire of Gingin or a Bush Fire Control Officer to extinguish a fire burning during a Restricted Burning Time, 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 on 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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. The delegation of power granted under Function 4 is only to be exercised where: <ol style="list-style-type: none"> <li>a. The Chief Bush Fire Control Officer is unable or unwilling to make a determination in this regard; or</li> <li>b. The decision to refuse a permit to burn has been made by the Chief Bush Fire Control Officer.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Nil

<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	15 June 2021
<b>Adoption references</b>	Minute Item 11.1

<b>Delegation</b>	<b>3.1.3 Prosecution of Offences</b>
<b>Category</b>	3. Bush Fires Act 1954
<b>Delegator</b>	Council
<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 Alternative procedure - infringement notices
<b>Function</b>	<p>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</p> <p>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)] (as determined by conditions of delegation).</p> <p>3. Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)] (as determined by conditions of delegation).</p>
<b>Delegates</b>	<p>CEO Community Emergency Services Manager/Chief Bush Fire Control Officer Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger</p>
<b>Conditions</b>	<p><b>CEO</b> With respect to s.59A, delegation excludes the power to issue infringements.</p> <p><b>Executive Manager Regulatory and Development Services</b> With respect to s.59A, delegation excludes the power to issue infringements.</p> <p><b>Community Emergency Services Manager/Chief Bush Fire Control Officer</b> With respect to s.59A, delegation excludes the power to withdraw infringements.</p> <p><b>Manager Ranger Services</b> With respect to s.59A, delegation excludes the power to withdraw infringements.</p> <p><b>Senior Ranger</b> With respect to s.59A, delegation excludes the power to withdraw infringements.</p> <p><b>Ranger</b> With respect to s.59A, delegation excludes the power to withdraw infringements.</p>
<b>Express power to subdelegate</b>	Nil - subdelegation is prohibited by s.48(3)
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil

<b>Record keeping</b>	Exercise of delegation must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	15 December 2020
<b>Adoption references</b>	Minute Item 11.1.1

<b>Delegation</b>	<b>3.1.4 Appoint Bush Fire Control Officer/s and Fire Weather Officer/s</b>
<b>Category</b>	3. Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> S. 48 Delegation by local governments
<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>	<p>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and</p> <p>a. Of those Officers, to appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</p> <p>b. To determine the respective seniority of the other Bush Fire Control Officers so appointed [s.38(1)].</p> <p>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Gingin [s.38(5A)].</p> <p>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)]</p> <p>4. Authority to appoint Deputy Fire Weather Officer/s as considered necessary and, where two or more deputies are appointed, to determine seniority [s.38(10)].</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>1. Chief Bush Fire Control Officer is to be the Shire's Community Emergency Services Manager (or equivalent position). Any other proposed appointment must be presented to Council for consideration.</p> <p>2. Appointments to the position of Deputy Chief Bush Fire Control Officer must result from a recommendation of the Shire's Bush Fire Advisory Committee.</p> <p>3. Appointments to the position of Bush Fire Control Office must result from a recommendation of the Shire's Bush Fire Advisory Committee.</p> <p>Condition 3 does not apply to the appointment of Shire Rangers as Bush Fire Control Officers for the Shire in its entirety.</p>
<b>Express power to subdelegate</b>	Subdelegation is specifically prohibited by s.48(3) of the <i>Bush Fires Act 1954</i> .
<b>Subdelegate conditions</b>	Not applicable
<b>Statutory framework</b>	<i>Shire of Gingin Bush Fire Brigades Local Law 2004</i>
<b>Policy</b>	Policy 4.2 - Bush Fire Control

<b>Record keeping</b>	<p>Records of bush fire control officers and bush fire brigade officers appointed by or holding office under the local government to be maintained in accordance with:</p> <p><i>Bush Fires Act 1954</i> s. 50 Records to be maintained by local government</p> <p>In addition, each exercise of delegation must be captured in the Shire's records managementsystem as required by <i>LocalGovernment Act 1995</i> s.5.46 and <i>LocalGovernment (Administration) Regulations 1996</i> r.19.</p>
<b>Date adopted</b>	15 June 2021
<b>Adoption references</b>	Minute Item 11.1



<b>Delegation</b>	<b>3.1.5 Firebreaks</b>
<b>Category</b>	3. Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> <li>• s.48 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> <li>• s.33 Local government may require occupier of land to plough or clear firebreaks</li> </ul>
<b>Function</b>	<p>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District requiring them, to the satisfaction of the Shire of Gingin:</p> <p>a. to clear firebreaks as determined necessary and as specified in the notice; and</p> <p>b. to 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</p> <p>c. as a separate or coordinated action with any other person, to carry out similar actions [s.33 (1)].</p> <p>2. Authority to direct a Bush Fire Control Officer or any other employee to enter into the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].</p> <p>3. Authority to recover any costs an expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice ([s.33(5)].</p> <p>4. Authority to, at the request of an owner or occupier of land within the District, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger and, if necessary, recover the expense of undertaking such works from the owner or occupier in a court of competent jurisdiction.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	The draft firebreak notice shall be submitted to the Shire's Bush Fire Advisory Committee for consideration prior to submission to the Chief Executive Officer for approval.
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Nil
<b>Policy</b>	N/A
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	15 June 2021

<b>Adoption references</b>	Minute Item 11.1
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<b>Delegation</b>	<b>3.1.6 Burning Garden Refuse/Open Air Fires</b>
<b>Category</b>	3. Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> <li>• s.48 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> <li>• s.24F Burning garden refuse during limited burning times</li> <li>• s.24G Minister or local government may further restrict burning of garden refuse</li> <li>• s.25 No fire to be lit in open air unless certain precautions taken</li> <li>• s.25A Power of Minister to exempt from provisions of section 25</li> </ul> <i>Bush Fires Regulations 1954</i> <ul style="list-style-type: none"> <li>• r.27(3) Permit, issue of</li> </ul>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give written permission, during Prohibited and Restricted Burning Times, for an incinerator located within two metres of a building or fence, to be used for the burning of garden refuse [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)].</li> <li>3. 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>4. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [r.34].</li> <li>5. Authority to provide written approval, during Prohibited and Restricted Burning 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)]; and</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>6. Authority to prohibit the lighting of fires in the open air for the purposes of camping or cooking for such period during a Prohibited Burning Time as is specified in a notice published in the Government Gazette and a newspaper circulating in the District, and authority to vary such notice [s.25(1a) and (1b)].</li> <li>7. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in the open air, prohibiting that person from lighting a fire, and to determine conditions on the notice [s.25A(5)].</li> </ol>
<b>Delegates</b>	CEO

<b>Conditions</b>	1. Function 1 is only to be exercised where the CEO can be satisfied that approval is not likely to create a fire hazard.
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	15 June 2021
<b>Adoption references</b>	Minute Item 11.1

<b>Delegation</b>	<b>3.1.7 Recovery of Expenses Incurred Through Contraventions of the Bush Fires Act 1954</b>
<b>Category</b>	3. Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> <li>• s.48 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> <li>• s.58 General penalty and recovery of expenses incurred</li> </ul>
<b>Function</b>	Authority to recover expenses incurred as a result of an offence against the <i>Bush Fires Act 1954</i> , being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Gingin or those acting on behalf of the Shire of Gingin to do [2.58].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3) of the <i>Bush Fires Act 1954</i> .
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1954</i> s.5.46 and <i>Local Government (Administration) Regulations 1956</i> r.19.
<b>Date adopted</b>	15 June 2021
<b>Adoption references</b>	Minute Item 11.1

<b>Delegation</b>	<b>3.1.8 Prohibit or Postpone the Lighting of Fires</b>
<b>Category</b>	3. Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> <li>• s.48 Delegation by local government</li> </ul>
<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, including where a permit has been issued, where in the opinion of the Delegate the lighting of a fire would be, or would become, a source of danger by escaping from the land on which it is proposed to be lit.</li> <li>2. Authority to direct, where a fire is burning on land and the Delegate is of the opinion that the fire is in danger of escaping from that land, that the owner or occupier of the land take all reasonable steps to extinguish the fire or to prevent the fire from spreading.</li> <li>3. Authority to exercise the powers contained within Functions 1 and 2 with respect to fires on land within three kilometres of the boundary of forest land, where an authorised CALM Act Officer is not available or has failed to exercise those powers.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3) of the <i>Bush Fires Act 1954</i> .
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	15 June 2021
<b>Adoption references</b>	Minute Item 11.1

<b>Delegation</b>	<b>3.1.9 Control of Operations Likely to Create Bush Fire Danger</b>
<b>Category</b>	3. Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> <li>• s.48 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> <li>• s.27D Requirements for carriage and deposit of incendiary material</li> </ul> <i>Bush Fires Regulations 1954</i> <ul style="list-style-type: none"> <li>• r.39C Welding and cutting apparatus, use of in open air</li> <li>• r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc.</li> <li>• r.39D Explosives, use of</li> <li>• r.39E Fireworks, use of</li> </ul>
<b>Function</b>	1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus or a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)]. 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse or any other combustible matter that is burning) [s.27D].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3) of the <i>Bush Fires Act 1954</i> .
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1954</i> r.19.
<b>Date adopted</b>	15 June 2021
<b>Adoption references</b>	Minute Item 11.1

<b>Delegation</b>	<b>3.1.10 Make Request to FES Commissioner - Control of Fire</b>
<b>Category</b>	3. Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> <li>• s.48 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> <li>• s.13(4) Duties and powers of bush fire liaison officers</li> </ul>
<b>Function</b>	Authority to request on behalf of the Shire of Gingin that the FES Commissioner authorise a Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3) of the <i>Bush Fires Act 1954</i> .
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
<b>Date adopted</b>	15 June 2021
<b>Adoption references</b>	Minute Item 11.1



## 4. Cat Act 2011

<b>Delegation</b>	<b>4.1.1 Cat Registrations</b>
<b>Category</b>	4. Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.44 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.9 Registration</li> <li>• s.10 Cancellation of Registration</li> <li>• s.11 Registration numbers, certificates and tags</li> </ul> <i>Cat Regulations 2012</i> <ul style="list-style-type: none"> <li>• Sch. 3, cl.1(4) Fees payable</li> </ul>
<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 cat or class of cats within the Shire's District [Sch. 3 cl. 1(4)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. 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> </ol>
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.45 Delegation by CEO of local government</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>1. In accordance with the primary delegation.</li> <li>2. Function 5 is delegated to the position of Executive Manager Regulatory and Development Services only.</li> </ol>

<b>Statutory framework</b>	<p><i>Cat Regulations 2012:</i></p> <ul style="list-style-type: none"> <li>• r.12 Period of registration (s.9(7))</li> <li>• r.14 Registration certificate (s.11(1)(b))</li> <li>• r.15 Registration tags (s.76(2))</li> </ul>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 - Item 11.1.1

<b>Delegation</b>	<b>4.1.2 Cat Control Notices</b>
<b>Category</b>	4. Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.44 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.26 Cat control notice may be given to cat owner</li> </ul>
<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 Shire's District [s.26].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.45 Delegation by CEO of local government</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
<b>Subdelegate conditions</b>	In accordance with primary delegation.
<b>Statutory framework</b>	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> <li>• r.20 Cat control notice [s.23(3)], prescribes the form of the notice.</li> </ul>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 - Item 11.1.1

<b>Delegation</b>	<b>4.1.3 Approval to Breed Cats</b>
<b>Category</b>	4. Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.44 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.37 Approval to breed cats</li> <li>• s.38 Cancellation of approval to breed cats</li> <li>• s.39 Certificate to be given to approved cat breeder</li> </ul>
<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>	CEO
<b>Conditions</b>	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> <ul style="list-style-type: none"> <li>• s.45 Delegation by CEO of local government</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>1. In accordance with the primary delegation.</li> </ol>
<b>Statutory framework</b>	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> <li>• r.21 Application for approval to breed cats [s.36(2))</li> <li>• r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f))</li> <li>• r.23 Person who may not be refused approval to breed cats (s.37(5))</li> <li>• r.24 Duration of approval to breed cats (s.37(6))</li> <li>• r.25 Certificate given to approved cat breeder (s.39(1))</li> </ul>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.

<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 - Item 11.1.1

<b>Delegation</b>	<b>4.1.4 Recovery of Costs - Destruction of Cats</b>
<b>Category</b>	4. Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.44 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.49(3) Authorised person may cause cat to be destroyed</li> </ul>
<b>Function</b>	1. Authority to recover the amount of the costs associated with the destruction and disposal of a cat [s.49(3)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.45 Delegation by CEO of local government</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
<b>Subdelegate conditions</b>	1. In accordance with the primary delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by Local Government Act 1995 s.5.46 and Local Government (Administration) Regulations 1996 r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>4.1.5 Applications to Keep Additional Cats</b>
<b>Category</b>	4. Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.44 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> <ul style="list-style-type: none"> <li>• r.8 Application to keep additional number of cats</li> <li>• r.9 Grant of approval to keep additional number of cats</li> </ul>
<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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.45 Delegation by CEO of local government</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>1. In accordance with the primary delegation.</li> </ol>
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>4.1.6 Reduce or Waive Registration Fee</b>
<b>Category</b>	4. Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.44 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> <li>• Sch. 3 Fees cl.1(4)</li> </ul>
<b>Function</b>	1. Authority to reduce or waive a fee payable under Sch. 3 cl.(2) or (3) in respect to any individual cat.
<b>Delegates</b>	CEO
<b>Conditions</b>	This delegation does not provide authority to determine to reduce or waive the fees payable in regard to any class of cat within the District, which would require 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> <ul style="list-style-type: none"> <li>• s.45 Delegation by CEO of local government</li> </ul>
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1



<b>Delegation</b>	<b>4.2.1 Infringement Notices - Extensions and Withdrawals</b>
<b>Category</b>	4. Cat Act 2011
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.45 Delegation by CEO of local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>• s.64 Extension of time</li> <li>• s.65 Withdrawal of notice</li> </ul>
<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>	Executive Manager Regulatory and Development Services
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Subdelegate conditions</b>	Not applicable.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	22 July 2022
<b>Adoption references</b>	Synergy Document: NM23016

## 5. Dog Act 1974

<b>Delegation</b>	<b>5.1.1 Part Payment of Sterilisation Costs/Directions to Veterinary Surgeons</b>
<b>Category</b>	5. Dog Act 1974
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA Delegation of local government powers and duties</li> </ul>
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10A Payments to veterinary surgeons towards costs of sterilisation</li> </ul>
<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 make a payment towards such costs [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(a)(b) and (2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA(3) Delegation of local government powers and duties</li> </ul> <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>5.1.2 Refuse or Cancel Registration</b>
<b>Category</b>	5. Dog Act 1974
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Dog Act 1976:</i></p> <ul style="list-style-type: none"> <li>• s.10AA Delegation of local government powers and duties</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Dog Act 1976:</i></p> <ul style="list-style-type: none"> <li>• s.15(2) and (4A) Registration periods and fees</li> <li>• s.16(3) Registration procedure</li> <li>• s.17A(2) If no application for registration made</li> <li>• s.17(4) and (6) Refusal or cancellation of registration</li> </ul>
<b>Function</b>	<p>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</p> <p>2. Authority to direct a registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:</p> <p>a. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3 years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or</p> <p>b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or</p> <p>c. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or</p> <p>d. the dog is required to be microchipped but is not microchipped; or</p> <p>e. the dog is a dangerous dog [s.16(3) and s.17A(2)].</p> <p>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s.15(4A)].</p> <p>4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration, the applicant/owner has not applied to the State Administrative Tribunal for the decision to be reviewed [s.17(4)].</p> <p>5. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found to be in contravention of s.31, 32 or 33A and had not been claimed [s.17(6)].</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil

<b>Express power to subdelegate</b>	<p><i>Dog Act 1976:</i></p> <ul style="list-style-type: none"> <li>• s.10AA(3) Delegation of local government powers and duties</li> </ul> <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
<b>Subdelegates</b>	<p>Executive Manager Regulatory and Development Services  Manager Ranger Services  Ranger  Senior Ranger</p>
<b>Subdelegate conditions</b>	<p>Subdelegations relate to Functions 1, 2, 4 and 5 ONLY. Function 3 has NOT been subdelegated to any position.</p>
<b>Statutory framework</b>	<p><i>Dog Act 1976:</i></p> <ul style="list-style-type: none"> <li>• s.17A If no application for registration made - procedure for giving notice of decision under s.16(3).</li> </ul> <p>NOTE: Decisions made under this delegation may be referred for review by the State Administrative Tribunal - s.16A, s.17(4) and (6).</p>
<b>Policy</b>	<p>Nil</p>
<b>Record keeping</b>	<p>Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.</p>
<b>Date adopted</b>	<p>19 July 2022</p>
<b>Adoption references</b>	<p>OCM 19 July 2022 – Item 11.1.1</p>

<b>Delegation</b>	<b>5.1.3 Kennel Establishments</b>
<b>Category</b>	5. Dog Act 1974
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA Delegation of local government powers and duties</li> </ul>
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.27 Licensing of approved kennel establishments</li> </ul>
<b>Function</b>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
<b>Delegates</b>	CEO
<b>Conditions</b>	1. Application processing and decisions under this delegation are to comply with the Shire of Gingin Dogs Local Law 2004.
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA(3) Delegation of local government powers and duties</li> </ul> <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
<b>Subdelegate conditions</b>	1. In accordance with primary delegation.
<b>Statutory framework</b>	Decisions made under this delegation may be referred for review by the State Administrative Tribunal - s.16A, s.17(4) and (6).
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>5.1.4 Recovery of Moneys Due under this Act</b>
<b>Category</b>	5. Dog Act 1974
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA Delegation of local government powers and dutes</li> </ul>
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.29(5) Power to seize dogs</li> </ul>
<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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA(3) Delegation of local government powers and duties</li> </ul> <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
<b>Subdelegate conditions</b>	1. In accordance with primary delegation.
<b>Statutory framework</b>	Includes recovery of expenses relevant to:  <i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense</li> <li>• s.33M Local government expenses to be recoverable</li> <li>• s.47 Veterinary service expenses recoverable from local government</li> </ul> <i>Dog Regulations 2013:</i> <ul style="list-style-type: none"> <li>• r.31 Local government expenses as to dangerous dogs (declared)</li> </ul>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.

<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>5.1.5 Dispose of or Sell Dogs Liable to be Destroyed</b>
<b>Category</b>	5. Dog Act 1974
<b>Delegator</b>	Council
<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> <ul style="list-style-type: none"> <li>• s.29(11) Power to seize dogs</li> </ul>
<b>Function</b>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.19(11)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA(3) Delegation of local government powers and duties</li> </ul> <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
<b>Subdelegate conditions</b>	In accordance with primary delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1



<b>Delegation</b>	<b>5.1.6 Declare Dangerous Dog</b>
<b>Category</b>	5. Dog Act 1974
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976</i> <ul style="list-style-type: none"> <li>• s.10AA Delegation of local government powers and duties</li> </ul>
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.33E(1) Individual dog may be declared to be dangerous dog (declared)</li> </ul>
<b>Function</b>	1. Authority to declare an individual dog to be a dangerous dog.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA(3) Delegation of local government powers and duties</li> </ul> <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
<b>Subdelegate conditions</b>	In accordance with primary delegation.
<b>Statutory framework</b>	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>5.1.7 Dangerous Dog Declared or Seized - Deal with Objections and Determine When to Revoke</b>
<b>Category</b>	5. Dog Act 1974
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA Delegation of local government powers and duties</li> </ul>
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.33F(6) Owners to be notified of making of decision</li> <li>• s.33G(4) Seizure and destruction</li> <li>• s.33H(1) and (2) Local government may revoke declaration or proposal to destroy</li> </ul>
<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.33(1)].</li> <li>4. Authority, before dealing with an application to revoke a declaration or notice, to 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>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA(3) Delegation of local government powers and duties</li> </ul> <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	In accordance with primary delegation.
<b>Statutory framework</b>	<p>The power to deal with an objection to, or to revoke, a dangerous dog declaration should not be delegated to a position which also holds the power to enable the declaration of a dangerous dog under s.33E(1). The Shire's Manager Ranger Services, Senior Ranger and Rangers are authorised to declare individual dogs to be dangerous dogs (Del. 5.1.6).</p> <p>NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.</p>
<b>Policy</b>	Nil

<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice</b>
<b>Category</b>	5. Dog Act 1974
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA Delegation of local government powers and duties</li> </ul>
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.33H(5) Local government may revoke declaration or proposal to destroy</li> </ul>
<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. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA(3) Delegation of local government powers and duties</li> </ul> NOTE: The CEO is expressly authorised to subdelegate to employees.
<b>Subdelegate conditions</b>	Not applicable.
<b>Statutory framework</b>	The power to deal with an objection to a notice to revoke a dangerous dog declaration or destruction notice should not be delegated to a position which either holds the power to declare an individual dog to be a dangerous dog, or to deal with an objection to, or to revoke, a dangerous dog declaration.  NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration</b>
<b>Category</b>	5. Dog Act 1974
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA Delegation of local government powers and duties</li> </ul>
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.33M(1)(a) Local government expenses to be recoverable</li> </ul>
<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 enquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>• s.10AA(3) Delegation of local government powers and duties</li> </ul> <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services Manager Ranger Services
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<i>Dog Regulations 1976:</i> <ul style="list-style-type: none"> <li>• r.31 Local government expenses as to dangerous dogs declared - prescribes the maximum charge allowable with respect to s.33M(1)(a).</li> </ul>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

## 6. Food Act 2008

<b>Delegation</b>	<b>6.1.1 Appoint Authorised Officers and Designated Officers</b>
<b>Category</b>	6. Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008</i> : <ul style="list-style-type: none"> <li>• s.118(2)(b), (3) and (4) Functions of enforcement agencies and delegation</li> </ul>
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> : <ul style="list-style-type: none"> <li>• s.122(1) Appointment of authorised officers</li> <li>• s.126(6), (7) and (13) Infringement officers</li> </ul>
<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 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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. A person who is a Designated Officer for the purposes of Function 2 cannot also be a Designated Officer for the purposes of Function 3, and vice versa [s.126(13)].</li> <li>2. A list of appointed Authorised Officers must be prepared and maintained [s.122(3)].</li> </ol>
<b>Express power to subdelegate</b>	Nil - the <i>Food Regulations 2008</i> do not provide for subdelegation.
<b>Subdelegate conditions</b>	Not applicable.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>6.1.2 Prohibition Orders</b>
<b>Category</b>	6. Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008:</i> <ul style="list-style-type: none"> <li>• s.118(2)(b), (3) and (4) Functions of enforcement agencies and delegation</li> </ul>
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> <ul style="list-style-type: none"> <li>• s.65(1) Prohibition orders</li> <li>• s.66 Certificate of clearance to be given in certain circumstances</li> <li>• s.67(4) Request for re-inspection</li> </ul>
<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>	Executive Manager Regulatory and Development Services Principal Environmental Health Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil - the <i>Food Regulations 2008</i> do not provide for subdelegation.
<b>Subdelegate conditions</b>	Not applicable.
<b>Statutory framework</b>	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	17 June 2014
<b>Adoption references</b>	OCM 17 June 2014 - Item 11.1.1

<b>Delegation</b>	<b>6.1.3 Registration of Food Businesses</b>
<b>Category</b>	6. Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008:</i> <ul style="list-style-type: none"> <li>• s.118(2)(b), (3) and (4) Functions of enforcement agencies and delegation</li> </ul>
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> <ul style="list-style-type: none"> <li>• s.110(1) and (5) Registration of food business</li> <li>• s.112 Variation of conditions or cancellation of registration of food businesses</li> </ul>
<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 applicable to, or cancel the registration of, a food business [s.112].</li> </ol>
<b>Delegates</b>	Executive Manager Regulatory and Development Services Principal Environmental Health Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil - the <i>Food Regulations 2008</i> do not provide for subdelegation.
<b>Subdelegate conditions</b>	Not applicable.
<b>Statutory framework</b>	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1



<b>Delegation</b>	<b>6.1.4 Determine Compensation</b>
<b>Category</b>	6. Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008:</i> <ul style="list-style-type: none"> <li>• s.118(2)(b), (3) and (4) Functions of enforcement agencies and delegation</li> </ul>
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> <ul style="list-style-type: none"> <li>• s.56(2) Compensation to be paid in certain circumstances</li> <li>• s.70(2) and (3) Compensation</li> </ul>
<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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. 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>2. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5,000. Compensation requests above this value are to be submitted to Council for consideration.</li> </ol>
<b>Express power to subdelegate</b>	Nil - the <i>Food Act 2008</i> does not contain any express power to subdelegate.
<b>Subdelegate conditions</b>	Not applicable.
<b>Statutory framework</b>	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>6.1.5 Debt Recovery and Prosecutions</b>
<b>Category</b>	6. Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008:</i> <ul style="list-style-type: none"> <li>• s.118(2)(b), (3) and (4) Functions of enforcement agencies and delegation</li> </ul>
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> <ul style="list-style-type: none"> <li>• s.54 Cost of destruction or disposal of forfeited item</li> <li>• s.125 Institution of proceedings</li> </ul>
<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 (sized) 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 <i>Food Act 2008</i> [s.125].</li> </ol>
<b>Delegates</b>	Executive Manager Regulatory and Development Services Principal Environmental Health Officer
<b>Conditions</b>	1. 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 - the <i>Food Regulations 2009</i> do not provide for subdelegation.
<b>Subdelegate conditions</b>	Not applicable.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

## 7. Graffiti Vandalism Act 2016

<b>Delegation</b>	<b>7.1.1 Give Notice Requiring Obliteration of Graffiti</b>
<b>Category</b>	7. Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.16 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.18(2) Notice requiring removal of graffiti</li> <li>• s.19(3) and (4) Additional powers when notice is given</li> </ul>
<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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.17 Delegation by CEO of local government</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>1. Where a notice is issued to an occupier of land who is not the owner of the property, the owner is to be informed in writing that the notice was given [s.18(3)].</li> </ol>
<b>Statutory framework</b>	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>7.1.2 Notices - Deal with Objections and Give Effect to Notices</b>
<b>Category</b>	7. Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.16 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.22(3) Objection may be lodged</li> <li>• s.24(1)(b) and (3) Suspension of effect of notice</li> </ul>
<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>a. 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>b. give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.17 Delegation by CEO of local government</li> </ul>
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>7.1.3 Obliterate Graffiti on Private Property</b>
<b>Category</b>	7. Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.16 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.25(1) Local government powers on land not local government property</li> </ul>
<b>Function</b>	1. Authority to determine to obliterate graffiti without the 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>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.17 Delegation by CEO of local government</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	In accordance with the Primary Delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>7.1.4 Powers of Entry</b>
<b>Category</b>	7. Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.16 Delegation by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.28 Notice of entry</li> <li>• s.29 Entry under warrant</li> </ul>
<b>Function</b>	1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>• s.17 Delegation by CEO of local government</li> </ul>
<b>Subdelegates</b>	Executive Manager Regulatory and Development Services
<b>Subdelegate conditions</b>	In accordance with primary delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	19 July 2022
<b>Adoption references</b>	OCM 19 July 2022 – Item 11.1.1

## 8. Planning and Development Act 2005

<b>Delegation</b>	<b>8.1.1 Town Planning Powers</b>
<b>Category</b>	8. Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i></p> <ul style="list-style-type: none"> <li>• Sch. 2 Deemed provisions for local planning schemes cl. 82 Delegations by local government</li> </ul>
<b>Function</b>	<p><b>Subdivision/Amalgamation</b></p> <p>To provide advice on and grant clearance for the following subdivisions and amalgamations of land referred to Council by the Western Australian Planning Commission:</p> <p>(a) All subdivisions for 50 lots or less that conform with Council's Local Planning Scheme No. 9 (as amended).</p> <p><i>NOTE: Subdivisions for more than 50 lots must be referred to Council for determination.</i></p> <p>(b) All subdivisions/amalgamations that comply with the subdivision detail depicted on a Structure Plan/Detailed Area Plan or Outline Development Plan adopted by Council.</p> <p><b>Permitted Uses</b></p> <p>To:</p> <p>(a) Approve all applications for planning approval where the proposed use is a 'P' use in the zoning table of Local Planning Scheme No. 9.</p> <p>(b) Approve all applications for planning approval where the proposed use is incidental under the Local Planning Scheme No. 9, subject to:</p> <ul style="list-style-type: none"> <li>(i) Application of standard tests of dominance and subservience, in accordance with appropriate and accepted town planning practice;</li> <li>(ii) Compliance with any requirements of Council established by earlier relevant Council decisions in respect of such uses, which are considered relevant to the application.</li> </ul> <p><b>Residential Development - Residential Design Codes of Western Australia (as amended)</b></p> <p>To approve all development applications for a single house (including outbuildings) and grouped or multiple dwelling developments to a maximum of six dwelling units where:</p> <p>(a) The permissibility is designated a 'P', 'D' or 'A' use in Table 1: Zoning Table of the Shire of Gingin Local Planning Scheme No. 9 (as amended);</p> <p>(b) No objection or concern has been raised by an adjoining landowner or residents (if required to be advertised); and</p> <p>(c) The application complies with Scheme provisions and any relevant Local Planning Policy standards and requirements except for the extent of variation.</p> <p><i>NOTE: Notwithstanding the above, any application may be referred to Council for consideration</i></p>

where, in the opinion of the delegated officer, it is considered appropriate.

### **Other Use and Development**

To:

(a) Approve all development applications for the discretionary use class under designated zones subject to no objection received during advertising in accordance with the details below:

(i) Land Use Development: Aquaculture  
Delegated Zones: General Rural/Rural Living/General Industry/Rural Industry  
Specific Delegation Criteria: N/A

(ii) Land Use Development: Ancillary Accommodation  
Delegated Zones: Residential/Rural Industry/Rural Living  
Specific Delegation Criteria: Approval for applications that comply with Scheme requirements, Residential Design Codes and relevant Local Planning Policy.

(iii) Land Use Development: Bed and Breakfast  
Delegated Zones: Rural Living  
Specific Delegation Criteria: Approval for:

- Applications that comply with Scheme requirements; and
- Applications where no adverse public submissions have been received.

(iv) Land Use Development: Caretaker's Dwelling  
Delegated Zones: Mixed Business/Rural Industry/General Rural/Tourism/Conservation  
Specific Delegation Criteria: Subject to compliance with cl. 5.10.9 of LPS No. 9.

(v) Land Use Development: Child Care Premises  
Delegated Zones: Rural Living  
Specific Delegation Criteria: Approval for:

- Applications that comply with Scheme requirements; and
- Applications where no adverse public submissions have been received.

(vi) Land Use Development: Home Occupation  
Delegated Zones: Residential/Tourism/General Rural/Rural Industry/Rural Living  
Specific Delegation Criteria: Approval for:

- Applications that comply with Scheme requirements; and
- Applications where no adverse public submissions have been received.

(vii) Land Use Development: Agriculture Intensive - Irrigated Horticulture  
Delegated Zones: General Rural  
Specific Delegation Criteria: Approval for:

- Proposals greater than 300m from any sensitive land use (ie single dwelling);
- Proposals that are able to comply with the standard approval conditions relative to Agriculture Intensive; and
- Minor development incidental to Agriculture Intensive (eg. storage sheds, silos, water tanks, bushfire mitigation infrastructure and solar panels).

(viii) Land Use Development: Industry - Light  
Delegated Zones: Rural Industry  
Specific Delegation Criteria: N/A

(ix) Land Use Development: Market  
Delegated Zones: Tourism/Town Centre/General Industry/General Rural



	<p>Specific Delegation Criteria: Approval for applications that comply with Scheme provisions.</p> <p>(x) Land Use Development: Restaurant Delegated Zones: Tourism/Town Centre Specific Delegation Criteria: N/A</p> <p>(xi) Land Use Development: Industry - Rural Delegated Zones: General Industry/Rural Industry Specific Delegation Criteria: N/A</p> <p>(xii) Land Use Development: Industry - Service Delegated Zones: Town Centre/Mixed Business/Rural Industry Specific Delegation Criteria: N/A</p> <p>(xiii) Land Use Development: Shop Delegated Zones: Tourism Specific Delegation Criteria: N/A</p> <p>(xiv) Land Use Development: Trade Display Delegation Zones: Town Centre/General Industry/Rural Industry Specific Delegation Criteria: N/A</p> <p>(xv) Land Use Development: Transportable Dwellings Delegation Zones: All zones Specific Delegation Criteria: Approval for applications that:</p> <ul style="list-style-type: none"> <li>◦ Comply with Council's Policy Statement 1.7 - Transportable Dwellings; and</li> <li>◦ Are designated 'P' or 'D' in the Policy Statement Table.</li> </ul> <p>(xvi) Land Use Development: Vehicle Repairs Delegation Zones: Rural Industry Specific Delegation Criteria: N/A</p> <p>(xvii) Land Use Development: Vehicle Sales and Hire Delegation Zones: Town Centre Specific Delegation Criteria: N/A</p> <p>(xviii) Land Use Development: Warehouse Delegation Zones: Mixed Business/Rural Industry Specific Delegation Criteria: N/A</p> <p>(b) Approve an amendment or relocation of designated building envelopes on 'Rural Living' and 'General Rural' zoned properties where no objection is raised from adjoining landowners and the proposal will not result in removal of significant vegetation.</p> <p><i>NOTE: Notwithstanding the above, any application may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.</i></p> <p>(c) Approve all development applications for Use Not Listed - Signs, subject to no objection being received during advertising, in accordance with the following criteria:</p> <p>(i) Land Use Development: Advertisement Delegated Zones: All zones Specific Delegation Criteria: Approval for applications that fully comply with the Shire's local laws and policies relating to signage.</p>
<b>Delegates</b>	CEO

<b>Conditions</b>	<p>1. The delegations given to the Chief Executive Officer hereunder only permit that Officer to approve applications. Applications that the Chief Executive Officer is not prepared to approve shall be referred to Council for determination.</p> <p>2. The Chief Executive Officer, when exercising a power delegated by Council in this section, shall only make such decisions after ensuring that the approval complies with the provisions of the Local Planning Scheme and is consistent with other decisions of Council in respect of such uses.</p> <p>3. All subdivision proposals in the "General Rural" zone intended to accommodate service infrastructure. Council's support for such proposals to include the following condition:</p> <p><i>A Restrictive Covenant being placed on the land, at the subdivider's cost, under a legal agreement that ensures:</i></p> <p><i>i) Use of the subdivided portion of land shall be limited to service infrastructure; and</i></p> <p><i>ii) If the infrastructure is no longer required, the subdivided portion of land could not be sold, but would be amalgamated with the adjoining land.</i></p>
<b>Express power to subdelegate</b>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i></p> <ul style="list-style-type: none"> <li>• Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers</li> </ul>
<b>Subdelegates</b>	<p>Coordinator Statutory Planning  Coordinator Strategic Planning  Executive Manager Regulatory and Development Services  Statutory Planning Officer</p>
<b>Subdelegate conditions</b>	<p>In accordance with the primary delegation.</p>
<b>Statutory framework</b>	<p>Shire of Gingin By-laws Relating to Signs and Bill Posting</p>
<b>Policy</b>	<p>Nil</p>
<b>Record keeping</b>	<p>Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.</p>
<b>Date adopted</b>	<p>5 August 2003</p>
<b>Adoption references</b>	<p>OCM 05 August 2003 - Item 10.1.2</p>

<b>Delegation</b>	<b>8.1.2 Advertising</b>
<b>Category</b>	8. Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> <li>Sch. 2 Deemed provisions for local planning schemes, cl.82 Delegations by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> <li>Sch. 2 Deemed provisions for local planning schemes, cl. 64 Advertising applications</li> </ul>
<b>Function</b>	1. Authority to initiate advertising of an application for a 'P', 'D' or 'A' use in Table 1: Zoning Table pursuant to the provisions of cl. 64 and in accordance with Local Planning Policy.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> <li>Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers</li> </ul>
<b>Subdelegates</b>	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	15 March 2011
<b>Adoption references</b>	OCM 15 March 2011 - Item 11.1.4

<b>Delegation</b>	<b>8.1.3 Non-Statutory Delegations</b>
<b>Category</b>	8. Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	N/A
<b>Express power or duty delegated</b>	N/A
<b>Function</b>	<p>To respond to requests, applications or referrals received by the Shire on the following matters:</p> <ul style="list-style-type: none"> <li>• Sale or lease of land by State or Federal Government departments;</li> <li>• Land clearing applications from State or Commonwealth agencies; and</li> <li>• Mining tenement and exploration licence referrals from Department of Mines, Industry Regulation and Safety.</li> </ul>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	N/A
<b>Subdelegates</b>	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
<b>Subdelegate conditions</b>	In accordance with primary delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	15 March 2011
<b>Adoption references</b>	OCM 15 March 2011 - Item 11.1.4

<b>Delegation</b>	<b>8.1.4 Miscellaneous</b>
<b>Category</b>	8. Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i></p> <ul style="list-style-type: none"> <li>Sch. 2 Deemed provisions for local planning schemes, cl. 82 Delegations by local government</li> </ul>
<b>Express power or duty delegated</b>	N/A
<b>Function</b>	<p>To:</p> <ol style="list-style-type: none"> <li>Address all matters which arise out of the imposition of conditions on a development approval and provide clarification where required;</li> <li>Determine Council's position in consultation with the Shire President (or Deputy Shire President in the absence of the Shire President) with respect to any mediation process resulting from an appeal lodged with the State Administrative Tribunal;</li> <li>Serve notices on property owners who are deemed to be in breach of the Shire's Local Planning Scheme No. 9 (as amended). This may relate to unlawful land use or development, non-compliance with a condition/s of development approval or contravention of a direction set by the Scheme or a Local Planning Policy;</li> <li>Obtain legal advice in relation to a planning matter within the designated budget allocation;</li> <li>Entertain initial discussions and provide direction to applicants on development proposals in line with state planning policy and current planning instruments including strategy documents endorsed/adopted by Council; and</li> <li>To engage an independent planning consulting service at the State Administrative Tribunal should Council's Resolution differ from Shire Officer's Recommendation resulting in the Review of an Application for Planning Approval</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>All development applications or subdivision referrals where the Chief Executive Officer or other delegated officers recommend refusal/objection of the application shall be presented to Council for consideration and a decision; and</li> <li>The instigation of legal action in relation to a breach of development approval or an offence committed against one or more of the provisions of the Shire's Local Planning Scheme No. 9 (as amended) shall be subject to a resolution of Council.</li> </ol>
<b>Express power to subdelegate</b>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i></p> <ul style="list-style-type: none"> <li>Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers</li> </ul>

<b>Subdelegates</b>	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	15 March 2011
<b>Adoption references</b>	OCM 15 March 2011 - Item 11.1.4

<b>Delegation</b>	<b>8.1.5 Sea Containers</b>
<b>Category</b>	8. Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> <li>Sch. 2 Deemed provisions for local planning schemes, cl. 82 Delegations by local government</li> </ul>
<b>Express power or duty delegated</b>	<i>Shire of Gingin Local Planning Scheme No. 9:</i> <ul style="list-style-type: none"> <li>cl. 4.4.2 (applicable to sea containers only)</li> </ul>
<b>Function</b>	1. To process and approve planning applications for sea containers.
<b>Delegates</b>	CEO
<b>Conditions</b>	1. Subject to full compliance with Local Planning Policy 1.9 - Sea Containers.
<b>Express power to subdelegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> <li>Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers</li> </ul>
<b>Subdelegates</b>	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	Nil
<b>Policy</b>	Local Planning Policy 1.9 - Sea Containers
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	20 August 2013
<b>Adoption references</b>	OCM 20 August 2013 - Item 11.1.1

<b>Delegation</b>	<b>8.1.6 Illegal Development</b>
<b>Category</b>	8. Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.4.52(b) Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express power or duty delegated</b>	<p><i>Planning and Development Act 2005:</i></p> <ul style="list-style-type: none"> <li>• s.214(2), (3) and (5) Illegal development, responsible authority's powers as to</li> </ul>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to 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. Authority to give a written direction to the owner or any other person who undertakes 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. Authority to 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>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Where a Direction Notice has been issued for unauthorised built development, a minimum of 60 days from the date of the issue of the Direction Notice will be allowed for the owner or alleged offender to comply.</li> </ol>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• s.5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Subdelegates</b>	<p>Coordinator Statutory Planning  Coordinator Strategic Planning  Executive Manager Regulatory and Development Services</p>
<b>Subdelegate conditions</b>	In accordance with the primary delegation.
<b>Statutory framework</b>	<p><i>Planning and Development Act 2005:</i></p> <ul style="list-style-type: none"> <li>• Part 13</li> </ul>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.



<b>Date adopted</b>	19 December 2017
<b>Adoption references</b>	OCM 19 December 2017 - Item 11.3.3

## 9. Public Health Act 2016

<b>Delegation</b>	<b>9.1.1 Designation of Authorised Officers</b>
<b>Category</b>	9. Public Health Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Public Health Act 2016:</i> <ul style="list-style-type: none"> <li>• s.21 Enforcement agency may delegate</li> </ul>
<b>Express power or duty delegated</b>	<i>Public Health Act 2016:</i> <ul style="list-style-type: none"> <li>• s.24(1) and (3) Designation of authorised officers</li> </ul>
<b>Function</b>	<p>1. Authority to designate a person or class of persons as authorised officers for the purpose of:</p> <p>a. The <i>Public Health Act 2016</i> or another specified Act.</p> <p>b. Specified provisions of the <i>Public Health Act 2016</i> or another specified Act.</p> <p>c. Provisions of the <i>Public Health Act 2016</i> 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>	CEO
<b>Conditions</b>	<p>1. Subject to each person so appointed being:</p> <p>a. appropriately qualified and experienced [s.25(10)(a)]; and</p> <p>b. issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</p> <p>2. A register of authorised officers is to be maintained in accordance with s.27.</p>
<b>Express power to subdelegate</b>	Nil - the <i>Public Health Act 2016</i> does not contain a power of subdelegation unless a regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
<b>Subdelegate conditions</b>	Not applicable.

<b>Statutory framework</b>	<p><i>Public Health Act 2016:</i></p> <ul style="list-style-type: none"> <li>• s.20 Conditions on performance of functions by enforcement agencies</li> <li>• s.25 Certain authorised officers required to have qualifications and experience</li> <li>• s.26 Further provisions relating to designations</li> <li>• s.27 Lists of authorised officers to be maintained</li> <li>• s.28 When designation as authorised officer ceases</li> <li>• s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</li> <li>• s.30 Certificate of authority</li> <li>• s.31 Issuing and production of certificate of authority for purposes of other written laws</li> <li>• s.32 Certificate of authority to be returned</li> <li>• s.136 Authorised officer to produce evidence of authority</li> </ul> <p><i>Criminal Investigation Act 2006:</i></p> <ul style="list-style-type: none"> <li>• Parts 6 and 13 - refer s.246 of the <i>Public Health Act 2016</i></li> </ul> <p><i>The Criminal Code:</i></p> <ul style="list-style-type: none"> <li>• Chapter XXVI - refer s.252 of the <i>Public Health Act 2016</i></li> </ul>
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	21 February 2017
<b>Adoption references</b>	OCM 21 February 2017 - Item 11.1.1

<b>Delegation</b>	<b>9.1.2 Appoint Authorised Officer or Approved Officer (Asbestos Regs)</b>
<b>Category</b>	9. Public Health Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Health (Asbestos) Regulations 1992:</i> <ul style="list-style-type: none"> <li>• r15D(7) Infringement notices</li> </ul>
<b>Express power or duty delegated</b>	<i>Health (Asbestos) Regulations 1992:</i> <ul style="list-style-type: none"> <li>• r.15(30(5) Infringement notices</li> </ul>
<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>	CEO
<b>Conditions</b>	1. 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 <i>Health (Asbestos) Regulations 1992</i> do not provide for subdelegation.
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<i>Criminal Procedure Act 2004</i> - Part 2
<b>Policy</b>	Nil
<b>Record keeping</b>	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
<b>Date adopted</b>	16 October 2018
<b>Adoption references</b>	OCM 16 October 2018 - Item 11.1.2

## AMENDMENTS

For Period 2021-2022

<b>Delegation</b>	<b>Approved or adopted</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
1.1.1 Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land	19 Jul 2022	Amended delegation	Formerly Delegation 1.10 Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land.	OCM 19 July 2022 - Item 11.1.1
1.1.4 Powers of Entry	19 Jul 2022	Amended delegation	Formerly Delegation 1.19 Powers of Entry.	OCM 19 July 2022 - Item 11.1.1
1.1.5 Appointment of Authorised Persons and Approval of Complaint of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates)	19 Jul 2022	Amended delegation	Formerly Delegation 1.20 Appointment of Authorised Persons and Approval of Complaint of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates).	OCM 19 July 2022 - Item 11.1.1
1.1.6 Tenders for Goods and Services - Call Tenders	19 Jul 2022	Amended delegation	Formerly Delegation 1.21 Tenders for Goods and Services - Call Tenders.	OCM 19 July 2022 - Item 11.1.1
1.1.7 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options	19 Jul 2022	Amended delegation	Formerly Delegation 1.22 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options.	OCM 19 July 2022 - Item 11.1.1
1.1.8 Application of Regional Price Preference Policy	19 Jul 2022	Amended delegation	Formerly Delegation 1.23 Application of Regional Price Preference Policy.	OCM 19 July 2022 - Item 11.1.1
1.1.9 Waive or Grant Concessions on Money Owed to the Shire	19 Jul 2022	Amended delegation	Formerly Delegation 2.2 Waive or Grant Concessions on Money Owed to the Shire.	OCM 19 July 2022 - Item 11.1.1
1.1.10 Power to Invest and Manage Investments	19 Jul 2022	Amended delegation	Formerly Delegation 2.4 Investing Money Not Required for the Time Being. Reference to investment of funds held in Reserve deleted.	OCM 19 July 2022 - Item 11.1.1

<b>Delegation</b>	<b>Approved or adopted</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
1.1.11 Rates and Service Charges	19 Jul 2022	Amended delegation	Formerly Delegation 2.6 Rate Book. Reference to delegation of powers under s.6.40 of the Local Govt Act 1995 deleted. Function 5 added. Function 5 subdelegated to position of Executive Manager Corporate & Community Services.	OCM 19 July 2022 - Item 11.1.1 Synergy Document: NM23016
1.1.12 Disposing of Assets	19 Jul 2022	Amended delegation	Formerly Delegation 2.14 Disposition of Assets Other Than Land. Scope of delegation extended to cover property that is exempt from disposition of property requirements of the Local Government Act 1995.	OCM 19 July 2022 - Item 11.1.1
1.1.13 Payments from the Municipal or Trust Funds	19 Jul 2022	Amended delegation	Formerly Delegation 2.15 Payments from the Municipal or Trust Fund	OCM 19 July 2022 - Item 11.1.1
1.1.14 Declare Vehicle to be Abandoned Vehicle Wreck	19 Jul 2022	Amended delegation	Formerly Delegation 3.11 Declaring an Impounded Vehicle to be an Abandoned Vehicle Wreck. Function reworded for purposes of clarity.	OCM 19 July 2022 - Item 11.1.1
1.1.15 Confiscated or Uncollected Goods	19 Jul 2022	Amended delegation	Formerly Delegation 3.12 Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods. Specific reference to the sale of abandoned vehicles and animals deleted. Delegation extended to encompass s.3.46 Goods may be withheld until costs paid and s.3.48 Impounding expenses, recovery of. Condition requiring all confiscated/uncollected goods to be disposed of via public tender and limiting CEO's power to accept such tenders at a maximum value of \$500 deleted.	OCM 19 July 2022 - Item 11.1.1
1.1.16 Disposal of Sick or Injured Impounded Animals	19 Jul 2022	Amended delegation	Reference included to recovery of expenses associated with exercise of delegation in accordance with s.3.48 of the Local Government Act 1995.	OCM 19 July 2022 - Item 11.1.1
1.1.17 Gates Across Public Thoroughfares	19 Jul 2022	Amended delegation	Formerly Delegation 5.2 Registered Gates. Function reworded for purposes of clarity.	OCM 19 July 2022 - Item 11.1.1

<b>Delegation</b>	<b>Approved or adopted</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
1.1.18 Close Thoroughfares to Vehicles	19 Jul 2022	New delegation	Encompasses powers formerly addressed by Delegations 5.4 Temporary Closure of Thoroughfares, 5.5 Partial Closure of Thoroughfares for Repairs or Maintenance, 5.6 Revocation of Road Closure Order and 5.7 Temporary Closure of Thoroughfares - Events.	OCM 19 July 2022 - Item 11.1.1
2.1.1 Approve or Refuse a Building Permit	19 Jul 2022	Amended delegation	Formerly Delegation 6.1 Approve or Refuse a Building Permit. Function reworded for purposes of clarity. Delegation extended to include Functions 4 and 5.	OCM 19 July 2022 - Item 11.1.1
2.1.2 Occupancy Permits and Building Approval Certificates	19 Jul 2022	Amended delegation	Formerly Delegation 6.3 Issue an Occupancy Permit and a Building Approval Certificate. Delegation extended to include Functions 1, 3 and 4.	OCM 19 July 2022 - Item 11.1.1
2.1.3 Building Orders	19 Jul 2022	Amended delegation	Formerly Delegation 6.6 Issue Building Orders. Functions 2, 3, 4, 5 and 6 added.	OCM 19 July 2022 - Item 11.1.1
2.1.4 Demolition Permits	19 Jul 2022	Amended delegation	Formerly Delegation 6.8 Approval or Refuse a Demolition Permit. Delegation extended to include Functions 1, 3, 4 and 5 added.	OCM 19 July 2022 - Item 11.1.1
2.1.5 Designate Employees as Authorised Persons	19 Jul 2022	Amended delegation	Formerly Delegation 6.9 Building Act 2011 - Appointment of Authorised Persons.	OCM 19 July 2022 - Item 11.1.1
2.1.8 Appointment of Approved Officers and Authorised Officers	19 Jul 2022	Amended delegation	Formerly Delegation 6.10 Appointment of Approved Officers and Authorised Officers.	OCM 19 July 2022 - Item 11.1
3.1.1 Prohibited Burning Times - Vary and Control Activities	19 Jul 2022	Amended delegation	Formerly Delegation 3.1 Prohibited Burning Times.	OCM 19 July 2022 - Item 11.1.1
3.1.2 Restricted Burning Times - Vary and Control Activities	19 Jul 2022	Amended delegation	Formerly Delegation 3.1A Restricted Burning Times - Vary and Control Activities.	OCM 19 July 2022 - Item 11.1.1
3.1.3 Prosecution of Offences	19 Jul 2022	Amended delegation	Formerly Delegation 3.2 Prosecution of Offences.	OCM 19 July 2022 - Item 11.1.1

<b>Delegation</b>	<b>Approved or adopted</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
3.1.4 Appoint Bush Fire Control Officer/s and Fire Weather Officer/s	19 Jul 2022	Amended delegation	Formerly Delegation 3.4A Appoint Bush Fire Control Officer/s and Fire Weather Officer/s.	OCM 19 July 2022 - Item 11.1.1
3.1.5 Firebreaks	19 Jul 2022	Amended delegation	Formerly Delegation 3.4B Firebreaks.	OCM 19 July 2022 - Item 11.1.1
3.1.6 Burning Garden Refuse/Open Air Fires	19 Jul 2022	Amended delegation	Formerly Delegation 3.5 Burning Garden Refuse/Open Air Fires.	OCM 19 July 2022 - Item 11.1.1
3.1.7 Recovery of Expenses Incurred Through Contraventions of the Bush Fires Act 1954	19 Jul 2022	Amended delegation	Formerly Delegation 3.6 Recovery of Expenses Incurred Through Contraventions of the Bush Fires Act 1954.	OCM 19 July 2022 - Item 11.1.1
3.1.8 Prohibit or Postpone the Lighting of Fires	19 Jul 2022	Amended delegation	Formerly Delegation 3.7 Prohibit or Postpone the Lighting of Fires.	OCM 19 July 2022 - Item 11.1.1
3.1.9 Control of Operations Likely to Create Bush Fire Danger	19 Jul 2022	Amended delegation	Formerly Delegation 3.8 Control of Operations Likely to Create Bush Fire Danger.	OCM 19 July 2022 - Item 11.1.1
3.1.10 Make Request to FES Commissioner - Control of Fire	19 Jul 2022	Amended delegation	Formerly Delegation 3.9 Make Request to FES Commissioner - Control of Fire.	OCM 19 July 2022 - Item 11.1.1
4.1.1 Cat Registrations	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 - Item 11.1.1
4.1.2 Cat Control Notices	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 - Item 11.1.1
4.1.3 Approval to Breed Cats	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 - Item 11.1.1
4.1.4 Recovery of Costs - Destruction of Cats	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 - Item 11.1.1
4.1.5 Applications to Keep Additional Cats	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 - Item 11.1.1



<b>Delegation</b>	<b>Approved or adopted</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
4.1.6 Reduce or Waive Registration Fee	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 – Item 11.1.1
5.1.1 Part Payment of Sterilisation Costs/Directions to Veterinary Surgeons	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.2 Refuse or Cancel Registration	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.3 Kennel Establishments	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.4 Recovery of Moneys Due under this Act	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.5 Dispose of or Sell Dogs Liable to be Destroyed	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.6 Declare Dangerous Dog	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.7 Dangerous Dog Declared or Seized - Deal with Objections and Determine When to Revoke	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice	19 Jul 2022	New delegation	OCM 19 July 2022 – Item 11.1.1	OCM 19 July 2022 – Item 11.1.1
5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
6.1.1 Appoint Authorised Officers and Designated Officers	19 Jul 2022	New delegation	Powers previously addressed by Delegation 4.3 Food Act 2008 - Appointment of Authorised Officers and Delegation 4.4 Food Act 2008 - Appointment of Designated Officers.	OCM 19 July 2022 – Item 11.1.1

<b>Delegation</b>	<b>Approved or adopted</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
6.1.2 Prohibition Orders	19 Jul 2022	New delegation	Formerly Delegation 4.5 Prohibition Orders.	OCM 19 July 2022 – Item 11.1.1
6.1.3 Registration of Food Businesses	19 Jul 2022	New delegation	Formerly Delegation 4.6 Registration of Food Businesses.	OCM 19 July 2022 – Item 11.1.1
6.1.4 Determine Compensation	19 Jul 2022	New delegation	Formerly Delegation 4.9 Food Act 2008 - Determine Compensation. Function 1 added.	OCM 19 July 2022 – Item 11.1.1
8.1.1 Town Planning Powers	19 Jul 2022	Amended delegation	Formerly Delegation 7.1 Town Planning Powers.	OCM 19 July 2022 – Item 11.1.1
8.1.2 Advertising	19 Jul 2022	Amended delegation	Formerly Delegation 7.3 Advertising.	OCM 19 July 2022 – Item 11.1.1
8.1.3 Non-Statutory Delegations	19 Jul 2022	Amended delegation	Formerly Delegation 7.4 Non-Statutory Delegations.	OCM 19 July 2022 – Item 11.1.1
8.1.4 Miscellaneous	19 Jul 2022	Amended delegation	Formerly Delegation 7.5 Miscellaneous.	OCM 19 July 2022 – Item 11.1.1
8.1.5 Sea Containers	19 Jul 2022	Amended delegation	Formerly Delegation 7.7 Sea Containers.	OCM 19 July 2022 – Item 11.1.1
8.1.6 Illegal Development	19 Jul 2022	Amended delegation	Formerly Delegation 7.8 Enforcement and Legal Proceedings for Unauthorised Use or Built Development. Express Power to Delegate, Express Power Delegated and Express Power to Sub-Delegate amended. Wording of Functions amended for the purposes of clarity.	OCM 19 July 2022 – Item 11.1.1
9.1.1 Designation of Authorised Officers	19 Jul 2022	Amended delegation	Formerly Delegation 4.7 Designation of Authorised Officers.	OCM 19 July 2022 – Item 11.1.1
9.1.2 Appoint Authorised Officer or Approved Officer (Asbestos Regs)	19 Jul 2022	Amended delegation	Formerly Delegation 4.10 Appointment of Authorised and Approved Officers.	OCM 19 July 2022 – Item 11.1.1