



Shire of Gingin Delegated Authority Register

Reviewed & Adopted 16 June 2020

REVIEW

Reviewed by	Date approved	References
Council	16 Jun 2020	Minute Item 11.1.2
CEO	23 Jun 2020	NM17408

TABLE OF CONTENTS

INTRODUCTION	5
Introduction	5
Delegations and authorisations under other Legislation	6
DELEGATIONS	7
1.1 - Variations and Extensions to Tenders and Contracts	7
1.2 - Donations	9
1.9 - Collection of Vegetation, Seeds and Firewood on Land Under the Control of the Shire of Gingin	10
1.10 - Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land	11
1.12 - Doing Any of the Things Prescribed in Schedule 3.2 on Land That is Not Shire Property	13
1.14 - Administering the Shire's Local Laws	15
1.16 - Appointment of Acting Chief Executive Officer (For Periods of 35 Days or Less)	17
1.19 - Powers of Entry	18
2.2 - Waive or Grant Concessions on Money Owed to the Shire	20
2.3 - Transfer Money Held in the Trust Fund for More Than 10 Years	22
2.4 - Investing Money Not Required for the Time Being	23
2.6 - Rate Book	24
2.7 - Inviting Tenders	26
2.8 - Developing Tender Documentation	28
2.9 - Accepting or Rejecting Tenders	30
2.11 - Selecting the Next Most Appropriate Tender	31
2.14 - Disposition of Assets Other Than Land	32
2.15 - Payments from the Municipal or Trust Funds	33
3.1 - Bush Fires Act 1954 - Variation of Prohibited and Restricted Burning Times	35
3.2 - Bush Fires Act 1954 - Prosecution of Offences	36
3.4A - Bush Fires Act 1954 - Appointment of Bush Fire Control Officers	38
3.4B - Bush Fires Act 1954 - Approval and Issue of Firebreak Order	40
3.11 - Declaring an Impounded Vehicle to be an Abandoned Wreck	41
3.12 - Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods	42
3.12A - Destruction and Disposal of Sick or Injured Impounded Animals	44
3.15A - Cat Act 2011	45
3.16 - Dog Act 1976	49
3.17 - Appointment of Authorised Persons	51
4.3 - Food Act 2008 - Appointment of Authorised Officers	53
4.4 - Food Act 2008 - Appointment of Designated Officers	54
4.5 - Food Act 2008 - Prohibition Orders	55
4.6 - Food Act 2008 - Registration of Food Businesses	57
4.7 - Public Health Act 2016 - Designation of Authorised Officers	59
4.8 - Public Health Act 2016 - Certificates of Authority	60

4.9 - Food Act 2008 - Determine Compensation	61
4.10 - Health (Asbestos) Regulations 1992 - Appointment of Authorised and Approved Officers	62
5.1 - Applications for Operation of "B" Doubles and Road Trains	63
5.2 - Registered Gates	65
5.4 - Temporary Closure of Thoroughfares	66
5.5 - Partial Closure of Thoroughfares for Repairs or Maintenance	68
5.6 - Revocation of Road Closure Order	69
5.7 - Temporary Closure of Thoroughfares - Events	70
6.1 - Approve or Refuse a Building Permit	71
6.3 - Issue an Occupancy Permit and a Building Approval Certificate	74
6.5 - Extension of Occupancy Permit or Building Approval Certificate	76
6.6 - Issue Building Orders	78
6.7 - Revoke Building Orders	79
6.8 - Approve or Refuse a Demolition Permit	80
6.9 - Building Act 2011 - Appointment of Authorised Persons	82
6.10 - Building Act 2011 - Appointment of Approved Officers and Authorised Officers	84
7.1 - Town Planning Powers	85
7.2 - Restrictive Covenants	90
7.3 - Advertising	91
7.4 - Non-Statutory Delegations	93
7.5 - Miscellaneous	95
7.7 - Sea Containers	97
7.8 - Planning and Development Act 2005 - Enforcement and Legal Proceedings for Unauthorised Use or Built Development.....	98
9.1 - Determination of Minor Variation to Tender - RFT 01/2020 Management of Guilderton Caravan Park	99
9.2 - Determination of Minor Amendments - Development Approval for Proposed Oversize Caretaker's Dwelling on Lot 864 (12) Kendall Road, Lancelin.....	100
CEO1.1 - Person's Right to Inspect Information	101
CEO3.1 - Cat Act 2011 - Extension of Time	102
CEO3.2 - Cat Act 2011 - Withdrawal of Notice	103
CEO3.3 - Infringement Notices	104
CEO3.4 - Determine if an Emergency for Emergency Powers of Entry	106
CEO3.5 - Electoral Enrolment Eligibility Claims and Electoral Roll	107

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 Section 5.43). 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 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 is reviewed in accordance with Section 5.46 of 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. 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

Delegation	1.1 Variations and Extensions to Tenders and Contracts
Category	Administration
Delegator	Council
Express power or duty delegated	<ol style="list-style-type: none"> 1. To determine whether a variation is minor in accordance with Local Government (Functions and General) Regulations – Reg. 20(3). 2. To approve: <ol style="list-style-type: none"> a. minor variations to accepted tenders prior to a contract being entered into; and b. variations and/or extensions to existing contracts entered into by the Shire.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Funds required to meet the cost of any variation must be contained within the amount set aside in the adopted Budget. 2. An option to extend must be specified in the original tender and contract documents. 3. Any extension must be 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).
Subdelegates	<p>Executive Manager Corporate and Community Services</p> <p>Executive Manager Operations</p> <p>Executive Manager Regulatory and Development Services</p>
Statutory framework	<p>Legislative Authority to Delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i></p> <p>Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.18</i> <i>Local Government (Functions and General) Regulations 1996 - Reg. 20</i></p>
Policy	Policy 3.10 - Purchasing
Date adopted	7 January 2020
Adoption references	NM16428
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
18 Jun 2013	---	Amended by updating of position titles	Minute Item 11.1.3
17 Jun 2014	---	Amended by change of title, change of Power Exercised or Duty Delegated, delegation expanded to include extension of contracts.	Minute Item 11.1.1
24 Jul 2017	---	Sub-delegation to Executive Manager Operations and Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Operations-Construction, Executive Manager Assets and Executive Manager Planning and Development added.	Nil
30 Jul 2019	Amended delegation	Position of Executive Manager Corporate and Community Services deleted. New positions of Acting Executive Manager Corporate Services and Acting Executive Manager Community Services added.	decision by CEO
10 Dec 2019	Amended delegation	Sub-delegation to Executive Manager of Community Services Deleted	NM16428
7 Jan 2020	Amended delegation	Subdelegation to Acting Executive Manager Corporate Services deleted. Subdelegation to Executive Manager Corporate and Community Services added.	NM16428

Delegation	1.2 Donations
Category	Administration
Delegator	Council
Express power or duty delegated	<p>To determine requests for donation of monies up to the value of \$1,000 where a group or individual can demonstrate:</p> <ol style="list-style-type: none"> 1. Significant direct benefit to the local community; 2. That the group is a community group or not for profit organisation, or is running a not for profit activity; 3. That the group's financial status is such as to justify a donation from the Shire; 4. That special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation (eg support of needy groups and 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); and 5. That available funding exists in the Shire's adopted budget.
Delegates	CEO
Conditions	Nil
Statutory framework	<p>Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i></p> <p>Power exercised or duty delegated: <i>Local Government Act 1995 - s. 6.7(2)</i></p>
Policy	Policy 3.3 - Donations
Date adopted	21 August 1997
Adoption references	Minute Item 5.1.3
Last reviewed	16 June 2020

Delegation	1.9 Collection of Vegetation, Seeds and Firewood on Land Under the Control of the Shire of Gingin
Category	Administration
Delegator	Council
Express power or duty delegated	To determine all applications for the picking of wildflowers or other plants and collection of wildflower or other seed or firewood on any land owned, controlled or managed by the Shire of Gingin.
Delegates	CEO
Conditions	Delegation does not apply to land located within townsites.
Subdelegates	Executive Manager Operations
Statutory framework	Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i> Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.54</i>
Policy	Policy 7.3 - Removal of Flora, Firewood etc
Date adopted	17 December 1999
Adoption references	Minute Item 10.7
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
17 Jun 2014	---	Amended by expanding delegation to include land owned in freehold title by the Shire, as well as reserves.	Minute Item 11.1.1
16 Jun 2015	---	Amended to extend delegation to applications for collection of wildflower seed.	Minute Item 11.1.4
24 Jul 2017	---	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.	Nil
24 Jul 2017	---	Sub-delegation to Executive Manager Assets added.	Nil

Delegation	1.10 Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land
Category	Administration
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.3.25 Notices requiring certain things to be done by owner or occupier of land • s.3.26 Additional powers when notices given
Function	<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"> • specified in Schedule 3.1, Division 1; or • that is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 1. <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>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Operations Executive Manager Regulatory and Development Services
Subdelegate conditions	Nil
Statutory framework	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • <i>Sch. 3.1 Powers under notices to owners or occupiers of land</i>
Policy	Nil
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	16 June 2020

Adoption references	Minute Item 11.1.2
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
17 Jun 2014	---	Amended by changing Delegation title and minor amendments to delegation wording.	Minute Item 11.1.1
17 Jun 2014	Amended delegation	Council meeting 16/06/2020 Item 11.1.2	Adoption date unknown. Pre-2014.
24 Jul 2017	---	Sub-delegation to Executive Manager Operations and Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Operations-Construction, Executive Manager Planning and Development and Executive Manager Assets added.	Nil
25 Jun 2019	---	Position of Executive Manager Operations-Construction (subdelegated) amended to Executive Manager Operations	Nil
30 Jul 2019	Amended delegation	Position of Executive Manager Corporate and Community Services deleted.	decision by CEO
16 Jun 2020	Amended delegation	Function modified to incorporate powers previously covered by Delegation 1.11.	Minute Item 11.1.2

Delegation	1.12 Doing Any of the Things Prescribed in Schedule 3.2 on Land That is Not Shire Property
Category	Administration
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.3.27 Particular things local governments can do on land that is not local government property
Function	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.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Operations Executive Manager Regulatory and Development Services
Subdelegate conditions	Executive Manager Regulatory and Development Services Subdelegation is restricted to: Sch. 3.2(6) Place on land signs to indicate the names of thoroughfares.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegation to be captured in the Shire's records management system.
Date adopted	23 June 2020
Adoption references	NM17408
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
24 Jul 2017	---	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.	Nil
24 Jul 2017	---	Sub-delegation to Executive Manager Assets and Executive Manager Planning and Development added with respect to Sch. 3.2(6) of the Local Government Act 1995.	Nil
25 Jun 2019	---	Position of Executive Manager Operations-Construction (subdelegation) amended to Executive Manager Operations	Nil
23 Jun 2020	Amended delegation	CEO's annual review - conditions removed from subdelegation to Executive Manager Operations.	NM17408

Delegation	1.14 Administering the Shire's Local Laws
Category	Administration
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s. 5.42 Delegation of some powers and duties to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s. 3.18 Performing executive functions
Function	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.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995</i> s. 5.44 CEO may delegate powers and duties to other employees
Subdelegates	Community Emergency Services Manager/Chief Bush Fire Control Officer Executive Manager Operations Executive Manager Regulatory and Development Services Ranger Senior Ranger
Subdelegate conditions	CESM/CBFCO 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
Statutory framework	Shire of Gingin Local Laws <ul style="list-style-type: none"> • Activities in Thoroughfares and Public Places and Trading Local Law 2004 • Bee Keeping Local Law 2004 • Bush Fire Brigades Local Law 2004 • Cemeteries Local Law 2014 • Dogs Local Law 2004 • Extractive Industries Local Law 2004 • Fencing Local Law 2016 • Health Local Law 2017 • Keeping and Control of Cats Local Law 2016 • Local Government Property Local Law 2004 • Meeting Procedures Local Law 2014 • Parking and Parking Facilities Local Law 2004 • Pest Plants Local Law 2015 • By-laws Relating to Signs and Bill Posting 1982 • Waste Local Law 2016

Policy	Nil
Record keeping	Records of the exercise of all delegations are to be kept in accordance with: <i>Local Government Act 1995</i> s. 5.46 Register of, and records relevant to, delegations to CEO and employees <i>Local Government (Administration) Regulations 1996</i> Reg. 19 Delegates to keep certain records (Act s. 5.46(3))
Date adopted	19 December 2019
Adoption references	No amendments made. Delegation reformatted only.
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
29 May 2014	---	Reference to Manager Ranger and Fire Services deleted and replaced by reference to Community Emergency Services Manager.	Decision of CEO under Del. 17.
17 Jun 2014	---	Amended by correcting Power Exercised or Duty Delegated details.	Minute Item 11.1.1
22 Jun 2015	---	Inclusion of Schedule 1. First entry on schedule is clarification that delegation to CESM/CBFCO includes power to approve or refuse an application to burn a thoroughfare.	Nil
24 Jul 2017	---	Sub-delegation to Executive Manager Operations and Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets, Executive Manager Operations-Construction and Executive Manager Planning and Development added.	Nil
25 Jun 2019	---	Position of Executive Manager Operations-Construction (subdelegation) amended to Executive Manager Operations	Nil
30 Jul 2019	Amended delegation	Position of Executive Manager Corporate and Community Services deleted.	decision by CEO

Delegation	1.16 Appointment of Acting Chief Executive Officer (For Periods of 35 Days or Less)
Category	Administration
Delegator	Council
Express power or duty delegated	To make appointments to the position of Acting Chief Executive Officer.
Delegates	CEO
Conditions	<p>1. The position of Acting Chief Executive Officer can only be conferred on an employee of the Shire of Gingin who holds the position of Executive Manager and is designated as a "Senior Employee" in accordance with Section 5.37 of the Local Government Act 1995.</p> <p>2. Delegated authority is only granted for appointments to the position of Acting Chief Executive Officer covering a period of 35 days or less. In instances where an appointment is required for a period exceeding 35 days, then that proposed appointment must be presented to Council for determination prior to the appointment taking effect.</p> <p>3. The Chief Executive Officer must advise Councillors of any appointments to the position of Acting Chief Executive Officer made under delegated authority, prior to the appointment taking effect. In instances where it is necessary for an appointment to be made at short notice, then Councillors are to be advised of that appointment as soon as possible.</p>
Statutory framework	<p>Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42</i></p> <p>Power exercised or duty delegated: <i>Local Government Act 1995 - s. 5.36(1)(a)</i></p>
Policy	Nil
Date adopted	21 January 2014
Adoption references	Minute Item 11.1.4
Last reviewed	16 June 2020

Delegation	1.19 Powers of Entry
Category	Administration
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.3.28 When this Subdivision applies • s.3.32 Notice of entry • s.3.33 Entry under warrant • s.3.34 Entry in an emergency • s.3.36 Opening fences
Function	<ol style="list-style-type: none"> 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]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	<p>Coordinator Operations Coordinator Ranger Services Executive Manager Operations Executive Manager Regulatory and Development Services Senior Ranger</p>

Subdelegate conditions	<p>Coordinator Operations 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>Coordinator Ranger Services 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>Senior Ranger Delegation is restricted to authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</p>
Statutory framework	<p><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</p>
Policy	Nil
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	16 June 2020
Adoption references	Minute Item 11.1.2
Last reviewed	23 June 2020

Amendments			
Approved	Type	Amendment	References
23 Jun 2020	Amended delegation	Subdelegations approved by CEO.	NM17408

Delegation	2.2 Waive or Grant Concessions on Money Owed to the Shire
Category	Finance
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.6.12(10)(b) & (c) Power to defer, grant discounts, waive or write off debts
Function	<p>To:</p> <ol style="list-style-type: none"> 1. Waive or grant concessions in relation, or write off, any amount of money which is owed to the Shire; and 2. Determine any conditions that may be applicable to the granting of a concession under subsection 6.12(1)(b).
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The maximum amount to be written off under this delegation is \$1,000.00. 2. This delegation extends only to monies owed to the Shire under the provisions of the <i>Local Government Act 1995</i>. 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. 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>.
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate powers to other employees
Subdelegates	Executive Manager Corporate and Community Services
Subdelegate conditions	In accordance with conditions relating to Primary Delegation.
Statutory framework	Nil
Policy	Council Policy 3.19 - Fees Relating to Planning and Building Matters
Record keeping	Each exercise of delegation must be recorded in the Shire's Records Management System.
Date adopted	23 June 2020
Adoption references	NM17408

Amendments			
Approved	Type	Amendment	References
17 Jun 2014	---	Amended by including conditions on exemptions for building licence fees (previous Del 6.4) and planning fees, increasing the maximum value to \$1,000 and empowering the CEO to determine conditions applicable to any concession granted.	Minute Item 11.1.1
20 Jun 2017	---	Amended by deleting reference to planning and building related fees.	Minute Item 11.1.1
20 Jun 2019	---	Part 1 amended to clarify that money relating to rates and service charges cannot be waived or subject to concession.	Nil
16 Jun 2020	Amended delegation	Part 1 amended. Part 3 added	Minute item 11.1.2
23 Jun 2020	Amended delegation	Annual review of delegations by CEO - subdelegation granted to Executive Manager Corporate and Community Services.	NM17408

Delegation	2.3 Transfer Money Held in the Trust Fund for More Than 10 Years
Category	Finance
Delegator	Council
Express power or duty delegated	To determine whether money held in the Trust Fund for more than 10 years will be transferred to the Municipal Fund.
Delegates	CEO
Conditions	Nil
Subdelegates	Executive Manager Corporate and Community Services
Statutory framework	<p>Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i></p> <p>Power exercised or duty delegated: <i>Local Government Act 1995 - s. 6.9(4)</i></p>
Policy	Nil
Date adopted	7 January 2020
Adoption references	NM16428
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
8 Jun 2016	---	Decision made by CEO to on-delegate to Executive Manager Corporate and Community Services.	Nil
30 Jul 2019	Amended delegation	Position of Executive Manager Corporate and Community Services deleted. New position of Acting Executive Manager Corporate Services added	decision by CEO
7 Jan 2020	Amended delegation	Delete subdelegation to Acting Executive Manager Corporate Services and add subdelegation to Executive Manager Corporate and Community Services.	NM16428

Delegation	2.4 Investing Money Not Required for the Time Being
Category	Finance
Delegator	Council
Express power or duty delegated	To determine whether money held in the Municipal, Reserve or Trust Funds, that is not required for the time being will be invested. The authority to establish and document internal control procedures to be followed by employees to ensure control over investments, enabling the identification of the nature and location of all investments and the transactions related to each investment.
Delegates	CEO
Conditions	Investment is to be in accordance with Council Investment Policy 3.2.
Subdelegates	Executive Manager Corporate and Community Services
Statutory framework	Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i> Power exercised or duty delegated: <i>Local Government Act 1995 - s. 6.14(1)</i> <i>Local Government (Financial Management) Regulations 1996 - Reg. 19</i>
Policy	Policy 3.2 - Investments
Date adopted	5 June 2008
Adoption references	Minute Item 11.2.2
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
17 Jun 2014	---	Amended by addint a reference to the Local Govt (Financial Management) Regs 1996 to the Power Exercised or Duty Delegated and including power for the CEO to establish and document internal control procedures.	Minute Item 11.1.1
30 Jul 2019	Amended delegation	Position of Executive Manager Corporate and Community Services deleted. New position of Acting Executive Manager Corporate Services	decision by CEO
7 Jan 2020	Amended delegation	Delete subdelegation to Acting Executive Manager Corporate Services and add subdelegation to Executive Manager Corporate and Community Services.	NM16428

Delegation	2.6 Rate Book
Category	Finance
Delegator	Council
Express power or duty delegated	<p>To undertake the performance of the following functions of the Council:</p> <ul style="list-style-type: none"> a. The discharge of the obligations specified in s.6.39(2) of the Local Government Act 1995. b. To determine the time allowed for the payment of a rate before it is deemed to be in arrears, in accordance with s.6.50(1) of the Local Government Act 1995. c. The powers conferred in s.6.40 of the Local Government Act 1995. d. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book in accordance with s.6.76(4) of the Local Government Act 1995. e. To consider any objection and either disallow it or allow it, wholly or in part, in accordance with s.6.76(5) of the Local Government Act 1995. f. After making a decision on an objection, to promptly serve upon the person by whom the objection was made written notice of the decision on the objection and a statement of the reason/s for that decision in accordance with s.6.76(6) of the Local Government Act 1995. f. The recovery of rates by complaint or action pursuant to the provisions of s.6.56(1) of the Local Government Act 1995. g. Entering into an agreement in accordance with s.6.49 of the Local Government Act 1995. h. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with s.6.60(2) of the Local Government Act 1995.
Delegates	CEO
Conditions	Nil
Subdelegates	Executive Manager Corporate and Community Services
Statutory framework	<p>Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i></p> <p>Power exercised or duty delegated: <i>Local Government Act 1995 - s. 6.39(2), 6.40, 6.49, 6.50(2), 6.56(1), 6.60(2) and 6.76(4)</i></p>
Policy	Nil
Date adopted	21 August 1997
Adoption references	Minute Item 5.1.3
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
29 May 2015	---	References to s. 6.50(1) and s. 6.6(2) deleted and replaced with references to s. 6.50(2) and 6.60(2) respectively.	By decision of CEO under Del. 1.17.
16 Jun 2015	---	Items e and f added to Delegation. Subsequent items renumbered accordingly.	Minute Item 11.1.4
30 Jul 2019	Amended delegation	Position of Executive Manager Corporate and Community Services deleted. New position of Acting Executive Manager Corporate Services added.	decision by CEO
7 Jan 2020	Amended delegation	Delete subdelegation to Acting Executive Manager Corporate Services and add subdelegation to Executive Manager Corporate and Community Services.	NM16428

Delegation	2.7 Inviting Tenders
Category	Finance
Delegator	Council
Express power or duty delegated	To publicly invite tenders for the supply of goods and services as identified in the adopted Annual Budget, or as separately approved by Council.
Delegates	CEO
Conditions	The calling of tenders is to be undertaken in accordance with Council's Policy 3.10 (Purchasing) and any other relevant policies. In calling for tenders, the Chief Executive Officer shall have regard to Part 4 of the Local Government (Functions and General) Regulations 1996. Acceptance of the most advantageous tender is subject to the Regulations and Council's Delegation 2.9 (Accepting or Rejecting Tenders/Quotations).
Statutory framework	Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42</i> Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.57</i> <i>Local Government (Functions and General) Regulations 1996 - Reg. 11</i>
Policy	Policy 3.10 - Purchasing
Date adopted	7 December 1999
Adoption references	Minute Item 10.7
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
1 Jan 2000	---	Delegation reviewed and amended to be known as "Inviting Tenders".	Date of review unknown. 01/01/2000 supplied for recording purposes.
17 Dec 2013	---	Amended to allow the CEO to call tenders for any item, rather than just plant and equipment.	Minute Item 11.1.11
16 Jun 2015	---	Minimum Reporting Requirement amended to require decisions made by the CEO under Delegation 2.9 to be circulated to Councillors via regular communications channels rather than via the Information Bulletin.	Minute Item 11.1.4
21 Jun 2016	---	Minimum Reporting Requirements amended by deleting requirement for a report to be presented to Council recommending acceptance of most advantageous tender unless a decision is made by the CEO under delegated authority.	Minute Item 11.1.5

Delegation	2.8 Developing Tender Documentation
Category	Finance
Delegator	Council
Express power or duty delegated	To determine: (a) The criteria for deciding which tender should be accepted before tenders are invited; (b) The information that should be disclosed to those interested in submitting a tender; (c) Whether or not the Shire will be submitting a tender; and (d) Any variation to the information supplied to tenderers after the notice has been given in compliance with Regulation (5) of the Local Government (Functions and General) Regulations.
Delegates	CEO
Conditions	Nil
Subdelegates	Executive Manager Corporate and Community Services Executive Manager Operations Executive Manager Regulatory and Development Services
Statutory framework	Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44\</i> Power exercised or duty delegated: <i>Local Government (Functions and General) Regulations 1996 - Reg. 14(2a), 14(4a)</i>
Policy	Nil
Date adopted	5 June 2008
Adoption references	Minute Item 11.2.2
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
24 Jul 2017	---	Sub-delegation to Executive Manager Operations and Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets, Executive Manager Operations-Construction and Executive Manager Planning and Development added.	Nil
25 Jun 2019	---	Position of Executive Manager Operations-Construction (sub-delegation) updated to Executive Manager Operations	Nil
30 Jul 2019	Amended delegation	Position of Executive Manager Corporate and Community Services deleted. New positions of Acting Executive Manager Corporate Services and Acting Executive Manager Community Services added.	by decision of CEO
10 Dec 2019	Amended delegation	Sub-delegation to Acting Executive Manager Community Services deleted	NM16428
7 Jan 2020	Amended delegation	Delete subdelegation to Acting Executive Manager Corporate Services and add subdelegation to Executive Manager Corporate and Community Services.	NM16428

Delegation	2.9 Accepting or Rejecting Tenders
Category	Finance
Delegator	Council
Express power or duty delegated	To accept or reject tenders with a value not exceeding \$250,000.
Delegates	CEO
Conditions	Tenders with a value greater than \$250,000 must be referred to Council for determination. This delegation applies only to expenditure which is identified in Council's adopted Annual Budget.
Statutory framework	<p>Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42</i></p> <p>Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.57</i> <i>Local Government (Functions and General) Regulations 1996 - Reg. 18</i></p>
Policy	Policy 3.9 - Purchasing and Ordering of Goods Policy 3.10 - Purchasing
Date adopted	21 August 1997
Adoption references	Minute Item 5.1.3
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
1 Jan 2000	---	Value increased from \$50,000 to \$100,000	Date of amendment unknown. 01/01/2000 provided for recording purposes only.
17 Dec 2013	---	Value increased from \$100,000 to \$250,000.	Minute Item 11.1.11
16 Jun 2015	---	Minimum Reporting Requirements amended to require decisions made under this delegation to be circulated to Councillors via regular communications channels rather than via the Information Bulletin.	Minute Item 11.1.4
21 Jun 2016	---	All references to quotations removed from delegation. Minimum Reporting Requirements amended to delete the requirement for Council to be advised of decisions made under this delegation.	Minute Item 11.1.5

Delegation	2.11 Selecting the Next Most Appropriate Tender
Category	Finance
Delegator	Council
Express power or duty delegated	To select the next most appropriate tender if: 1. The chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or 2. Agreement cannot be reached between the Shire and the chosen tenderer on any other variation to be included in the contract as a result of the varied requirement.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i> Power exercised or duty delegated: <i>Local Government (Functions and General) Regulations 1996 - Reg. 20(2)</i>
Policy	Nil
Date adopted	5 June 2008
Adoption references	Minute Item 11.2.2
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
17 Jun 2014	---	Amended to clarify the circumstances under which the next most appropriate tender can be selected.	Minute Item 11.1.1
16 Jun 2015	---	Minimum Reporting Requirements amended to require decisions made under this delegation to be circulated to Councillors via regular communications channels rather than via the Information Bulletin.	Minute Item 11.1.4
21 Jun 2016	---	Minimum Reporting Requirements amended to remove requirement for Councillors to be advised of decisions made under this delegation.	Minute Item 11.1.5

Delegation	2.14 Disposition of Assets Other Than Land
Category	Finance
Delegator	Council
Express power or duty delegated	To dispose of any Shire-owned asset (other than land) with a value not exceeding \$50,000.
Delegates	CEO
Conditions	<p>Assets with a value not exceeding \$20,000 can be disposed of regardless of whether such disposal has been identified in Council's adopted Budget.</p> <p>Assets with a value of between \$20,001 and \$50,000 cannot be disposed of unless such disposal has been identified in Council's adopted Budget.</p> <p>Disposal of assets to be undertaken in accordance with Policy 3.18 (Disposition of Assets).</p>
Statutory framework	<p>Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i></p> <p>Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.58</i> <i>Local Government (Functions and General) Regulations 1996 - Reg. 30</i></p>
Policy	Policy 3.18 - Disposition of Assets
Date adopted	20 August 2013
Adoption references	Minute Item 11.1.2
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
17 Dec 2013	---	Delegation amended to allow CEO to dispose of any asset (other than land), provided that the disposal of an asset with a value of more than \$20,001 is referenced in the annual budget.	Minute Item 11.1.11
18 Feb 2014	---	Delegation amended to allow CEO to dispose of any asset (other than land), provided that the disposal of an asset with a value of more than \$20,001 is referenced in the Annual Budget.	Minute Item 11.1.4

Delegation	2.15 Payments from the Municipal or Trust Funds
Category	Finance
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> • r.12(1) Payments from municipal fund or trust fund, restrictions on making
Function	to make payments from the Municipal Fund or Trust Fund.
Delegates	CEO
Conditions	Authority to make payments is subject to annual budget limitations.
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate powers and to other employees.
Subdelegates	<p>Executive Manager Corporate and Community Services Executive Manager Operations Executive Manager Regulatory and Development Services</p>
Subdelegate conditions	<p>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.</p> <p>2. Cheques/electronic fund transfers up to the value of \$200,000 are to be jointly signed by any two of the following officers:</p> <ul style="list-style-type: none"> • Chief Executive Officer; • Executive Manager Corporate and Community Services; • Executive Manager Regulatory and Development Services; and • Executive Manager Operations.
Statutory framework	<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>

Policy	Council Policy 3.2 Investments Council Policy 3.9 Purchasing and Ordering of Goods Council Policy 3.10 Purchasing
Record keeping	Each exercise of delegation is to be recorded in the Shire's records management system.
Date adopted	16 June 2020
Adoption references	Council Minute Item 11.1.2

Amendments			
Approved	Type	Amendment	References
16 Jun 2020	Amended delegation	NM17408 - annual review by CEO of subdelegations. Delegation subdelegated to Executive Manager Corporate and Community Services, Executive Manager Operations and Executive Manger Regulatory and Development Services.	Council Minute Item 11.1.2

Delegation	3.1 Bush Fires Act 1954 - Variation of Prohibited and Restricted Burning Times
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To jointly exercise the Shire's powers and duties under Section 17(7), 17(8) and Section 18(5) of the Bush Fires Act 1954 in respect to varying prohibited and restricted burning times.
Delegates	Community Emergency Services Manager/Chief Bush Fire Control Officer President
Conditions	The Shire President and Chief Bush Fire Control Officer are to consult with an authorised CALM Act officer before exercising this delegated authority.
Statutory framework	Legislative authority to delegate: <i>Bush Fires Act 1954 - s. 17(1)</i> Power exercised or duty delegated: <i>Bush Fires Act 1954 - s. 17(7), 17(8) and 18(5)</i>
Policy	Nil
Date adopted	17 December 1999
Adoption references	Minute Item 10.7
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
1 Jan 2000	---	Delegation to Chief Executive Officer repealed and replaced with delegation to Shire President.	Date of amendment unknown. 01/01/2001 provided for recording purposes only.

Delegation	3.2 Bush Fires Act 1954 - Prosecution of Offences
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.59 Prosecution of offences s.59A Alternative procedure - infringement notices
Function	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)] (as determined by conditions of delegation). 3. Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)] (as determined by conditions of delegation).
Delegates	CEO Community Emergency Services Manager/Chief Bush Fire Control Officer Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Conditions	<p>CEO With respect to s.59A, delegation excludes the power to issue infringements.</p> <p>Executive Manager Regulatory and Development Services With respect to s.59A, delegation excludes the power to issue infringements.</p> <p>Community Emergency Services Manager/Chief Bush Fire Control Officer With respect to s.59A, delegation excludes the power to withdraw infringements.</p> <p>Manager Ranger Services With respect to s.59A, delegation excludes the power to withdraw infringements.</p> <p>Senior Ranger With respect to s.59A, delegation excludes the power to withdraw infringements.</p> <p>Ranger With respect to s.59A, delegation excludes the power to withdraw infringements.</p>
Express power to subdelegate	Nil - subdelegation is prohibited by s.48(3)
Statutory framework	Nil
Policy	Nil
Record keeping	Exercise of delegation to be recorded in the Shire's Records Management System.

Date adopted	15 December 2020
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
1 Jan 2000	---	Delegation to Chief Bush Fire Control Officer and Shire Rangers repealed. Reference to issuing of infringement notices deleted (see Delegation 3.3). Delegation to Chief Executive Officer and Chief Bush Fire Control Officer to withdraw infringement notices deleted (see Delegation 3.4).	Date of amendment unknown. 01/01/2000 entered for recording purposes only.
17 Jun 2014	---	Amended by changing title and adding further delegations to the Executive Manager Regulatory Services and Manager Ranger and Fire Services (CBFCO).	Minute Item 11.1.1
29 May 2015	---	Reference to Manager Ranger and Fire Services deleted and replaced with reference to Community Emergency Services Manager.	By decision of CEO under Del. 1.17.
15 Aug 2017	---	Delegation to Executive Manager Regulatory Services deleted. Delegation to Executive Manager Planning and Development and Coordinator Ranger and Health Services added.	Minute Item 11.1.1
28 Jun 2018	---	Delegation to Coordinator Ranger and Health Services updated to new position title of Coordinator Ranger Services.	NM13966
21 May 2019	---	Reference to Executive Manager Planning and Development deleted and replaced with reference to Executive Manager Regulatory and Development Services.	Council Meeting 21/05/2019 – Item 11.1.3
15 Dec 2020	Amended delegation	Delegation amended to include the provisions of former Delegation 3.3 Bush Fires Act 1954 - Issuing Infringement Notices, to replace delegation to Coordinator Ranger Services with delegation to Manager Ranger Services, extend delegation to positions of Senior Ranger and Ranger and add conditions constraining the issuing or withdrawal of infringements by certain positions.	Minute Item 11.1.1

Delegation	3.4A Bush Fires Act 1954 - Appointment of Bush Fire Control Officers
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> S. 48 Delegation by local governments
Express power or duty delegated	<i>Bush Fires Act 1954</i> s. 38 Local government may appoint bush fire control officer
Function	To appoint Bush Fire Control Officers, including the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer/s and Fire Weather Officer.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 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. 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. 3. Appointments to the position of Bush Fire Control Office must result from a recommendation of the Shire's Bush Fire Advisory Committee. <p>Condition 3 does not apply to the appointment of Shire Rangers as Bush Fire Control Officers for the Shire in its entirety.</p>
Express power to subdelegate	<i>Bush Fires Act 1954</i> s. 48 Delegation by local governments Specifies that Council may delegate any of its functions under the Act to the CEO. S. 48(3) specifically excludes any power of subdelegation by the CEO.
Subdelegate conditions	Not applicable
Statutory framework	<i>Shire of Gingin Bush Fire Brigades Local Law 2004</i>
Policy	Policy 4.2 - Bush Fire Control
Record keeping	<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, 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>
Date adopted	15 July 2014

Adoption references	Minute Item 11.1.2
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
29 May 2015	---	Reference to Manager Ranger and Fire Services in Condition 1 replaced with Community Emergency Services Manager.	By decision of CEO under Del. 1.17.

Delegation	3.4B Bush Fires Act 1954 - Approval and Issue of Firebreak Order
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To approve the format and content, and authorise the issue, of the annual Shire of Gingin Firebreak Order.
Delegates	CEO
Conditions	The draft Firebreak Order shall be submitted to the Shire's Bush Fire Advisory Committee for consideration prior to submission to the Chief Executive Officer for approval.
Statutory framework	Legislative Authority to Delegate: <i>Bush Fires Act 1954 - s. 48</i> Power Exercised or Duty Delegated: <i>Bush Fires Act 1954 - s. 33(1)</i>
Policy	N/A
Date adopted	19 July 2016
Adoption references	Item 11.1.2
Last reviewed	16 June 2020

Delegation	3.11 Declaring an Impounded Vehicle to be an Abandoned Wreck
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To declare a vehicle to be an abandoned vehicle wreck if – (a) After 7 days from the removal of the vehicle under Section 3.40A(1) of the Local Government Act 1995, the owner of the vehicle has not been identified; or (b) After 7 days from being given notice under Section 3.40A(2) of the Local Government Act 1995, the owner of the vehicle has not collected it.
Delegates	CEO
Conditions	Nil
Subdelegates	Coordinator Ranger Services Executive Manager Regulatory and Development Services
Statutory framework	Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i> Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.40A(4)</i>
Policy	Nil
Date adopted	6 May 2008
Adoption references	Minute Item 11.2.2
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added. Sub-delegation to Coordinator Ranger and Health Services added.	NM12038
28 Jun 2018	---	Sub-delegation to position of Coordinator Ranger and Health Services updated to new position of Coordinator Ranger Services.	NM13966

Delegation	3.12 Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To dispose of any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of Section 3.47 of the Local Government Act 1995.
Delegates	CEO
Conditions	<p>The Chief Executive Officer may dispose of the above only after calling public tenders in accordance with Part 4 of the Local Government (Functions and General) Regulations.</p> <p>The Chief Executive Officer is authorised pursuant to Section 5.43 (b) of the Local Government Act 1995, to accept any tender up to the value of \$5,000. Tenders for amounts exceeding \$5,000 shall be referred to the Council for consideration.</p> <p><u>Conditions and Exceptions to Sub-Delegation</u></p> <p>In accordance with primary delegation.</p>
Subdelegates	Coordinator Ranger Services Executive Manager Regulatory and Development Services
Statutory framework	<p>Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i></p> <p>Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.47</i></p>
Policy	Nil
Date adopted	7 December 1999
Adoption references	Minute Item 10.7
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.	NM12038
24 Jul 2017	---	Sub-delegation to Coordinator Ranger and Health Services added.	NM12038
28 Jun 2018	---	Sub-delegation to Coordinator Ranger and Health Services updated to new position of Coordinator Ranger Services.	NM13966

Delegation	3.12A Destruction and Disposal of Sick or Injured Impounded Animals
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To determine that any impounded animal that is ill or injured to such an extent that treating it is not practicable shall be humanely destroyed and the carcass disposed of.
Delegates	CEO
Conditions	Destruction and disposal of impounded animals will only be carried out by the Rangers. In disposing of animal carcasses, Officers will have regard to any requirements of clause 5.2.6 of the Shire of Gingin Health Local Law 2004.
Subdelegates	Coordinator Ranger Services Executive Manager Regulatory and Development Services Ranger Senior Ranger
Statutory framework	Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i> Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.47A</i>
Policy	Nil
Date adopted	30 July 2019
Adoption references	2019 CEO's review of delegations to other officer (NM15482)
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
29 May 2015	---	Reference to Manager Ranger and Fire Services deleted and replaced by reference to Community Emergency Services Manager/Chief Bush Fire Control Officer.	By decision of CEO under Del. 1.17.
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.	Nil
26 Jun 2019	---	Sub-delegation to position of Community Emergency Services Manager/Chief Bush Fire Control Officer revoked. Sub-delegation granted to position of Coordinator Ranger Services.	2019 CEO's review of delegations to other officer (NM15482)

Delegation	3.15A Cat Act 2011
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	<p>To fulfil, carry out, undertake or enforce any power or duty of the local government under the Cat Act 2011 and its subsidiary legislation.</p> <p>The CEO has elected to sub-delegate the following:</p> <p><u>Executive Manager Planning and Development Services</u></p> <ol style="list-style-type: none"> 1. <i>Cat Act 2011</i> - s. 13 On refusal to grant or renew a registration of a cat or decision to cancel a registration of a cat, notify the owner within seven days of making the decision. 2. <i>Cat Act 2011</i> - s. 26 Issue a cat control notice. 3. <i>Cat Act 2011</i> - s. 37(1) and 37(2) <i>Cat Regulations 2012</i> - Reg. 22 Grant, refuse to grant, renew or refuse to renew an application to breed cats. 4. <i>Cat Act 2011</i> - s. 37(3) and 37(4) Require an applicant to provide documents or information within a specified time of not more than 21 days, in order to determine a breeder application, or require the applicant to verify the information by statutory declaration. 5. <i>Cat Act 2011</i> - s. 38 Cancel an approval to breed. 6. <i>Cat Act 2011</i> - s. 39 Issue a certificate to an approved breeder. 7. <i>Cat Act 2011</i> - s. 40 Notify the applicant of a decision to approve or decline a registration, or approve or decline a breeder's application in writing within seven days of making a decision. 8. <i>Cat Act 2011</i> - s. 49(3) Recover costs associated with the destruction of a cat in a court of competent jurisdiction. <p><u>Senior Ranger</u></p> <ol style="list-style-type: none"> 1. <i>Cat Act 2011</i> - s. 13 On refusal to grant or renew a registration of a cat or decision to cancel a registration of a cat, notify the owner within seven days of making the decision. 2. <i>Cat Act 2011</i> - s. 26 Issue a cat control notice. 3. <i>Cat Act 2011</i> - s. 37(1) and 37(2) <i>Cat Regulations 2012</i> - Reg. 22 Grant, refuse to grant, renew or refuse to renew an application to breed cats. 4. <i>Cat Act 2011</i> - s. 37(3) and 37(4) Require an applicant to provide documents or information within a specified time of not more than 21 days, in order to determine a breeder application, or require the applicant to

verify the information by statutory declaration.

5. *Cat Act 2011 - s. 38*
Cancel an approval to breed.
6. *Cat Act 2011 - s. 39*
Issue a certificate to an approved breeder.
7. *Cat Act 2011 - s. 40*
Notify the applicant of a decision to approve or decline a registration, or approve or decline a breeder's application in writing within seven days of making a decision.
8. *Cat Act 2011 - s. 49(3)*
Recover costs associated with the destruction of a cat in a court of competent jurisdiction.

Ranger

1. *Cat Act 2011 - s. 13*
On refusal to grant or renew a registration of a cat or decision to cancel a registration of a cat, notify the owner within seven days of making the decision.
2. *Cat Act 2011 - s. 26*
Issue a cat control notice.
3. *Cat Act 2011 - s. 37(1) and 37(2)*
Cat Regulations 2012 - Reg. 22
Grant, refuse to grant, renew or refuse to renew an application to breed cats.
4. *Cat Act 2011 - s. 37(3) and 37(4)*
Require an applicant to provide documents or information within a specified time of not more than 21 days, in order to determine a breeder application, or require the applicant to verify the information by statutory declaration.
5. *Cat Act 2011 - s. 38*
Cancel an approval to breed.
6. *Cat Act 2011 - s. 39*
Issue a certificate to an approved breeder.
7. *Cat Act 2011 - s. 40*
Notify the applicant of a decision to approve or decline a registration, or approve or decline a breeder's application in writing within seven days of making a decision.
8. *Cat Act 2011 - s. 49(3)*
Recover costs associated with the destruction of a cat in a court of competent jurisdiction.

Coordinator Ranger Services

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1. *Cat Act 2011 - s. 13*
On refusal to grant or renew a registration of a cat or decision to cancel a registration of a cat, notify the owner within seven days of making the decision.
 2. *Cat Act 2011 - s. 26*
Issue a cat control notice.
 3. *Cat Act 2011 - s. 37(1) and 37(2)*
Cat Regulations 2012 - Reg. 22
Grant, refuse to grant, renew or refuse to renew an application to breed cats.

	<p>4. <i>Cat Act 2011 - s. 37(3) and 37(4)</i> Require an applicant to provide documents or information within a specified time of not more than 21 days, in order to determine a breeder application, or require the applicant to verify the information by statutory declaration.</p> <p>5. <i>Cat Act 2011 - s. 38</i> Cancel an approval to breed.</p> <p>6. <i>Cat Act 2011 - s. 39</i> Issue a certificate to an approved breeder.</p> <p>7. <i>Cat Act 2011 - s. 40</i> Notify the applicant of a decision to approve or decline a registration, or approve or decline a breeder's application in writing within seven days of making a decision.</p> <p>8. <i>Cat Act 2011 - s. 49(3)</i> Recover costs associated with the destruction of a cat in a court of competent jurisdiction.</p>
Delegates	CEO
Conditions	Nil
Subdelegates	Coordinator Ranger Services Executive Manager Regulatory and Development Services Ranger Senior Ranger
Statutory framework	<p>Legislative authority to delegate: <i>Cat Act 2011 - s. 44</i></p> <p>Power exercised or duty delegated: <i>All powers and duties of the local government under the Cat Act 2011 and subsidiary legislation</i></p>
Policy	Nil
Date adopted	17 June 2014
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
29 May 2015	---	Reference to Manager Ranger and Fire Services deleted and replaced by reference to Community Emergency Services Manager.	By decision of CEO under Del. 1.17.
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.	Nil
26 Jun 2019	---	Sub-delegation to position of Community Emergency Services Manager/Chief Fire Control Officer revoked. Sub-delegation granted to position of Coordinator Ranger Services.	CEO's review of delegations to other officers (NM15482)

Delegation	3.16 Dog Act 1976
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	<p>To fulfil, carry out, undertake or enforce any power or duty of the local government under the Dog Act 1976 and its subsidiary legislation. The Chief Executive Officer is expressly authorised by Council to further delegate the power or duty. (s.10AA(3))</p> <p>Subdelegations to Executive Manager Regulatory and Development Services, Coordinator Ranger Services and Rangers:</p> <ol style="list-style-type: none"> 1. <i>Dog Act 1976</i> - s. 10A Pay and direct a vet to sterilise a dog owned by an eligible person. 2. <i>Dog Act 1976</i>- s. 16(3) Direct a Registration Officer to refuse to effect or renew the registration of a dog, or to cancel the registration of a dog in circumstances prescribed by s. 16(3). 3. <i>Dog Act 1976</i> - s. 17A Where no application for registration has been made, give written notice to an owner that a dog cannot be registered for any of the prescribed reasons and inform the owner of their right of review. 4. <i>Dog Act 1976</i> - s. 33H Revoke a declaration as a dangerous dog or proposal to destroy.
Delegates	CEO
Conditions	Nil.
Subdelegates	Coordinator Ranger Services Executive Manager Regulatory and Development Services Ranger Senior Ranger
Statutory framework	<p>Legislative authority to delegate: <i>Dog Act 1976</i> - s. 10AA(1)</p> <p>Power exercised or duty delegated: <i>All powers and duties of the local government under the Dog Act 1976 and subsidiary legislation</i></p>
Policy	Nil
Date adopted	17 June 2014
Adoption references	Item 11.1.1
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
29 May 2015	---	Reference to Manager Ranger and Fire Services deleted and replaced by reference to Community Emergency Services Manager.	By decision of CEO under Del. 1.17
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.	Nil
8 Jun 2018	---	Delegation amended by Administration to include the express authorisation granted by Council to the CEO to sub-delegate any of the powers of duties subject to this delegation. Authorisation was omitted from Attain in error, but was included in the Delegated Authority Register adopted by Council at its meeting on 20 June 2017.	Nil
26 Jun 2019	---	Subdelegation to position of Community Emergency Services Officer/Chief Bush Fire Control Officer revoked. Delegation of power to discount or waive registration fees under s. 16(3) revoked from all sub-delegations. Sub-delegation granted to position of Coordinator Ranger Services.	2019 CEO's Review of Delegations to Other Officers (NM15482)
26 Jun 2019	Amended delegation	Position of Executive Manager Planning and Development replaced with Executive Manager Regulatory and Development Services. Sub-delegation to position of Community Emergency Services Manager/Chief Bush Fire Control Officer revoked. Sub-delegation to position of Coordinator Ranger Services added.	By CEO - NM15482
28 Jun 2019	---	Sub-delegation to position of Senior Ranger added - previously omitted due to oversight.	Nil
26 Jul 2019	Amended delegation	Sub-delegation to Executive Manager Planning and Development deleted and replaced by Executive Manager Regulatory and Development Services. Sub-delegation to Community Emergency Services Manager/Chief Bush Fire Control Officer deleted. Sub-delegation to Coordinator Ranger Services added.	By CEO NM15482

Delegation	3.17 Appointment of Authorised Persons
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 - Certain provisions about land] • s.9.10 Appointment of authorised persons
Function	<p>1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i> and its subsidiary legislation, including <i>Local Government Act Regulations</i>, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and local laws made under the <i>Local Government Act</i> [s.3.24 and s.9.10].</p> <p>2. Authority to appoint "authorised persons" for the purposes of s.9.16 of the <i>Local Government Act 1995</i> as a pre-condition for appointment as authorised officers in accordance with r.70(2) of the <i>Building Regulations 2012</i> and s.6(b) of the <i>Criminal Procedures Act 2004</i>.</p> <p>3. Authority to appoint authorised persons for the purposes of s.15 of the <i>Graffiti Vandalism Act 2016</i>, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power.</p>
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. A register of Authorised Persons is to be maintained as a local government record. 2. Only persons who are appropriately qualified and trained may be appointed as Authorised Persons.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Policy	Nil
Record keeping	<p>A record of each exercise of delegation is to be captured in the Shire's records management system.</p> <p>Copies of instruments or certificates of authorisation are to be retained on the Authorised Person's personnel file.</p> <p>A record of each authorisation is to be retained in the register of Authorised Persons.</p>
Date adopted	17 June 2014
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted.	Nil
21 Apr 2020	Amended delegation	Amended to include specific authority to appoint authorised officers for the purpose of performing functions under s.9.16 of the Local Government Act 1995, in accordance with the Criminal Procedure Act 2004 and Regulation 70(2) of the Building Regulations 2012, and to appoint authorised persons for the purposes of s.15 of the Graffiti Vandalism Act 2016.	Minute Item 11.1.2

Delegation	4.3 Food Act 2008 - Appointment of Authorised Officers
Category	Health
Delegator	Council
Express power or duty delegated	To appoint officers as Authorised Officers in accordance with section 122 of the Food Act 2008.
Delegates	CEO
Conditions	A list of authorised officers must be prepared and maintained in accordance with s.122(3) of the Food Act 2008.
Statutory framework	<p>Legislative authority to delegate: <i>Food Act 2008 - s. 118(2)</i></p> <p>Power exercised or duty delegated: <i>Food Act 2008 - s. 122(1)</i></p>
Policy	Nil
Date adopted	18 June 2013
Adoption references	Minute Item 11.1.3
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
17 Jun 2014	---	Title amended.	Minute Item 11.1.1
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted.	Nil

Delegation	4.4 Food Act 2008 - Appointment of Designated Officers
Category	Health
Delegator	Council
Express power or duty delegated	To appoint Authorised Officers as Designated Officers to issue, extend or withdraw infringements for offences against the Food Act 2008.
Delegates	CEO
Conditions	<p>1. A person who is a designated officer for the purposes of issuing infringements cannot be a designated officer for the purposes of extending or withdrawing infringements.</p> <p>2. A list of designated officers must be prepared and maintained in accordance with s.122(3) of the Food Act 2008.</p>
Statutory framework	<p>Legislative power to delegate: <i>Food Act 2008 - s. 118(2)</i></p> <p>Power exercised or duty delegated: <i>Food Act 2008 - s. 126(13)</i></p>
Policy	Nil
Date adopted	17 June 2014
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted.	Nil

Delegation	4.5 Food Act 2008 - Prohibition Orders
Category	Health
Delegator	Council
Express power or duty delegated	<ol style="list-style-type: none"> 1. To serve a prohibition order on the proprietor of a food business in accordance with Part 6 of the Food Act 2008. 2. To give a certificate of clearance with respect to a prohibition order served in accordance with Part 6 of the Food Act 2008. 3. To give written notification to the proprietor of a food business on whom a prohibition order has been served of any decision not to give a certificate of clearance after an inspection under s.66 or 67.
Delegates	Executive Manager Regulatory and Development Services Principal Environmental Health Officer
Conditions	Nil
Statutory framework	<p>Legislative authority to delegate: <i>Food Act 2008 - s. 118(2)</i></p> <p>Power exercised or duty delegated: <i>Food Act 2008 - s. 65, 66 and 67(4)</i></p>
Policy	Nil
Date adopted	17 June 2014
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
29 May 2015	---	Reference to Environmental Health Technical Officer deleted and replaced by reference to Environmental Health Officer.	By decision of CEO under Del. 1.17
24 Jul 2017	---	Reference to Environmental Health Officer deleted. Reference to Principal Environmental Health Officer added.	NM12038
15 Aug 2017	---	Delegation to Executive Manager Regulatory Services deleted. Delegation to Executive Manager Planning and Development added.	Council meeting 15 August 2017 - Item 11.1.1
21 May 2019	---	Reference to Executive Manager Planning and Development deleted and replaced with reference to Executive Manager Regulatory and Development Services.	Council Meeting 21/05/2019 – Item 11.1.3

Delegation	4.6 Food Act 2008 - Registration of Food Businesses
Category	Health
Delegator	Council
Express power or duty delegated	To grant, apply conditions to, refuse, vary or cancel registration of a food business.
Delegates	Executive Manager Regulatory and Development Services Principal Environmental Health Officer
Conditions	Nil
Statutory framework	Legislative authority to delegate: <i>Food Act 2008 - s. 118(2)</i> Power exercised or duty delegated: <i>Food Act 2008 - s. 110 and 112</i>
Policy	Nil
Date adopted	17 June 2014
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
29 May 2015	---	Reference to Environmental Health Technical Officer deleted and replaced by reference to Environmental Health Officer.	By decision of CEO under Del. 1.17
15 May 2017	---	Administrative amendment - Delegation incorrectly numbered as 4.8. Delegation number amended to 4.6.	Nil
24 Jul 2017	---	Delegation to Environmental Health Officer. Delegation to Principal Environmental Health Officer added.	NM12038
15 Aug 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.	Council Meeting 15/08/2017 - Item 11.1.1
21 May 2019	---	Reference to Executive Manager Planning and Development deleted and replaced with reference to Executive Manager Regulatory and Development Services	Council Meeting 21/05/2019 – Item 11.1.3

Delegation	4.7 Public Health Act 2016 - Designation of Authorised Officers
Category	Health
Delegator	Council
Express power or duty delegated	<ol style="list-style-type: none"> 1. To designate a person or a class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> a. the Public Health Act 2016 or another specified act; or b. the specified provisions of the Public Health Act 2016 or another specified act; or c. the provisions of the Public Health Act 2016 or another specified act other than the specified provisions of that act. 2. To designate, under s. 24(1): <ol style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; or b. a person who is not an environmental health officer or a class of persons who are not environmental health officers; or c. a mixture of the two. 3. To act jointly with other local governments in the designation of persons or classes of persons as authorised officers.
Delegates	CEO
Conditions	The <i>Health Act 2016</i> does not contain a power of further delegation.
Statutory framework	<p>Legislative Authority to Delegate: <i>Public Health Act 2016</i> s. 21</p> <p>Power Exercised or Duty Delegated: <i>Public Health Act 2016</i> s. 24(1), (3) and (4)</p>
Policy	Nil
Date adopted	21 February 2017
Adoption references	Item 11.1.1
Last reviewed	16 June 2020

Delegation	4.8 Public Health Act 2016 - Certificates of Authority
Category	Health
Delegator	Council
Express power or duty delegated	To sign Certificates of Authority issued to authorised officers appointed under the <i>Public Health Act 2016</i> .
Delegates	CEO
Conditions	The <i>Public Health Act 2016</i> does not contain a power of further delegation.
Statutory framework	Legislative Authority to Delegate: <i>Public Health Act 2016</i> s. 21 Power Exercised or Duty Delegated: <i>Public Health Act 2016</i> s. 30
Policy	Nil
Date adopted	21 February 2017
Adoption references	Item 11.1.1
Last reviewed	16 June 2020

Delegation	4.9 Food Act 2008 - Determine Compensation
Category	Health
Delegator	Council
Express power or duty delegated	In respect to applications for compensation under s. 70, to determine: <ol style="list-style-type: none"> 1. whether there were insufficient grounds for making a prohibition order; and 2. where compensation is to be paid, the compensation to the application that is just and reasonable.
Delegates	CEO
Conditions	The level of compensation to be paid in respect of any single claim is not to exceed a maximum of \$5,000.
Statutory framework	Legislative Authority to Delegate: <i>Food Act 2008</i> - s. 118(2)(b) Power Exercised or Duty Delegated: <i>Food Act 2008</i> - s. 70(2) and 70(3)
Policy	Nil
Date adopted	20 June 2017
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

Delegation	4.10 Health (Asbestos) Regulations 1992 - Appointment of Authorised and Approved Officers
Category	Health
Delegator	Council
Express power or duty delegated	Appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: <i>Health (Asbestos) Regulations 1992</i> - r. 15D(7) Power exercised or duty delegated: <i>Health (Asbestos) Regulations 1992</i> - r. 15D(5)
Policy	Nil
Date adopted	16 October 2018
Adoption references	Item 11.1.2
Last reviewed	16 June 2020

Delegation	5.1 Applications for Operation of "B" Doubles and Road Trains
Category	Engineering
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is authorised to approve applications to use RAV Network 2, 3 and 4 combinations on all local roads considered suitable for usage by that combination, provided that such usage is for the purpose of servicing an established enterprise operating from within the Municipality.</p> <p>Any roads, other than those approved by Main Roads in consultation with Council, which will be related to direct farm or business activity access, will be dealt with on their merits and will include road conditions if appropriate.</p>
Delegates	CEO
Conditions	The Chief Executive Officer in exercising this delegation shall have regard to Council Policy 7.6.
Subdelegates	Executive Manager Operations
Statutory framework	<p>Legislative authority to delegate: <i>Local Government Act 1995- s. 5.42 and 5.44</i></p> <p>Power exercised or duty delegated: To approve the use of local roads deemed as suitable by the Chief Executive Officer for the operation of "B" double road trains and pocket road trains (Restricted Access Vehicle (RAV) Network 2, 3 and 4 combinations).</p>
Policy	Policy 7.6 - Road Transport - Restricted Access Vehicles (RAV)
Date adopted	21 August 1997
Adoption references	Minute Item 5.1.3
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
21 Jun 2016	---	Power Exercised or Duty Delegated amended by adding the words (Restricted Access Vehicle (RAV) Network 2).	Minute Item 11.1.5
18 Oct 2016	---	Power exercised or duty delegated amended to extend the delegation to cover the operation of pocket road trains (RAV Network 2, 3 and 4 combinations) as well as "B" double road trains. Delegation amended to clarify that approvals issued under delegation will include road conditions "if appropriate". Reference to "road trains" and "road train usage" deleted and replaced with reference to RAV Network 2, 3 and 4 combinations.	Minute Item 11.4.2
24 Jul 2017	---	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.	Nil
25 Jun 2019	---	Position of Executive Manager Operations-Construction (subdelegation) amended to Executive Manager Operations	Nil

Delegation	5.2 Registered Gates
Category	Engineering
Delegator	Council
Express power or duty delegated	To approve applications for permits to erect gates across road reserves subject to the <i>Local Government Act 1995</i> .
Delegates	CEO
Conditions	a. That the road be of a minor nature with a low traffic density. b. That the gate be a heavy duty swing type. c. That the gate be unlocked at all times. d. That all landowners adjoining the road or using the road for access to supply written approval of the proposal.
Subdelegates	Executive Manager Operations
Statutory framework	Legislative authority to delegate: <i>Local Government Act 1995</i> - s. 5.42 and 5.44 Power exercised or duty delegated: <i>Local Government (Uniform Local Provisions) Regulations 1996</i> - Reg. 9 and 10
Policy	Nil
Date adopted	21 August 1995
Adoption references	Minute Item 5.1.3
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
17 Jun 2014	---	Sub-delegation to Executive Manager Operations	Minute Item 11.1.1
20 Jun 2017	---	Condition e "That an annual fee established by Council and reviewed annually is to be paid by the landowner for each permitted gate." deleted.	Minute Item 11.1.1
24 Jul 2017	---	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.	Nil
25 Jun 2019	---	Position of Executive Manager Operations-Construction (subdelegation) amended to Executive Manager Operations	Nil

Delegation	5.4 Temporary Closure of Thoroughfares
Category	Engineering
Delegator	Council
Express power or duty delegated	To approve the temporary closure, either wholly or partially, of any thoroughfare managed by the Shire of Gingin.
Delegates	CEO
Conditions	<p>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 the closure is intended to be of such short duration that no great inconvenience will be suffered.</p> <p>2. Elected Members to be advised of any road closure likely to be in effect for more than five working days.</p>
Subdelegates	Coordinator Operations Executive Manager Operations
Statutory framework	<p>Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i></p> <p>Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.50</i></p>
Policy	Nil
Date adopted	21 August 1997
Adoption references	Minute Item 5.1.3
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
17 Jun 2014	---	Title amended. Delegation wording amended to more clearly reflect the intent of the legislation. Minimum reporting requirement amended.	Minute Item 11.1.1
24 Jul 2017	---	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.	Nil
26 Nov 2018	---	Sub-delegation made to new position of Coordinator Operations.	NM14649
25 Jun 2019	---	Position of Executive Manager Operations (subdelegation) amended to Executive Manager Operations	Nil

Delegation	5.5 Partial Closure of Thoroughfares for Repairs or Maintenance
Category	Engineering
Delegator	Council
Express power or duty delegated	To partially and temporarily close a thoroughfare without giving local public notice, if the closure – (a) is for the purpose of carrying out repairs or maintenance; and (b) is unlikely to have a significant adverse effect on users of the thoroughfare.
Delegates	CEO
Conditions	Nil
Subdelegates	Coordinator Operations Executive Manager Operations
Statutory framework	Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i> Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.50A</i>
Policy	Nil
Date adopted	21 August 1997
Adoption references	Minute Item 5.1.3
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
24 Jul 2017	---	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.	Nil
26 Nov 2018	---	Sub-delegation made to new position of Coordinator Operations.	NM14649
25 Jun 2019	---	Position of Executive Manager Operations-Construction (subdelegation) amended to Executive Manager Operations	Nil

Delegation	5.6 Revocation of Road Closure Order
Category	Engineering
Delegator	Council
Express power or duty delegated	To revoke an order to temporarily close a thoroughfare under the management of the Shire of Gingin.
Delegates	CEO
Conditions	Nil
Subdelegates	Coordinator Operations Executive Manager Operations
Statutory framework	Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42 and 5.44</i> Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.50(6)</i>
Policy	Nil
Date adopted	17 June 2014
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
24 Jul 2017	---	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.	Nil
26 Nov 2018	---	Sub-delegation added to new position of Coordinator Operations.	NM14649
25 Jun 2019	---	Position of Executive Manager Operations-Construction (subdelegation) amended to Executive Manager Operations	Nil

Delegation	5.7 Temporary Closure of Thoroughfares - Events
Category	Engineering
Delegator	Council
Express power or duty delegated	To determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991.
Delegates	CEO
Conditions	The Chief Executive Officer shall have regard to s.3.50 of the Local Government Act 1995.
Subdelegates	Coordinator Operations Executive Manager Operations
Statutory framework	Legislative authority to delegate: <i>Local Government Act 1995 - s. 5.42</i> Power exercised or duty delegated: <i>Local Government Act 1995 - s. 3.50</i>
Policy	Nil
Date adopted	21 August 1996
Adoption references	Minute Item 5.1.3
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
17 Jun 2014	---	Title amended. Sub-delegation to Executive Manager Operations added.	Minute Item 11.1.1
24 Jul 2017	---	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.	Nil
26 Nov 2018	---	Sub-delegation added to new position of Coordinator Operations.	NM14649
25 Jun 2019	---	Position of Executive Manager Operations-Construction (subdelegation) amended to Executive Manager Operations	Nil

Delegation	6.1 Approve or Refuse a Building Permit
Category	Building
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.20 Grant of building permit • s.22 Further grounds for not granting an application • s.27 Conditions imposed by permit authority
Function	<ol style="list-style-type: none"> 1. To approve or refuse to approve an application for the grant of a building permit. 2. To impose any conditions on the grant of a building permit in addition to those provided for in the Building Act 2011 and Building Regulations 2012. 3. To add, vary or revoke conditions imposed before the building work is complete.
Delegates	CEO
Conditions	<p>Consideration of an application for the grant of a building permit must have regard for the following adopted policies of Council:</p> <ul style="list-style-type: none"> • 8.1 (Building Control Disclaimer); • 8.3 (Building Licence – Deposit for Footpaths/ Cycleway); • 8.4 (Sign Applications); • 8.5 (Amalgamation of Lots for Building Sites); • 8.6 (Roof Drainage); • 8.7 (Roof Guttering on Outbuildings); • 8.8 (Temporary Accommodation); • 8.9 (Retaining Walls); <p>Retaining Walls</p> <ul style="list-style-type: none"> • 8.10 (Retaining Walls – Cut and Fill of Lots); and • 8.11 (Oversized Outbuildings). <p>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* must be submitted.</p> <p>*Professional Engineer as defined in the Building Code of Australia.</p> <p>Plans submitted for retaining walls with a height exceeding 1.8 metres must be referred to Council for determination.</p> <p>The CEO is to exercise discretion in issuing a building licence for earthworks and retaining walls, prior to issuing a building licence for a dwelling on the subject lot.</p>
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	<ol style="list-style-type: none"> 1. In accordance with Primary Delegation.

Statutory framework	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> • s.119 Building and demolition permits – application for review by SAT • s.23 Time for deciding application for building or demolition permit • s.17 Uncertified application to be considered by building surveyor <p><i>Building Regulations 2012:</i></p> <ul style="list-style-type: none"> • r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT <p><i>Building Services(Registration Act) 2011:</i></p> <ul style="list-style-type: none"> • s.7 Carrying our prescribed building service when not registered <p><i>Home Building Contracts Act1991:</i></p> <ul style="list-style-type: none"> • Part 3A, Division 2 – Part 7, Division 2 <p><i>Building and ConstructionIndustry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
Policy	<p>Policy 8.1 (Building Control Disclaimer) Policy 8.3 (Building Licence - Deposit for Footpaths/Cycleways) Policy 8.4 (Sign Applications) Policy 8.5 (Amalgamation of Lots for Building Sites) Policy 8.6 (Roof Drainage) Policy 8.7 (Roof Guttering on Outbuildings) Policy 8.8 (Temporary Accommodation) Policy 8.9 (Retaining Walls) Policy 8.10 (Retaining Walls - Cut and Fill of Lots) Policy 8.11 (Oversized Outbuildings)</p>
Record keeping	<p>Each exercise of delegation is to be captured in the Shire's records management system.</p>
Date adopted	<p>16 June 2020</p>
Adoption references	<p>Minute Item 11.1.2</p>

Amendments			
Approved	Type	Amendment	References
18 Feb 2014	---	Delegation 6.2 (Building Licences - Retaining Walls) deleted and relevant content incorporated into Delegation 6.1. Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services. Title changed from Issue of Building Licences to Approve or Refuse a Building Permit.	Minute Item 11.1.5
16 Jun 2015	---	Minimum Reporting Requirement amended to require decisions made under this delegation to be circulated to Councillors via regular communication channels rather than via the Information Bulletin.	Minute Item 11.1.4
20 Jun 2017	---	Delegation and Conditions amended to conform with the Building Act 2011. Reference to Council Policy 8.2 deleted. Minimum reporting requirement amended to delete requirement to advise elected members.	Minute Item 11.1.1
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added. Conditions 1 and 2 added to Conditions and Exceptions of Sub-Delegations.	Nil
28 Jun 2018	---	Sub-delegation to position of Manager Building Services withdrawn. Position no longer exists.	NM13966
16 Jun 2020	Amended delegation	NM17408 - subdelegation condition requiring decisions under the delegation to be undertaken or informed by a person qualified in accordance with r.5 of Building Regulations 2012 removed.	Minute Item 11.1.2

Delegation	6.3 Issue an Occupancy Permit and a Building Approval Certificate
Category	Building
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.58 Grant of occupancy permit, building approval certificate
Function	To issue an occupancy permit and a building approval certificate in accordance with section 58 of the Building Act 2011.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	Nil
Statutory framework	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.59 time for granting occupancy permit or building approval certificate • s.60 Notice of decision not to grant occupancy permit or grant building approval certificate • s.121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011:</i> <ul style="list-style-type: none"> • Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Policy	Nil
Record keeping	Each exercise of delegation to be captured in the Shire's records management system.
Date adopted	16 June 2020
Adoption references	Minute Item 11.1.2

Last reviewed	16 June 2020
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Amendments			
Approved	Type	Amendment	References
18 Feb 2014	---	Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services.	Minute Item 11.1.5
17 Jun 2014	---	Sub-delegation to Executive Manager Regulatory Services added.	Minute Item 11.1.1
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added. Condition 1 added to Conditions and Exceptions of Sub-Delegation.	Nil
28 Jun 2018	---	Sub-delegation to position of Manager Building Services withdrawn. Position no longer exists.	NM13966
16 Jun 2020	Amended delegation	NM17408 - subdelegation condition requiring decisions under delegated authority to be undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012 removed.	Minute Item 11.1.2

Delegation	6.5 Extension of Occupancy Permit or Building Approval Certificate
Category	Building
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.65 Extension of period of duration
Function	To extend the period of duration of an Occupancy Permit or a Building Approval Certificate in accordance with section 65 of the Building Act 2011.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with Primary Delegation.
Statutory framework	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.59 time for granting occupancy permit or building approval certificate • s.60 Notice of decision not to grant occupancy permit or grant building approval certificate • s.121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011:</i> <ul style="list-style-type: none"> • Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Policy	Nil
Record keeping	Each exercise of delegation to be captured in the Shire's records management system.
Date adopted	23 June 2020

Adoption references	NM17408
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
18 Feb 2014	---	Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services.	Minute Item 11.1.5
17 Jun 2014	---	Sub-delegation to Executive Manager Regulatory Services added.	Minute Item 11.1.1
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added. Condition 1 added to Conditions and Exceptions to Sub-Delegation.	Nil
28 Jun 2018	---	Sub-delegation to position of Manager Building Services withdrawn. Position no longer exists.	NM13966
23 Jun 2020	Amended delegation	Condition on subdelegation requiring decisions to be undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012 removed.	NM17408

Delegation	6.6 Issue Building Orders
Category	Building
Delegator	Council
Express power or duty delegated	To issue Building Orders in accordance with section 110 of the Building Act 2011.
Delegates	CEO
Conditions	Nil
Subdelegates	Executive Manager Regulatory and Development Services
Statutory framework	<p>Legislative authority to delegate: <i>Building Act 2011 - s. 127</i></p> <p>Power exercised or duty delegated: <i>Building Act 2011 - s. 110</i></p>
Policy	Nil
Date adopted	20 March 2012
Adoption references	Minute Item 11.4.1
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
18 Feb 2014	---	Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services.	Minute Item 11.1.5
17 Jun 2014	---	Sub-delegation to Executive Manager Regulatory Services added.	Minute Item 11.1.1
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added.	Nil
28 Jun 2018	---	Sub-delegation to position of Manager Building Services withdrawn. Position no longer exists.	NM13966

Delegation	6.7 Revoke Building Orders
Category	Building
Delegator	Council
Express power or duty delegated	To revoke Building Orders in accordance with section 117 of the Building Act 2011.
Delegates	CEO
Conditions	Nil
Subdelegates	Executive Manager Regulatory and Development Services
Statutory framework	<p>Legislative authority to delegate: <i>Building Act 2011 - s. 127</i></p> <p>Power exercised or duty delegated: <i>Building Act 2011 - s. 117</i></p>
Policy	Nil
Date adopted	20 March 2012
Adoption references	Minute Item 11.4.1
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
18 Feb 2014	---	Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services.	Minute Item 11.1.5
17 Jun 2014	---	Sub-delegation to Executive Manager Regulatory Services added.	Minute Item 11.1.1
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added.	Nil
28 Jun 2018	---	Sub-delegation to position of Manager Building Services withdrawn. Position no longer exists.	NM13966

Delegation	6.8 Approve or Refuse a Demolition Permit
Category	Building
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.21 Grant of demolition permit
Function	To approve or refuse a demolition licence to take down a building or part of a building. Licence may be subject to such conditions as are considered necessary for the safe and proper execution of the work.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	Nil
Statutory framework	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.119 Building and demolition permits – application for review by SAT • s.23 Time for deciding application for building or demolition permit <i>Building Services (Complaint Resolution and Administration) Act 2011:</i> <ul style="list-style-type: none"> • Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Policy	Nil
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	23 June 2020
Adoption references	NM17408

Amendments			
Approved	Type	Amendment	References
18 Feb 2014	---	Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services.	Minute Item 11.1.5
17 Jun 2014	---	Sub-delegation to Executive Manager Regulatory Services added.	Minute Item 11.1.1
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added. Condition 1 added to Conditions and Exceptions to Sub-Delegation.	Nil
28 Jun 2018	---	Sub-delegation to position of Manager Building Services withdrawn. Position no longer exists.	NM13966
23 Jun 2020	Amended delegation	Condition on subdelegation requiring decisions to be undertaken or informed by a person qualified in accordance with r.5 of the Building Act 2012 removed.	NM17408

Delegation	6.9 Building Act 2011 - Appointment of Authorised Persons
Category	Building
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011</i> <ul style="list-style-type: none"> • s.96(3) Authorised persons • s. 99(3) Limitations on powers to authorise person
Function	1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Delegates	CEO
Conditions	Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.
Express power to subdelegate	<i>Building Act 2011</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegate conditions	Not applicable
Statutory framework	<i>Building Act 2011</i> <ul style="list-style-type: none"> • s.97 requires each person designated as an authorised person must have an identity card. • r.5A Authorised persons (s.3) – definition
Policy	Nil
Record keeping	Record of exercise of delegation to be retained in the Shire's records management system.
Date adopted	21 April 2020
Adoption references	Minute Item 11.1.2
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
21 Apr 2020	Amended delegation	Amended to clarify that delegation relates to the appointment of Authorised Persons to undertake functions under the Building Act other than the issuing, withdrawing and/or extension of infringements under that Act.	Minute Item 11.1.2

Delegation	6.10 Building Act 2011 - Appointment of Approved Officers and Authorised Officers
Category	Building
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Regulations 2012</i> r.70 Approved officers and authorised officers
Function	<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). Note: Only employees delegated under s.5.44(1) of the Local Government Act 1995 with power under s.9.19 or 9.20 of that Act may be appointed as "approved officers".</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). Note: Only employees appointed under s.9.10 of the Local Government Act 1995 and authorized for the purpose of performing functions under s.9.16 of that Act may be appointed as "authorised officers".</p>
Delegates	CEO
Express power to subdelegate	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Statutory framework	<i>Building Regulations 2012</i> r.70(3) each authorised officer must be issued a certificate of appointment
Record keeping	Each exercise of delegation to be recorded in the Shire's records management system.
Date adopted	21 April 2020
Adoption references	Minute Item 11.1.2
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
21 Apr 2020	New delegation	New delegation adopted.	Minute Item 11.1.2

Delegation	7.1 Town Planning Powers
Category	Planning
Delegator	Council
Express power or duty delegated	<p>Subdivision/Amalgamation</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). <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>Permitted Uses</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> <p style="padding-left: 40px;">(i) Application of standard tests of dominance and subservience, in accordance with appropriate and accepted town planning practice;</p> <p style="padding-left: 40px;">(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.</p> <p>Residential Development - Residential Design Codes of Western Australia (as amended)</p> <p>To approve all development applications for a single house (including outbuildings) and grouped or multiple dwelling development to a maximum of six (6) 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 where, in the opinion of the delegated officer, it is considered appropriate.</i></p> <p>Other Use and Development</p> <p>To:</p> <p>(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:</p>

- **Land Use Development: Aquaculture**
Delegated Zones: General Rural/Rural Living/General Industry/Rural Industry
Specific Delegation Criteria: N/A
- **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.
- **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.
- **Land Use Development: Caretaker's Dwelling**
Delegated Zones: Mixed Business/Rural Industry/General Rural/Tourism/Conservation
Specific Delegation Criteria: Subject to compliance with Clause 5.10.9 of LPS No. 9.
- **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.
- **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.
- **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).
- **Land Use Development: Industry - Light**
Delegated Zones: Rural Industry
Specific Delegation Criteria: N/A
- **Land Use Development: Market**
Delegated Zones: Tourism/Town Centre/General Industry/General Rural
Specific Delegation Criteria: Approval for applications that comply with Scheme provisions.
- **Land Use Development - Restaurant**
Delegated Zones: Tourism/Town Centre
Specific Delegation Criteria: N/A
- **Land Use Development: Industry - Rural**
Delegated Zones: General Industry/Rural Industry
Specific Delegation Criteria: N/A
- **Land Use Development: Industry - Service**
Delegated Zones: Town Centre/Mixed Business/Rural Industry

	<p>Specific Delegation Criteria: N/A</p> <ul style="list-style-type: none"> • Land Use Development: Shop Delegated Zones: Tourism Specific Delegation Criteria: N/A • Land Use Development: Trade Display Delegated Zones: Town Centre/General Industry/Rural Industry Specific Delegation Criteria: N/A • Land Use Development: Transportable Dwellings Delegated Zones: All zones Specific Delegation Criteria: Approval for applications that: <ul style="list-style-type: none"> ◦ Comply with Council's Policy Statement 1.7 - Transportable Dwellings; and ◦ Are designated 'P' or 'D' in the Policy Statement Table. • Land Use Development: Vehicle Repairs Delegated Zones: Rural Industry Specific Delegation Criteria: N/A • Land Use Development: Vehicle Sales and Hire Delegated Zones: Town Centre Specific Delegation Criteria: N/A • Land Use Development - Warehouse Delegated Zones: Mixed Business/Rural Industry Specific Delegation Criteria: N/A <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. <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> <ul style="list-style-type: none"> • Land Use Development - Advertisement Delegated Zones: All Zones Specific Delegation Criteria: Approval for applications that fully comply with the Shire's local law/s relating to signage.
Delegates	CEO

Conditions	<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 style="padding-left: 40px;">A Restrictive Covenant being placed on the land, at the subdivider's cost, under a legal agreement that ensures:</p> <p style="padding-left: 80px;">i) Use of the subdivided portion of land shall be limited to service infrastructure; and 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.</p>
Subdelegates	Executive Manager Regulatory and Development Services Manager Statutory Planning Statutory Planning Officer
Statutory framework	<p>Legislative authority to delegate: <i>Planning and Development (Local Planning Schemes) Regulations 2015 - Reg. 82</i></p> <p>Power exercised or duty delegated: In accordance with Details of Delegated Powers or Duties</p>
Policy	Shire of Gingin By-Laws Relating to Signs and Bill Posting
Date adopted	5 August 2003
Adoption references	Minute Item 10.1.2
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
5 Aug 2003	---	New delegation adopted.	Item 10.1.2
16 Oct 2012	---	Amended to reflect changes resulting from introduction of LPS. No. 9.	Minute Item 11.3.7
18 Jun 2013	---	Amended to show new position titles. Minor amendments to Parts 4 and 5.	Minute Item 11.1.3
17 Jun 2014	---	References to legislation amended. Land Use Development of Caretaker's Dwelling included in Schedule 1.	Minute Item 11.1.1
16 Jun 2015	---	Addition to Delegation Table in Schedule 1 - Approve all development applications for Use Not Listed - Signs.	Minute Item 11.1.4
20 Nov 2015	---	Legislative authority to delegate amended from LPS 9 to Planning and Development (Local Planning Schemes) Regulations 2015 - Reg. 82.	By CEO under Del. 1.17
20 Dec 2016	---	Applications for Agriculture Intensive - Irrigated Horticulture which can be approved under delegated authority changed to proposals greater than 300m from any sensitive land use, 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).	Item 11.1.5
17 Jan 2017	---	Subdelegation by CEO extended to Compliance/Planning Officer.	Under Planning & Development (Local Planning Schemes) Regulations 2015 Reg. 83
24 Jul 2017	---	Sub-delegation to Manager Strategic Planning and Development deleted. Sub-delegation to Executive Manager Planning and Development added.	Nil
28 Jun 2018	---	Sub-delegation to position of Compliance/Planning Officer updated to Planning Officer.	NM13966

Delegation	7.2 Restrictive Covenants
Category	Planning
Delegator	Council
Express power or duty delegated	To deal with all future applications pertaining to the placing of Restrictive Covenants on freehold land within the Shire of Gingin under s.129BA of the Transfer of Land Act 1893.
Delegates	CEO
Conditions	Nil
Statutory framework	<p>Legislative authority to delegate: Shire of Gingin Local Planning Scheme No. 9 (as amended) - Cl. 11.3</p> <p>Power exercised or duty delegated: <i>Transfer of Land Act 1893 - s. 129A</i></p>
Policy	Nil
Date adopted	4 June 2002
Adoption references	Minute Item 10.3
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
16 Oct 2012	---	Amended to reflect changes resulting from introduction of LPS. No. 9.	Minute Item 11.3.7
18 Jun 2013	---	Amended to show new position titles.	Minute Item 11.1.3
17 Jun 2014	---	Legislative Authority to Delegate amended.	Minute Item 11.1.1
21 Jun 2016	---	Delegation amended by adding the words "within the Shire of Gingin under s. 129BA of the Transfer of Land Act 1893".	Minute Item 11.1.5

Delegation	7.3 Advertising
Category	Planning
Delegator	Council
Express power or duty delegated	To initiate advertising of an application for a 'P', 'D' or 'A' use in Table 1: Zoning Table pursuant to the provisions under Clause 64 of the "deemed provisions" within the Planning and Development (Local Planning Schemes) Regulations 2015 and in accordance with Local Planning Policy.
Delegates	CEO
Conditions	Nil
Subdelegates	Executive Manager Regulatory and Development Services Manager Statutory Planning
Statutory framework	Legislative authority to delegate: Planning and Development (Local Planning Schemes) Regulations 2015 "Deemed Provisions" - Reg. 83 Power exercised or duty delegated: <i>Planning and Development (Local Planning Schemes) Regulations 2015 "Deemed provisions" - cl. 64</i>
Policy	Nil
Date adopted	15 March 2011
Adoption references	Minute Item 11.1.4
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
16 Oct 2012	---	Amended to reflect changes resulting from introduction of LPS. No. 9.	Minute Item 11.3.7
18 Jun 2013	---	Amended to show new position titles.	Minute Item 11.1.3
17 Jun 2014	---	Legislative Authority to Delegate amended.	Minute Item 11.1.1
20 Nov 2015	---	Legislative authority to delegate amended from LPS 9 to Planning and Development (Local Planning Schemes) Regulations 2015 - cl. 83. Power exercised amended from Shire of Gingin Local Planning Scheme No. 9 (as amended) - clause 9.4 to Planning and Development (Local Planning Schemes) Regulations 2015 - cl. 64. Delegation amended by deleting reference to Clause 9.4 of the Shire of Gingin LPS No. 9 and replacing with Clause 64 of the Planning and Development (Local Planning Schemes) Regs 2015.	By CEO under Del. 1.17.
29 Jun 2017	---	Sub-delegation to Manager Strategic Planning and Development changed to Executive Manager Regulatory Services.	By CEO under Del. 1.17.
24 Jul 2017	---	Subdelegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.	Nil
7 Jun 2018	---	Administrative amendment to clarify that the power being delegated is cl. 64 of the "deemed provisions" under the Planning and Development (Local Planning Schemes) Regulations 2015.	Nil
28 Jun 2018	---	Sub-delegation to position of Compliance/Planning Officer updated to Planning Officer.	NM13966

Delegation	7.4 Non-Statutory Delegations
Category	Planning
Delegator	Council
Express power or duty delegated	To respond to requests, applications or referrals received by the Shire on the following matters: <ul style="list-style-type: none"> • Sale or lease of land by State or Federal Government departments; • Land clearing applications from State or Commonwealth agencies; and • Mining Tenement and Exploration Licence referrals from Department of Mines, Industry Regulation and Safety
Delegates	CEO
Conditions	Nil
Subdelegates	Executive Manager Regulatory and Development Services Manager Statutory Planning Statutory Planning Officer
Statutory framework	Legislative authority to delegate: Shire of Gingin Local Planning Scheme No. 9 (as amended) - Cl. 11.3
Policy	Nil
Date adopted	26 June 2019
Adoption references	CEO - NM15482
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
16 Oct 2012	---	Renumber from Delegation 7.5. Previous 7.4 (Subdivision Applications) repealed as a result of the introduction of LPS. No. 9.	Minute Item 11.3.7
18 Jun 2013	---	Amended to show new position titles.	Minute Item 11.1.3
17 Jun 2014	---	Legislative Authority to Delegate amended.	Minute Item 11.1.1
21 Jun 2016	---	Delegation amended by deleting reference to liquor license applications referrals.	Minute Item 11.1.5
29 Jun 2017	---	Sub-delegation to Manager Strategic Planning and Development changed to Executive Manager Regulatory Services.	By CEO under Del. 1.17
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.	Nil
26 Jun 2019	---	Sub-delegation to position of Compliance/Planning Officer revoked. Sub-delegation granted to position of Planning Officer.	2019 CEO's review of delegations to other officers (NM15482)
26 Jun 2019	Amended delegation	Reference to Department of Mines and Petroleum amended to Department of Mines, Industry Regulation and Safety. Sub-delegation to Planning Officer amended to Statutory Planning Officer.	CEO - NM15482

Delegation	7.5 Miscellaneous
Category	Planning
Delegator	Council
Express power or duty delegated	<p>To:</p> <p>a) Address all matters which arise out of the imposition of conditions on a development approval and provide clarification where required;</p> <p>b) 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;</p> <p>c) 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;</p> <p>d) Obtain legal advice in relation to a planning matter within the designated budget allocation;</p> <p>e) 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</p> <p>f) 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</p>
Delegates	CEO
Conditions	<ul style="list-style-type: none"> 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 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.
Subdelegates	Executive Manager Regulatory and Development Services Manager Statutory Planning Statutory Planning Officer
Statutory framework	Legislative authority to delegate: <i>Planning and Development (Local Planning Schemes) Regulations 2015 - cl. 82</i>
Policy	Nil
Date adopted	26 June 2019
Adoption references	CEO - NM15482
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
16 Oct 2012	---	Renumbered from Delegation 7.6. Amended to reflect changes resulting from introduction of LPS. No. 9.	Minute Item 11.3.7
18 Jun 2013	---	Amended to show new position titles.	Minute Item 11.1.3
17 Jun 2014	---	Legislative Authority to Delegate amended.	Minute Item 11.1.1
20 Nov 2015	---	Legislative Authority to Delegate amended from LPS 9 to Planning and Development (Local Planning Schemes) Regulations 2015 - cl. 82.	By CEO under Del. 1.17
21 Jun 2016	---	Conditions and Exceptions amended by deleting the requirement for a list of all development applications determined under Delegated Authority to be included in the agenda and minutes for ordinary Council meetings.	Minute Item 11.1.5
29 Jun 2017	---	Sub-delegation to Manager Strategic Planning and Development changed to Executive Manager Regulatory Services.	By CEO under Del. 1.17
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.	Nil
26 Jun 2019	---	Sub-delegation to position of Compliance/Planning Officer revoked. Sub-delegation granted to position of Planning Officer.	2019 CEO's review of delegations to other officers (NM15482)
26 Jun 2019	Amended delegation	Sub-delegation to Planning Officer amended to Statutory Planning Officer.	CEO - NM15482

Delegation	7.7 Sea Containers
Category	Planning
Delegator	Council
Express power or duty delegated	To process and approve Planning Applications for Sea Containers
Delegates	CEO
Conditions	Subject to full compliance with Local Planning Policy 1.9 – Sea Containers.
Subdelegates	Executive Manager Regulatory and Development Services Manager Statutory Planning Statutory Planning Officer
Statutory framework	Legislative authority to delegate: Planning and Development (Local Planning Schemes) Regulations 2015 - Reg. 82 Delegations by local government Power exercised or duty delegated: Shire of Gingin Local Planning Scheme No. 9 - cl. 4.4.2 (applicable to sea containers only)
Policy	Local Planning Policy 1.9 - Sea Containers
Date adopted	26 June 2019
Adoption references	CEO - NM15482
Last reviewed	16 June 2020

Amendments			
Approved	Type	Amendment	References
29 Jun 2017	---	Sub-delegation to Manager Strategic Planning and Development changed to Executive Manager Regulatory Services.	By CEO under Del. 1.17
24 Jul 2017	---	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.	Nil
26 Jun 2019	---	Sub-delegation to position of Compliance/Planning Officer revoked. Sub-delegation granted to position of Planning Officer.	2019 CEO's review of delegations to other officers.
26 Jun 2019	Amended delegation	Sub-delegation to Planning Officer amended to Statutory Planning Officer.	CEO - NM15482

Delegation	7.8 Planning and Development Act 2005 - Enforcement and Legal Proceedings for Unauthorised Use or Built Development
Category	Planning
Delegator	Council
Express power or duty delegated	The power to issue Direction Notices and prosecute under Part 13 of the <i>Planning and Development Act 2005</i> with respect to unauthorised use or built development which contravenes the Shire's Local Planning Scheme.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Where the matter relates to an unauthorised use, a Direction Notice may be given to the owner or alleged offender seeking the cessation of the use within a specified time period. The specified time period will depend on the nature of the offence and its effect on the public interest. 2. Where the matter relates to an unauthorised built development, a Direction Notice may be given to the owner or alleged offender seeking them to remove, pull down, take up, or alter the development, and restore the land as nearly as practicable to its condition immediately before the development started. 3. 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.
Subdelegates	Executive Manager Regulatory and Development Services Manager Statutory Planning
Statutory framework	<p>Legislative Authority to Delegate: <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> - cl. 82</p> <p>Legislative authority to sub-delegate: <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> - cl. 83</p> <p>Power exercised or duty delegated: <i>Planning and Development Act 2005</i> - Part 13 Enforcement and Legal Proceedings</p>
Policy	Nil
Date adopted	19 December 2017
Adoption references	Item 11.3.3
Last reviewed	16 June 2020

Delegation	9.1 Determination of Minor Variation to Tender - RFT 01/2020 Management of Guilderton Caravan Park
Category	Specific Purpose Delegations
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> • r.20 Variation of requirements before entry into contract
Function	Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, and to negotiate minor variations with the successful tenderer before entering into a contract.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	N/A
Statutory framework	Nil
Policy	Nil
Record keeping	<p>Records of the exercise of all delegations are to be kept in accordance with:</p> <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.46 Register of, and records relevant to, delegations to CEO and employees <p><i>Local Government (Administration) Regulations 1996:</i></p> <ul style="list-style-type: none"> • r.19 Delegates to keep certain records (Act s.46(3))
Date adopted	18 August 2020
Adoption references	Council Minute Item 15.1

Delegation	9.2 Determination of Minor Amendments - Development Approval for Proposed Oversize Caretaker's Dwelling on Lot 864 (12) Kendall Road, Lancelin
Category	Specific Purpose Delegations
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2 - Deemed provisions for local planning schemes • s.82 Delegations by local government
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 - Deemed provisions for local planning schemes • s.77(4) Amending or cancelling development approval
Function	To determine an application to amend an aspect of the development approved which, if amended, would not substantially change the development approved.
Delegates	CEO
Conditions	Amendments entailing an extension to the capacity of the dwelling via increased rooms or floor area, or alterations to the conditions applied to the substantive approval are not covered by this delegation. Such amendments will require submission to Council for consideration.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 - Deemed provisions for local planning schemes • s.83 Local government CEO may delegate powers
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	17 December 2020
Adoption references	Council Minutes 17 November 2020 - Item 11.3.5
Last reviewed	16 June 2020

Delegation	CEO1.1 Person's Right to Inspect Information
Category	CEO's Delegation Register
Delegator	CEO
Express power or duty delegated	To determine a person's right to inspect information referred to in s.5.94 of the Local Government Act 1995, where a discretion is provided to the Chief Executive Officer.
Delegates	Executive Manager Corporate and Community Services
Conditions	Nil
Statutory framework	Legislative Authority to Delegate: <i>Local Government Act 1995 - s. 5.44</i> Power Exercised or Duty Delegated: <i>Local Government Act 1995 - s.5.95(1)(b)</i>
Policy	N/A
Date adopted	7 January 2020
Adoption references	NM16428
Last reviewed	23 June 2020

Amendments			
Approved	Type	Amendment	References
30 Jul 2019	Amended delegation	Position of Executive Manager Corporate and Community Services deleted. New positions of Acting Executive Manager Corporate Services and Acting Executive Manager Community Services.	decision by CEO
10 Dec 2019	Amended delegation	Delegation to Acting Executive Manager Community Services deleted	NM16428
7 Jan 2020	Amended delegation	Delete delegation to Acting Executive Manager Corporate Services and add delegation to Executive Manager Corporate and Community Services.	NM16428

Delegation	CEO3.1 Cat Act 2011 - Extension of Time
Category	CEO's Delegation Register
Delegator	CEO
Express power or duty delegated	To extend, in a particular case, the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.
Delegates	Executive Manager Regulatory and Development Services
Conditions	Nil
Statutory framework	Legislative Authority to Delegate: <i>Cat Act 2011</i> - s. 45 Power Exercised or Duty Delegated: <i>Cat Act 2011</i> - s. 64
Policy	N/A
Date adopted	5 July 2013
Adoption references	Delegation instituted by CEO
Last reviewed	23 June 2020

Amendments			
Approved	Type	Amendment	References
24 Jul 2017	---	Delegation to Executive Manager Regulatory Services deleted. Delegation to Executive Manager Planning and Development added.	Nil

Delegation	CEO3.2 Cat Act 2011 - Withdrawal of Notice
Category	CEO's Delegation Register
Delegator	CEO
Express power or duty delegated	To withdraw an infringement notice within one year after the notice is given and whether or not the modified penalty has been paid.
Delegates	Executive Manager Regulatory and Development Services
Conditions	Nil
Statutory framework	Legislative Authority to Delegate: <i>Cat Act 2011</i> - s. 45 Power Exercised or Duty Delegated: <i>Cat Act 2011</i> - s. 65
Policy	N/A
Date adopted	5 July 2013
Adoption references	Delegation instituted by CEO
Last reviewed	23 June 2020

Amendments			
Approved	Type	Amendment	References
24 Jul 2017	---	Delegation to Executive Manager Regulatory Services deleted. Delegation to Executive Manager Planning and Development added.	Nil

Delegation	CEO3.3 Infringement Notices
Category	CEO's Delegation Register
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • s.9.13(6)(b) Onus of proof in vehicle offences may be shifted • s.9.19 Extension of time • s.9.20 Withdrawal of notice <i>Building Regulations 2012:</i> Regulation 70(1A)(1) & (2) Approved officers and authorised officers
Function	<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>
Delegates	Executive Manager Regulatory and Development Services
Conditions	<p>1. A delegate who participated in a decision to issue an infringement notice MUST NOT 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 Building Act 2011, a delegate must also be appointed as an "Approved Officer" in accordance with Building Regulation 70(1) for the purposes of the Criminal Procedure Act 2004 s.6(a) and Building Act 2011 infringement notices. Del. No. 6.10 empowers the CEO to make such appointments.</p>
Express power to subdelegate	Nil
Subdelegate conditions	N/A
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of this delegation must be recorded in the corporate records system.

Date adopted	29 April 2020
Adoption references	NM17081
Last reviewed	23 June 2020

Amendments			
Approved	Type	Amendment	References
1 May 2020	Amended delegation	Amended by CEO to note special requirements relating to exercise of powers in respect to infringements relating to the Building Act 2011.	NM17081

Delegation	CEO3.4 Determine if an Emergency for Emergency Powers of Entry
Category	CEO's Delegation Register
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.3.34(2) Entry in emergency
Function	To determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions.
Delegates	Coordinator Operations Coordinator Ranger Services Executive Manager Operations Executive Manager Regulatory and Development Services Senior Ranger
Conditions	An emergency is deemed to exist where the circumstances are such that compliance with the usual requirements for obtaining entry would be impractical or unreasonable because of, or because of the imminent risk of: <ol style="list-style-type: none"> a. injury or illness to any person; or b. a natural or other disaster or emergency.
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	SoGG Delegation 1.19 Powers of Entry
Policy	Nil
Record keeping	Each exercise of delegation must be captured in the Shire's records management system.
Date adopted	23 June 2020
Adoption references	NM17408

Delegation	CEO3.5 Electoral Enrolment Eligibility Claims and Electoral Roll
Category	CEO's Delegation Register
Delegator	CEO
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.4.32(4), (5A) and (5) Eligibility to enrol under s.4.30, how to claim • s.4.34 Accuracy of enrolment details to be maintained • s.4.35 Decision that eligibility to enrol under s.4.30 has ended • s.4.37 New roll for each election <p><i>Local Government (Elections) Regulations 1995:</i></p> <ul style="list-style-type: none"> • r.11(1a) Nomination of co-owners or co-occupiers - s.4.31 • r.13(2) and (4) Register - s.4.2(6)
Function	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 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)]. 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)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 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)]. 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)]. 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]. 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. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 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)].
Delegates	Executive Manager Corporate and Community Services

Conditions	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).
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Department of Local Government, Sport and Cultural Industries Returning Officer Manual
Policy	Nil
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	23 June 2020
Adoption references	NM17408
Last reviewed	23 June 2020