



Shire of Derby / West Kimberley

Delegated Authority Register 2024/2025

Version 1.0

REVIEW

Reviewed by	Date Approved	References
Council	29 August 2024	Version 1 - Delegation 1.1.33 was revoked and new policy C16 Use of Common Seal and Execution of Documents was endorsed. OCM Agenda Item 12.1 Res. No. 100/24. Synergy Record No. N22024.
Acting Chief Executive Officer	12 November 2024	Version 1 - The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Changed wording to express power to subdelegate for delegations 5.1.1, 5.1.2, 5.1.5, 5.1.6, and remove subdelegations from 10.1.1, 10.1.2, 10.1.3, 10.2.1, 10.2.2 and 10.4.1 as there is no power to subdelegate. Synergy Record No. N22323.

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INTRODUCTION

Introduction

The purpose of delegations is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to a strong customer service focus.

The Delegation Register describes the function being delegated, and details the head of power for each delegation, including legislation and Council policies, to enable cross-referencing. The Register will be reviewed on an annual basis in accordance with the Local Government Act 1995. The coordination of the review will be performed by the Chief Executive Officer. All Executive Managers will provide a report to the CEO before 30 April each year with recommendations for any delegation changes. Unless deemed urgent, changes to the register will only occur at the annual review.

Where listed, some of these functions are sub-delegated by the Chief Executive Officer to Shire employees.

Apart from the Local Government Act 1995, its' regulations and the Shire of Derby West/Kimberley local laws created under the Act, a number of other pieces of legislation also provide for the delegation of authority by the Council.

Background to Delegations and Authorisations

Delegations and authorisations are the means by which decision making bodies can access the power to undertake certain statutory functions.

A delegation is the conferral of the ability to exercise a power or duty under legislation to a person or committee from a local authority that is vested with the responsibility to exercise that power or duty.

An authorisation is the designation of an officer as a person that is capable of exercising a statutory power or duty.

When a person exercises delegated authority they do so "on behalf" of the delegator and in doing so the person exercising delegated authority makes the decision "on behalf" of the delegator.

An authorised person exercises a statutory function in their own right.

The Western Australian local government statutory regime also provides for the Council and CEO to "act through" other officers to achieve statutory functions. "Acting through" in this manner is not the exercise of delegated authority or an authorised power and must be handled differently.

The Department of Local Government and Communities provides a guideline on delegation to local governments in Western Australia. (Local Government Guideline No. 17 – Delegations).

The Concept of "Acting Through"

(Extract from Local Government Guideline No. 17 – Delegations)

In addition to covering delegations, the Local Government Act 1995 introduces the concept of "acting through". Section 5.45 of the Act states that in relation to delegations, nothing prevents a "local government from performing any of its functions by acting through a person other than the CEO" or "a CEO from performing any of his or her functions by acting through another person".

The Act does not specifically define the meaning of the term "acting through". However, the key difference between a delegation and "acting through" is that a delegate exercises the delegated decision making function in his or her own right. The principle issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority."

Determining What Should be Delegated

(Extracts from Local Government Guideline No. 17 – Delegations)

A decision to delegate a power or duty should be made by local governments only after thorough consideration of whether the delegation will facilitate the effective operation of the local government. This will therefore depend on the particular circumstances of each local government.

The principal consideration for a local government when deciding if it should delegate a power or duty, is whether the delegation will improve the efficiency of the local government's operations whilst ensuring that its policies are consistently implemented.

Standard Conditions of Delegations

All delegations are subject to the following Standard Conditions:

1. In exercising delegation any and all Officers or Committees to whom authority has been delegated shall comply with any and all laws and regulations in force in Western Australia; and the requirements of any and all local laws and policies of the Shire of Derby West Kimberley.
2. In exercising delegation any and all Officers or Committees to whom authority has been delegated shall exercise the delegation in accordance with any budget authority where applicable.
3. Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident.
4. It is a statutory requirement to maintain a record of each decision made under delegated authority. Documents relating to delegated authority decisions shall as a minimum, record:
 - a. Date the decision was exercised;
 - b. Name of the officer/committee exercising the decision;
 - c. Description of how the person exercised the power or discharged the duty, including where appropriate, any directions to staff to carry out work associated with the decision unless those directions are included in policies, corporate guidelines or the delegation register;
 - d. Notation of the people or class of people directly affected by the decision (other than Council or committee members or employees of the Shire).
5. The requirements of point 4 shall be incorporated into the Shire record system (Synergy).

6. A person to whom a power is delegated is considered to be a 'designated employee" under s.5.74(b) of the Local Government Act 1995 and is required to complete a Primary Return when commencing in the position and an Annual Return for each financial year thereafter.

Delegation registers are stored on Synergy File 4120.

DELEGATIONS

1.0 LOCAL GOVERNMENT ACT 1995 DELEGATIONS

1.1 Council to CEO

Delegation	1.1.1 Performing Functions Outside the District
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district.
Function	Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Delegates	Chief Executive Officer
Conditions	<p>a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.</p> <p>b. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegate	Director Strategic Business
Subdelegate conditions	<p>a. "Standard Conditions" as outlined in this Register of Delegation.</p> <p>b. As outlined in Council Conditions for this Delegation.</p> <p>c. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer.</p> <p>d. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.</p>
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024

Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.
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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New Delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.2 Compensation - Damage Incurred when Performing Executive Functions
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.22(1) Compensation; and s.3.23 Arbitration.
Function	<ol style="list-style-type: none"> 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Delegation is limited to settlements which do not exceed a material value of \$2,000. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegate	Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. "Standard Conditions" as outlined in this Register of Delegation. b. As outlined in Council Conditions for this Delegation. c. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. d. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New Delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.3 Powers of Entry to Perform Local Government Functions
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: 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; and s.3.36 Opening fences.
Function	<ol style="list-style-type: none"> 1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 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	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Community Planning Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. "Standard Conditions" as outlined in this Register of Delegation. b. As outlined in Council Conditions for this Delegation. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995: s.9.10 Appointment of authorised persons – refer also s.3.32(2)];</p>

	Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry; and s.3.34(2) Entry in an emergency – Refer to CEO Delegation. Local Laws: <ul style="list-style-type: none"> • Local Government Property; and • Activities on Thoroughfares and Trading in Thoroughfares and Public Places.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.4 Declare Vehicle is Abandoned Vehicle Wreck
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.40A(4) Abandoned vehicle wreck may be taken.
Function	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	Chief Executive Officer
Conditions	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.5 Confiscated or Uncollected Goods (Disposing of) or alternatively, referred for Council decision. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor - Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, added information to policy and subdelegates.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.5 Confiscated or Uncollected Goods (Disposing of)
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.46 Goods May be withheld until costs paid; s.3.47 Confiscated or uncollected goods, disposal of; and s.3.48 Impounding expenses, recovery of.
Function	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]. 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor - Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation. The delegate that authorised the confiscation must not be party to any disposal determination under this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995: Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, added information to policy and subdelegates.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.6 Disposal of Sick or Injured Animals
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.47A Sick or injured animals, disposal of; and s.3.48 Impounding expenses, recovery of.
Function	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Community Development Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor - Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation. The delegate that authorised the impounding must not be party to any disposal determination under this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, added information to policy and subdelegates.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.7 Close Thoroughfares to Vehicles/Extra Mass Permits
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.50 Closing certain thoroughfares to vehicles; s.3.50A Partial closure of thoroughfare for repairs or maintenance; and s.3.51 Affected owners to be notified of certain proposals.
Function	<ol style="list-style-type: none"> 1. Authority to determine (with or without conditions) applications for extra mass permits for roads within the Shire. 2. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding four-weeks [s.3.50(1)]. 3. Authority to determine to close a thoroughfare for a period exceeding four-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 4. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 5. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 6. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] (relevant to a Townsite only). c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director of Infrastructure Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. "Standard Conditions" as outlined in this Register of Delegation.

	<p>b. As outlined in Council Conditions for this Delegation.</p> <p>In addition, are the Director Strategic Business Conditions:</p> <p>a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer.</p> <p>b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.</p>
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.8 Control Reserves and Certain Unvested Facilities
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.53(3) Control of certain unvested facilities; and s.3.54(1) Reserves under control of local government.
Function	<ol style="list-style-type: none"> 1. Authority to agree the method for control and management of an unvested facility which is partially within two or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Derby/West Kimberley that the Shire could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director of Infrastructure Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. "Standard Conditions" as outlined in this Register of Delegation. b. As outlined in Council Conditions for this Delegation. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Property Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024

Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.
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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added head of power and information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.9 Obstruction of Footpaths and Thoroughfares
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.5(2) Interfering with, or taking from, local government land; r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a); r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b); and r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2).
Function	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out, for example, plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. "Standard Conditions" as outlined in this Register of Delegations.

Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director of Infrastructure Director Strategic Business
Subdelegate conditions	<p>a. As outlined in Council Conditions for this Delegation.</p> <p>b. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>c. "Standard Conditions" as outlined in this Register of Delegations.</p> <p>When determining to grant permission to obstruct a public footpath or thoroughfare under this Delegated:</p> <ol style="list-style-type: none"> 1. There is authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. There is authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. There is authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)]. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p> <p>Shire Fees and Charges – Bond amount to be charged.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.10 Gates Across Public Thoroughfares
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1).
Function	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director of Infrastructure Director Strategic Business
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p>
Policy	Not applicable.

Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added subdelegate and information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.11 Public Thoroughfare – Dangerous Excavations
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6.
Function	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director of Infrastructure Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. As outlined in Council Conditions for this Delegation. b. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.

	<p>When determining to grant permission to for a dangerous excavation under this Delegated:</p> <ol style="list-style-type: none"> 1. There is authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. There is authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. There is authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p> <p>Shire Fees and Charges – Bond amount to be charged.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.12 Crossing – Construction, Repair and Removal
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2); and r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3).
Function	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12 (1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. “Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director of Infrastructure Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. “Standard Conditions” as outlined in this Register of Delegation. b. As outlined in Council Conditions for this Delegation. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director’s known view of the Chief Executive Officer on each specific matter.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

	<p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p> <p>Refer also Delegation 1.3.1 under the Template Activities in Thoroughfares and Public Places and Trading Local Law.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.13 Private Works on, over or under Public Places
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: r.17 Private works on, over, or under public places – Sch.9.1 cl.
Function	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director of Infrastructure Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. "Standard Conditions" as outlined in this Register of Delegation. b. As outlined in Council Conditions for this Delegation. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer.

	b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws. Shire Fees and Charges – Bond amount to be charged.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.14 Works Required for Supply of Water
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.20(1) Works required for supply of gas or water — Sch. 9.1 cl. 11.
Function	To carry out works that are necessary for the purpose of providing, maintaining or modifying the supply system [ULP r.20(1)].
Delegates	Chief Executive Officer
Conditions	<ul style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Works may only be undertaken where there is an approved budget allocation. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director of Infrastructure Director Strategic Business
Subdelegate conditions	<ul style="list-style-type: none"> a. "Standard Conditions" as outlined in this Register of Delegation. b. As outlined in Council Conditions for this Delegation. <p>In addition, are the Director Strategic Business Conditions:</p> <ul style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p>
Policy	Not Applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024

Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.
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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.15 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) 1996: r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12.
Function	Authority to give notice to a land owner/occupier if it is considered that clearing the owner/occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor - Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, added information to policy and subdelegates.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.16 Expressions of Interest for Goods and Services
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996: r.21 Limiting who can tender, procedure for; and r.23 Rejecting and accepting expressions of interest to be acceptable tenderer.
Function	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director of Infrastructure Director Community Planning
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures. WALGA Subscription Service – Procurement Toolkit.
Policy	F7 Regional Price Preference F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New Delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, added express power to subdelegate information, amendment to subdelegate and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.17 Tenders for Goods and Services – Call Tenders
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services. Local Government (Functions and General) Regulations 1996: r.11(1), (2) When tenders have to be publicly invited; r.13 Requirements when local government invites tenders though not required to do so; and r.14 Publicly inviting tenders, requirements for.
Function	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where: <ol style="list-style-type: none"> i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy Chief Executive Officer Director of Infrastructure Director Community Planning

Subdelegate conditions	<p>a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.</p> <p>b. As outlined in Council Conditions for this Delegation.</p>
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>WALGA Subscription Service – Procurement Toolkit.</p>
Policy	<p>F2 Asset Management F7 Regional Price Preference F1 Procurement of Goods and Services</p>
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services. Local Government (Functions and General) Regulations 1996: r.11(2)(j) Exercising contract extension options; r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders; r.20(1), (2), (3) Variation of requirements before entry into contract; and r.21A Varying a contract for the supply of goods or services.
Function	<ol style="list-style-type: none"> 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine the extent to which each tender satisfies the criteria for deciding which tender to accept. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within six-months of Council accepting a tender, a contract has not been entered into or the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the tenderer chosen by Council is unable or unwilling to form a contract to supply the varied requirement or the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of \$100,000 whichever is the lesser value [F&G r.21A(a)]. 9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Delegates	Chief Executive Officer
Conditions	a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.

	<p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ul style="list-style-type: none"> i. The original tender accepted by Council decision has not been able to be finalised into a contract (with exception of purchases relevant to addressing the impacts of Ex-Tropical Cyclone Ellie, where the CEO may accept original or replacement tenders up to a maximum of \$600,000, consistent with Council Policy F1 Procurement of Goods and Services; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). <p>c. A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract after entry into the contract [F&G r.21A(a)] must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p> <p>f. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director of Infrastructure Director Community Planning
Subdelegate conditions	<p>a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.</p> <p>b. As outlined in Council Conditions for this Delegation.</p>
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>WALGA Subscription Service – Procurement Toolkit.</p>
Policy	F2 Asset Management F7 Regional Price Preference F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
30 Mar 2023	Amended Delegation	Amended to include an exception of purchases relevant to addressing impacts of Ex-Tropical Cyclone Ellie.	OCM Agenda Item No. 10.1, Resolution No. 15/23
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.19 Tenders for Goods and Services - Exempt Procurement
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services. Local Government (Functions and General) Regulations 1996: r.11(2) When tenders have to be publicly invited (exemptions).
Function	<ol style="list-style-type: none"> 1. Authority to undertake tender exempt procurement, in accordance with policy F1 Procurement of Goods and Services) requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)].
Delegates	Chief Executive Officer
Conditions	<p>a. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories:</p> <p>Category Maximum Value for individual contracts</p> <p>WALGA Preferred Supplier Program [F&G.r.11(2)(b)] >\$250,000</p> <p>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)] >\$250,000</p> <p>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)] >\$250,000</p> <p>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)] >\$250,000</p> <p>Goods or services supplied by a person registered on the Aboriginal Business Directory WA or Indigenous Minority Supplier Office Limited (T/as Supply Nation) and where satisfied that the contract represents value for money. [F&G.r.11(2)(h)] >\$250,000*</p> <p>*as specified in F&G.r.11(2)(h)(ii)</p> <p>Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)] >\$250,000</p> <p>b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ol style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification;

	<p>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and</p> <p>v. The expense is included in the adopted Annual Budget.</p> <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$250,000 delegated above, the decision is to be referred to Council.</p> <p>d. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director of Infrastructure Director Community Planning
Subdelegate conditions	<p>a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.</p> <p>b. As outlined in Council Conditions for this Delegation.</p>
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>WALGA Subscription Service – Procurement Toolkit.</p>
Policy	F7 Regional Price Preference F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to function, subdelegate and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.20 Application of Regional Price Preference Policy
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Functions and General) Regulations 1996: r.24G Adopted regional price preference policy, effect of.
Function	Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director of Infrastructure Director Community Planning
Subdelegate conditions	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. b. As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	F7 Regional Price Preference F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.21 Payments from the Municipal or Trust Funds
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Financial Management) Regulations 1996: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making.
Function	Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Delegates	Chief Executive Officer
Conditions	a. Authority to make payments is subject to annual budget limitations. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy Chief Executive Officer Director of Infrastructure Director Community Planning Manager Corporate Services
Subdelegate conditions	1. Delegates must comply with the procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval. 4. As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995. Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. Local Government (Audit) Regulations 1996. Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards. Department of Local Government, Sport and Cultural Industries: Accounting Manual.
Policy	F1 Procurement of Goods and Services F8 Transaction Cards
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services, A/Director of Corporate Service and Manager Finance and add in the positions of Deputy Chief Executive Officer and Manager Corporate Services.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
24 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure and put in reference to policy F1. Synergy Record No. N22323.

Delegation	1.1.22 Defer, Grant Discounts, Waive or Write Off Debts
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.12 Power to defer, grant discounts, waive or write off debts.
Function	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Debt to be not more than \$1,000. b. All reasonable measures must have first been taken to locate/contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> 1. Debt to be not more than \$500. 2. Otherwise as outlined in Council Conditions for this Delegation. 3. "Standard Conditions" as outlined in this Register of Delegation. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Collection of Rates Debts – refer Delegations:</p> <ul style="list-style-type: none"> • 1.1.25 Agreement as to Payment of Rates and Service Charges; • 1.1.27 Recovery of Rates or Service Charges; • 1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent; and • 1.1.29 Recovery of Rates Debts – Actions to Take Possession of the Land.
Policy	F4 Sundry Debtors Collection Policy F5 Outstanding Rates Collection Policy

	F6 Financial Hardship Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system. File Locations in Synergy: Rates Rebate/deferred 5172; and Accounts receivable 5112.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.23 Power to Invest and Manage Investments
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.14 Power to invest. Local Government (Financial Management) Regulations 1996: r.19 Investments, control procedures for.
Function	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C. b. All investment activity must comply with Council Policy F17 Investments. c. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. d. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. e. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every three financial years. [Audit r.17]. f. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Manager Corporate Services
Subdelegate conditions	<ol style="list-style-type: none"> 1. A decision to invest must be jointly confirmed by two Delegates. 2. As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)).
Policy	F17 Investments

Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system. File location in Synergy – 5185.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services, A/Director of Corporate Service and Manager Finance and add in the positions of Deputy Chief Executive Officer and Manager Corporate Services.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.24 Rate Record Amendment
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.39(2)(b) Rate record.
Function	Authority to determine any requirement to amend the rate record for the five year period preceding the current financial year [s.6.39(2)(b)].
Delegates	Chief Executive Officer
Conditions	a. Delegates must comply with the requirements of s.6.40 of the Act. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Manager Corporate Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system. File Location in Synergy – 5174 and relevant property file.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services, A/Director of Corporate Service and Manager Finance and add in the positions of Deputy Chief Executive Officer and Manager Corporate Services.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.25 Agreement as to Payment of Rates and Service Charges
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.49 Agreement as to payment of rates and service charges.
Function	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Delegates	Chief Executive Officer
Conditions	<ul style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policies F5 Outstanding Rates Collection Policy; and F6 Financial Hardship Policy. b. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied (otherwise they must be referred to Council for decision). c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director Strategic Business
Subdelegate conditions	<ul style="list-style-type: none"> a. As outlined in Council Conditions for this Delegation. b. "Standard Conditions" as outlined in this Register of Delegation. <p>In addition, are the Director Strategic Business Conditions:</p> <ul style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	F4 Sundry Debtors Collection Policy F5 Outstanding Rates Collection Policy F6 Financial Hardship Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

	File Location in Synergy – 5174 and relevant property file.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.26 Determine Due Date for Rates or Service Charges
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.50 Rates or service charges due and payable.
Function	Authority to determine the date on which rates or service charges become due and payable to the Shire [s.6.50].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director Strategic Business
Subdelegate conditions	<p>a. As outlined in Council Conditions for this Delegation.</p> <p>b. "Standard Conditions" as outlined in this Register of Delegation.</p> <p>In addition, are the Director Strategic Business Conditions:</p> <p>a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer.</p> <p>b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.</p>
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.27 Recovery of Rates or Service Charges
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.56 Rates or service charges recoverable in court; and s.6.64(3) Actions to be taken.
Function	<ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policies F5 Outstanding Rates Collection Policy; and F6 Financial Hardship Policy. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. As outlined in Council Conditions for this Delegation. b. "Standard Conditions" as outlined in this Register of Delegation. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	F4 Sundry Debtors Collection Policy F5 Outstanding Rates Collection Policy F6 Financial Hardship Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system. File Location in Synergy – Debt Management and Recovery 5128, and relevant property file.
Date adopted	24 April 2024

Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.
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Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.60 Local Government may require lessee to pay rent.
Function	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policies F5 Outstanding Rates Collection Policy; and F6 Financial Hardship Policy. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. As outlined in Council Conditions for this Delegation. b. "Standard Conditions" as outlined in this Register of Delegation. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer). b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.</p>
Policy	F4 Sundry Debtors Collection Policy F5 Outstanding Rates Collection Policy F6 Financial Hardship Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024

Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.
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Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.64(1) Actions to be taken; s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings; s.6.71 Power to transfer land to Crown or local government; and s.6.74 Power to have land re-vested in Crown if rates in arrears 3 years.
Function	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> a. lease the land, or b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> i. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or ii. cause the land to be transferred to the Shire [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within seven days of and prior to the proposed sale [s.6.69(2)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policies F5 Outstanding Rates Collection Policy; and F6 Financial Hardship Policy. b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous three-years attempted to recover the outstanding rates/charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the Local Government Act 1995. d. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. As outlined in Council Conditions for this Delegation. b. "Standard Conditions" as outlined in this Register of Delegation. <p>In addition, are the Director Strategic Business Conditions:</p>

	<p>a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer.</p> <p>b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.</p>
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p>Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p>
Policy	<p>F4 Sundry Debtors Collection Policy F5 Outstanding Rates Collection Policy F6 Financial Hardship Policy</p>
Record keeping	<p>All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.</p>
Date adopted	<p>24 April 2024</p>
Adoption references	<p>OCM Agenda Item 12.1 Res. No. 48/24.</p>

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.30 Rate Record – Objections
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.76 Grounds of objection.
Function	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must not be party to any determination under this Delegation. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. As outlined in Council Conditions for this Delegation. b. "Standard Conditions" as outlined in this Register of Delegation. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024

Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.
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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegates and added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.31 Renewal or Extension of Contracts during a State of Emergency
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services. Local Government (Functions and General) Regulations 1996: r.11 When tenders have to be publicly invited; and Tender exemption under subregulation 11(2)(ja).
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within three months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ul style="list-style-type: none"> • contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and • contracts formed through a public tender.
Delegates	Chief Executive Officer
Conditions	<p>a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies:</p> <ol style="list-style-type: none"> i. It is exercised at the sole discretion of the Shire; ii. It is in the best interests of the Shire; iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; iv. It has potential to promote local and/or regional economic benefits. <p>b. This authority may only be exercised where the total consideration for the renewal or extension is \$250,000 or less.</p> <p>c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, or where the expenditure from an alternative available budget allocation has been authorised in advance by the President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c).</p> <p>d. The decision to extend or renew a contract must be made in accordance with the objectives of the policy F1 Procurement of Goods and Services.</p> <p>e. This authority may only be exercised where the total consideration under the resulting contract is \$250,000 or less.</p>

	<p>f. The CEO cannot sub-delegate this authority (excluding for occasions where they are not physically present in the district).</p> <p>g. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director of Infrastructure Director Community Planning
Subdelegate conditions	<p>a. Can only be utilised on occasions where the CEO is not physically present in the district.</p> <p>b. As outlined in Council Conditions for this Delegation.</p>
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996.</p> <p>WALGA Subscription Service – Procurement Toolkit.</p>
Policy	F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates, policy and added information to statutory framework.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.1.32 Procurement of Goods or Services required to address a State of Emergency
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services. Local Government (Functions and General) Regulations 1996: r.11 'When tenders have to be publicly invited'; Tender exemption under subregulation 11(2)(aa); and Associated definition under subregulation 11(3).
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: 1. Determine that particular goods or services with a purchasing value of \$250,000 or greater are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]. 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Delegates	Chief Executive Officer
Conditions	a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with policy F1 Procurement of Goods and Services Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with policy F1 Procurement of Goods and Services Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. The CEO cannot sub-delegate this authority. f. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director Strategic Business

Subdelegate conditions	<p>a. "Standard Conditions" as outlined in this Register of Delegation.</p> <p>b. As outlined in Council Conditions for this Delegation.</p> <p>c. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer.</p> <p>d. No authorisations or decisions are to be provided or made if the Deputy Chief Executive Officer/Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Deputy Chief Executive Officer's/Director's known view of the Chief Executive Officer on each specific matter.</p>
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996.</p> <p>WALGA Subscription Service – Procurement Toolkit.</p>
Policy	F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, policy and added information to subdelegates and statutory framework.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added express power too subdelegate, subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation added in Deputy Chief Executive Officer as subdelegate and subdelegate conditions.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.34 Minor Amendments to Policies and Delegations
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s. 2.7(2)(b) Role of council (policies)
Function	To make minor amendments to the Policy Manual and Register of Delegations.
Delegates	Chief Executive Officer
Conditions	Amendments are for the purpose of accuracy and expediency only. Only minor changes are to be made which do not otherwise affect the intent on the policy/ delegation (e.g. due to for example, any changes in officer/representative names/titles, renumbering or reformatting, or similar minor administrative requirements). "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Deputy Chief Executive Officer Director Strategic Business
Subdelegate conditions	<ul style="list-style-type: none"> a. "Standard Conditions" as outlined in this Register of Delegation. b. As outlined in Council Conditions for this Delegation. c. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. d. No authorisations or decisions are to be provided or made if the Deputy Chief Executive Officer/Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Deputy Chief Executive Officer's/Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added subdelegate information, amendment to subdelegate conditions and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate, subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation added in Deputy Chief Executive Officer as subdelegate and subdelegate conditions.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.1.35 Submissions, Responses, Approvals and Endorsements
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.2.7(1) Role of Council (function and affairs).
Function	<ol style="list-style-type: none"> 1. To register an interest in any native title claim affecting the Shire, in order for the Shire to have sufficient interest to become a party to the native title application. 2. Responding to the Department of Mines, Industry and Regulation for proposed: <ol style="list-style-type: none"> a. Exploration Licence pursuant to section 119 of the Mining Act 1978 and b. Mining Licence pursuant to Sections 41,58,70C, 86 and 91 of the Mining Act 1978 and Regulation 64 of the Mining Regulations 1981. 3. Responding to the Department of Planning, Lands and Heritage for proposed: <ol style="list-style-type: none"> a. Power to Lease pursuant to Section 46 of the Land Administration Act 1997; and b. Licence pursuant to section 91 Land Administration Act 1997. 4. Responding to the Department of Water and Environmental Regulation for proposed Clearing Permit Applications pursuant to section 51E of the Environmental Protection Act 1986. 5. Responding to state government requests for local government feedback under the Liquor Control Act 1988 (e.g. S. 175 restricted area regulations).
Delegates	Chief Executive Officer
Conditions	<p>“Standard Conditions” as outlined in this Register of Delegations.</p> <p>In specific regard to Liquor Control Act 1988 submissions:</p> <ol style="list-style-type: none"> 1. The submission must be consistent the relevant district Liquor Accord, or a relevant district Liquor Accord Advisory Committee’s stated Purpose or the Outcomes it is endeavouring to see achieved; and 2. If the CEO is of the view the application is likely to be controversially received by the district’s communities, the matter must be referred to Council for its consideration (if response times permit).
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

	<p>Licence pursuant to section 91 Land Administration Act 1997.</p> <p>Exploration Licence pursuant to section 119 of the Mining Act 1978.</p> <p>Mining Licence pursuant to Sections 41,58,70C, 86 and 91 of the Mining Act 1978 and Regulation 64 of the Mining Regulations 1981</p> <p>Clearing Permit Applications pursuant to section 51E of the Environmental Protection Act 1986.</p>
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added express power to delegate, express power or duty delegated and subdelegate information, amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
12 Oct 2023	Amended delegation.	Change of title and addition of Liquor Control Act submissions.	OCM Agenda Item 12.2 Res. No. 110/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure, and reference Liquor Control Act year in conditions.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

1.2 CEO to Employees

Delegation	1.2.1 Determine if an Emergency (for Emergency Powers of Entry)
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government Act 1995: s.3.34(2) Entry in emergency.
Function	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
Delegates	Deputy Chief Executive Officer Director Community Planning
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Property Local Laws.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.2.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a).
Function	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.2:</p> <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b). 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
Delegates	Director of Infrastructure Director Strategic Business
Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.1.9 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. c. "Standard Conditions" as outlined in this Register of Delegations. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	<p>This delegated authority is effective only in alignment with Delegated Authority 1.1.9 Obstructions of Footpaths and Thoroughfares.</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p>

Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to function, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added delegate and delegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a delegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.2.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6.
Function	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.1.11: <ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
Delegates	Director of Infrastructure Director Strategic Business
Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.1.11 Public Thoroughfares – Dangerous Excavations. b. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. c. “Standard Conditions” as outlined in this Register of Delegations. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director’s known view of the Chief Executive Officer on each specific matter.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.1.11 Public Thoroughfares – Dangerous Excavations.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p>

	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to function, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added delegate and delegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a delegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.2.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8.
Function	<ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
Delegates	Director of Infrastructure Director Strategic Business
Conditions	<p>a. "Standard Conditions" as outlined in this Register of Delegations.</p> <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.1.13 Private Works on, over or under Public Places.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to statutory framework, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added delegate and delegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a delegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No.N22323.

Delegation	1.2.5 Appoint Persons (other than employees) to Open Tenders
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Functions and Genera) Regulations 1996: r.16(3) Receiving and opening tenders, procedure for.
Function	Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
Delegates	Deputy Chief Executive Officer Director of Strategic Business Director of Infrastructure
Conditions	To be allocated by the CEO on an "as required" basis. "Standard Conditions" as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
11 Mar 2022	Amended delegation	Advice to CEO 21 November 2021 that the sub- delegation should be changed to "All Directors" for flexibility and ease of management. Advice received from Director Strategic Business 11 April 2022 to make the amendment to the Delegation.	Synergy Record No's. N17574 & N17814..
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.2.6 Electoral Enrolment Eligibility Claims and Electoral Roll
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government Act 1995: s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim; s.4.34 Accuracy of enrolment details to be maintained; s.4.35 Decision that eligibility to enrol under s.4.30 has ended; and s.4.37 New roll for each election. Local Government (Elections) Regulations 1995: r.11(1a) Nomination of co-owners or co-occupiers — s.4.31; and r.13(2) & (4) Register - s.4.32(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	Deputy Chief Executive Officer Director Strategic Business
Conditions	a. 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).

	<p>b. "Standard Conditions" as outlined in this Register of Delegations.</p> <p>In addition, are the Director Strategic Business Conditions:</p> <p>a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer.</p> <p>b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.</p>
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Department of Local Government, Sport and Cultural Industries: Returning Officer Manual.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a delegate. Added delegate and delegate conditions.	Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.2.7 Destruction of Electoral Papers
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Elections) Regulations 1996: r.82(4) Keeping election papers – s4.84(a).
Function	Authority to, after a period of four-years, destroy the parcels of election papers in the presence of at least two other employees [Elect. r.82(4)].
Delegates	Deputy Chief Executive Officer Director Strategic Business
Conditions	a. "Standard Conditions" as outlined in this Register of Delegations. In addition, are the Director Strategic Business Conditions: a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a delegate. Added delegate and delegate conditions.	Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.2.8 Appoint Authorised Persons (Local Government and Various Acts)
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government Act 1995: s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land]; and s.9.10 Appointment of authorised persons.
Function	<ol style="list-style-type: none"> 1. Authority to appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations: <ol style="list-style-type: none"> (a) Local Government Act 1995 and its subsidiary legislation, including Local Government (b) Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act; (c) Caravan Parks and Camping Grounds Act 1995; (d) Cat Act 2011; (e) Cemeteries Act 1986; (f) Control of Vehicles (Off-road Areas) Act 1978; (g) Dog Act 1976; (h) Graffiti Vandalism Act 2016 – refer s.15; and (i) any other legislation prescribed for the purposes of s.9.10 of the Local Government Act 1995. 2. Authority to appoint authorised persons for the purposes of section 9.16 of the Local Government Act 1995, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the Criminal Procedure Act 2004.
Delegates	Deputy Chief Executive Officer Director Community Planning
Conditions	<ol style="list-style-type: none"> a. A register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. c. "Standard Conditions" as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Laws: <ul style="list-style-type: none"> • Cemeteries; • Dogs;

	<ul style="list-style-type: none"> • Extractive Industries; • Local Government Property; • Activities on Thoroughfares and Trading in Thoroughfares and Public Places; and • Parking.
Policy	Not applicable.
Record keeping	<p>All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.</p> <p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p>
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to function, delegate and added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure and add in parking to statutory framework.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.2.9 Information to be Available to the Public
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government Act 1995: s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information. Local Government (Administration) Regulations 1996: r.29(2) & (3) Information to be available for public inspection (Acts s.5.94); and r.29B Copies of certain information not to be provided (Act s.5.96).
Function	<ol style="list-style-type: none"> 1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)]. 5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
Delegates	Deputy Chief Executive Officer Director Strategic Business
Conditions	<p>a. "Standard Conditions" as outlined in this Register of Delegations.</p> <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.

Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added delegate and delegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a delegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.2.10 Financial Management Systems and Procedures
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Financial Management) Regulations 1996: r.5 CEO's Duties as to financial management.
Function	<p>Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the:</p> <ul style="list-style-type: none"> i. Collection of money owed to the Shire; ii. Safe custody and security of money collected or held by the Shire; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority¹ .1.21 Payments from the Municipal or Trust Funds; and vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
Delegates	Deputy Chief Executive Officer Director Strategic Business
Conditions	<ul style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each three financial years. [Audit r.17]. c. "Standard Conditions" as outlined in this Register of Delegations. <p>In addition, are the Director Strategic Business Conditions:</p> <ul style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.

Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995.</p> <p>Local Government (Financial Management) Regulations 1996.</p> <p>Local Government (Audit) Regulations 1996.</p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards.</p>
Policy	<p>F1 Procurement of Goods and Services F2 Asset Management F3 Significant Account Policies F8 Transaction Cards F11 Budget Issues F13 Reserve Accounts F14 Loan Borrowings F16 Cash Flow Management F17 Investments PC1 Risk and Opportunity Management Policy</p>
Record keeping	<p>All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.</p>
Date adopted	<p>24 April 2024</p>
Adoption references	<p>OCM Agenda Item 12.1 Res. No. 48/24.</p>

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added delegate and delegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a delegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.2.11 Audit – CEO Review of Systems and Procedures
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Audit) Regulations 1996: r.17 CEO to review certain systems and procedures.
Function	Authority to conduct the review of the appropriateness and effectiveness of the Shire’s systems and procedures in relation to: <ul style="list-style-type: none"> i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
Delegates	Deputy Chief Executive Officer Director Strategic Business
Conditions	<p>a. Each matter is to be reviewed at least once within every three financial years, with a report on each matter to be provided to the Audit Committee that details the findings, including any identified deficiencies, and actions required.</p> <p>b. “Standard Conditions” as outlined in this Register of Delegations.</p> <p>In addition, are the Director Strategic Business Conditions:</p> <p>a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer.</p> <p>b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director’s known view of the Chief Executive Officer on each specific matter.</p>
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Audit) Regulations 1996.
Policy	PC1 Risk and Opportunity Management Policy All other Shire policies relevant to the area of the review being undertaken.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added delegate and delegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a delegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	1.2.12 Infringement Notices (Local Government and Various Acts)
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government Act 1995: s.9.13(6)(b) Onus of proof in vehicle offences may be shifted; s.9.19 Extension of Time; and s.9.20 Withdrawal of Notice. Building Regulations 2012: r.70(1A), (1), (2) Approved officers and authorised officers.
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 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].
Delegates	Deputy Chief Executive Officer Director Community Planning
Conditions	<ol style="list-style-type: none"> a. A delegate who participated in a decision to issue an infringement notice, must not determine any matter related to that infringement notice under this Delegation. b. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a precondition for appointment as an "Approved Officer" in accordance with Building Regulation 70(1) for the purposes of the Criminal Procedure Act 2004 section 6(a) and Building Act 2011 Infringement Notices: <ol style="list-style-type: none"> i. Deputy Chief Executive Officer; ii. Executive Director Operations and Strategic Development. <p>NOTE: Delegates must also be appointed as an "Approved Officer" – appointment to be determined by the delegate under delegation 2.1.10.</p> c. "Standard Conditions" as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and conditions, added information to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates and conditions to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

1.3 Local Law Delegations to CEO

Delegation	1.3.1 Infrastructure Control – Template Activities in Thoroughfares and Public Places and Trading Local Law
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Activities in Thoroughfares and Public Places and Trading Local Law: cl.2.5(2) Removal of redundant crossing; cl.2.6 Interpretation – “acceptable material”; cl.2.11 Notice to owner or occupier; cl.2.15 Assignment of numbers; cl.2.17(1) Signs; cl.6.18 Obligations of permit holder (Outdoor Eating Facility); cl.7.1 Application for Permit; cl.7.2 Decision on application for permit; cl.7.3 Conditions which may be imposed on a permit; cl.7.5 Compliance with and variation of conditions; cl.7.7 Renewal of permit; cl.7.8 Transfer of permit; cl.7.10 Cancellation of permit; cl.9.1 Notice to redirect or repair sprinkler; cl.9.2 Hazardous plants; cl.9.3 Notice to repair damage to thoroughfare; cl.9.4 Notice to remove thing unlawfully placed on thoroughfare; and cl.10.2 Local government may undertake requirements of notice
Function	<p>1. General Activity Control</p> <p>1A. Authority, limit to permits subject of this delegation, to:</p> <ol style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; and e. determine the form of the permit [cl.7.2(2)]. <p>1B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ol style="list-style-type: none"> a. Temporary vehicle crossing [cl.2.4(1)] b. Any activity described as requiring a permit under cl.2.2(1); <ol style="list-style-type: none"> i. dig or otherwise create a trench through or under a kerb or footpath; ii. throw, place or deposit anything on a verge;

	<ul style="list-style-type: none"> iii. cause any obstruction to a vehicle or person using a thoroughfare; iv. cause any obstruction to a water channel; v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare; vi. damage a thoroughfare; vii. light any fire or burn anything on a thoroughfare; viii. fell any tree onto a thoroughfare; ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare; x. provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare; xi. use or do anything so as to create a nuisance; xii. place or cause to be placed in on a thoroughfare a bulk rubbish container; and xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare; <ul style="list-style-type: none"> c. Drive or take a vehicle on a closed thoroughfare [cl.2.19]; d. Erect or place an advertising or directional sign [cl.3.2]; e. Use of portable signs [cl.3.4]; f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5]; and g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)]. <p>1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5].</p> <p>1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)].</p> <p>2. Use of Public Places</p> <p>2A. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)].</p> <p>3. Crossings</p> <p>3A. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge and other thoroughfare infrastructure [cl.2.5(2)].</p> <p>4. Thoroughfares and Verges</p> <p>4A. Authority to determine and maintain the list of "acceptable materials" which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6].</p> <p>4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11].</p> <p>4C. Authority to assign a number to a lot and to assign another number to the lot instead of that</p>
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	<p>previously assigned [cl.2.15].</p> <p>4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to:</p> <p>a. Alter the direction of a sprinkler or other watering equipment [cl.9.1]; and</p> <p>b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2];</p> <p>4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to:</p> <p>Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3]; and</p> <p>Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4].</p> <p>4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2].</p>
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>A register of all special environmental areas must be maintained under cl.5.8 of the Activities in Thoroughfares and Public Places and Trading Local Law.</p> <p>Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17 of the Local Government (Uniform Local Provisions) Regulations 1996 – refer CEO Delegations 1.1.11 and 1.1.13.</p> <p>Crossing permits are approved under Regulations 12 and 13 of the Local Government (Uniform Local Provisions) Regulations 1996 – refer Delegation 1.1.12 Crossings – Construction, Repair and Removal.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p>
Policy	H1 Traders and Stall Holders' Permits
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, amendment to statutory framework, added information to policy and subdelegates.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	1.3.2 Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Activities in Thoroughfares and Public Places and Trading Local Law: cl.6.6 Conditions of Permit (Stallholders and Traders); cl.6.18 Obligations of permit holder (Outdoor Eating Facility); cl.7.1 Application for Permit; cl.7.2 Decision on application for permit; cl.7.3 Conditions which may be imposed on a permit; cl.7.5 Compliance with and variation of conditions; cl.7.7 Renewal of permit; cl.7.8 Transfer of permit; and cl.7.10 Cancellation of permit.
Function	<p>1. Permits General</p> <p>1A. Authority, limited to the permit types listed below, to:</p> <ol style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; and e. determine the form of the permit [cl.7.2(2)]. <p>2. Stallholder, Trading and Performing</p> <p>2A. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.6 and cl.7.3] or a policy adopted under cl.7.4 or determined as appropriate, limited to:</p> <ol style="list-style-type: none"> a. Stallholder [cl.6.2]; b. Trader [cl.6.3]; and c. Perform in a public place [cl.6.10]. <p>2B. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5].</p> <p>2C. Authority to authorise another person, as the permit holder's nominee for a specified period [cl.6.6(2)].</p> <p>3. Outdoor Eating Facilities</p>

	<p>3B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.18] or determined as appropriate, for the purposes of an outdoor eating facility [cl.6.16].</p> <p>3C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5].</p> <p>3D. Authority to give notice to an outdoor eating facility permit holder requiring them to carry out work [cl.6.18(2)].</p>
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Community Planning Manager Development Services Senior Environmental Health Officer Environmental Health Officer Environmental Health Technical Officer
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
Policy	H1 Traders and Stall Holders' Permits
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate and delegates, amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
19 Aug 2022	Amended delegation	The CEO used delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position tile of Senior Environmental Health Officer to Environmental Health Officer.	Synergy Record No. N18299.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

1.4 Council to Council Committees

Delegation	1.4.1 Behaviour Complaints Committee – Authority on Complaints
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s5.16 Delegation of some powers and duties to certain committees
Express power or duty delegated	Local Government (Model Code of Conduct) Regulations 2021: Cl. 12 Dealing with a complaint Cl. 13 Dismissal of a complaint
Function	<ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)]. 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action [MCC.cl.12(4(a)); or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)]. 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].
Delegates	Shire President Deputy Shire President Councillors
Conditions	<ol style="list-style-type: none"> a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy, Code of Conduct Behaviour Complaints Management. b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item. d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance. <p>NOTE TO CONDITIONS (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>
Express power to subdelegate	Not permitted.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.

Statutory framework	Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021
Policy	C10 Code of Conduct Behaviour Complaints Management Policy Behaviour Complaints Committee Terms of Reference
Record keeping	All relevant delegation material to be filed in hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 July 2022	New delegation	New delegation in accordance with legislative changes of 3 February 2021, with regards to the Model Code of Conduct (for Council Members, Committee Members and Candidates).	OCM Agenda Item 12.1 Res. No. 93/22
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and added Behaviour Complaints Committee Terms of Reference to Policy.	OCM Agenda Item 12.1 Res. No. 48/24.

2.0 BUILDING ACT 2011 DELEGATIONS

2.1 Council to CEO

Delegation	2.1.1 Grant a Building Permit
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.18 Further Information; s.20 Grant of building permit; s.22 Further grounds for not granting an application; and s.27(1) and (3) Impose Conditions on Permit. Building Regulations 2012: r.23 Application to extend time during which permit has effect (s.32); r.24 Extension of time during which permit has effect (s.32(3)); and r.26 Approval of new responsible person (s.35(c)).
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed or the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]; and ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

	<p>Building Act 2011: s.119 Building and demolition permits – application for review by SAT; s.23 Time for deciding application for building or demolition permit; and s.17 Uncertified application to be considered by building surveyor.</p> <p>Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT.</p> <p>Building Services (Registration Act) 2011 – Section 7.</p> <p>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2.</p> <p>Building and Construction Industry Training Levy Act 1990.</p> <p>Heritage Act 2018.</p>
Policy	TP5 Transportable/Relocated Dwellings TPG1 Minimum Finished Floor Level of New Buildings in Fitzroy Crossing and Camballin TP2 Radio Masts TP1 Light Industrial Area – Caretakers Residence
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
18 Oct 2023	Amended delegation	Version 2. The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to change the policy reference of TP3/TP7 Minimum Finished Floor Level of New Buildings (other than Outbuildings) Fitzroy Crossing and Camballin to TPG1 Minimum Floor Level for New Buildings in Fitzroy Crossing and Camballin for delegations 2.1.1, 2.1.3., 9.2.1 and 9.2.2.	Synergy Record No. N20604.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	2.1.2 Demolition Permits
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.18 Further Information; s.21 Grant of demolition permit; s.22 Further grounds for not granting an application; and s.27(1) and (3) Impose Conditions on Permit. Building Regulations 2012: r.23 Application to extend time during which permit has effect (s.32); r.24 Extension of time during which permit has effect (s.32(3)); and r.26 Approval of new responsible person (s.35(c)).
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed or the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]; and ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO).
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Act 2011: s.119 Building and demolition permits – application for review by SAT; and

	<p>s.23 Time for deciding application for building or demolition permit. Building Services (Complaint Resolution and Administration) Act 2011 -- Part 7, Division 2.</p> <p>Building and Construction Industry Training Levy Act 1990.</p> <p>Heritage Act 2018.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	2.1.3 Occupancy Permits or Building Approval Certificates
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.55 Further information; s.58 Grant of occupancy permit, building approval certificate; s.62(1) and (3) Conditions imposed by permit authority; and s.65(4) Extension of period of duration. Building Regulations 2012: r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65).
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Act 2011: 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; and s.121 Occupancy permits and building approval certificates – application for review by SAT Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2. Building and Construction Industry Training Levy Act 1990. Heritage Act 2018.
Policy	TP5 Transportable/Relocated Dwellings TPG1 Minimum Finished Floor Level of New Buildings in Fitzroy Crossing and Camballin

	TP2 Radio Masts TP1 Light Industrial Area – Caretakers Residence
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
18 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to change the policy reference of TP3/TP7 Minimum Finished Floor Level of New Buildings (other than Outbuildings) Fitzroy Crossing and Camballin to TPG1 Minimum Floor Level for New Buildings in Fitzroy Crossing and Camballin for delegations 2.1.1 and 2.1.3. 9.2.1 and 9.2.2.	Synergy Record No. N20604.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	2.1.4 Designate Employees as Authorised Persons (Building)
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.96(3) authorised persons; and s.99(3) Limitation on powers of authorised person.
Function	<ol style="list-style-type: none"> 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)]. <p>NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Reg. 70.</p>
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Community Planning Director Strategic Business
Subdelegate conditions	<ol style="list-style-type: none"> a. As outlined in Council Conditions for this Delegation. b. "Standard Conditions" as outlined in this Register of Delegations. <p>In addition, are the Director Strategic Business Conditions:</p> <ol style="list-style-type: none"> a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer). b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Building Act 2011:</p> <ul style="list-style-type: none"> • s.97 each designated authorised person must have an identity card. • r.5A Authorised persons (s.3) – definition.

Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	2.1.5 Building Orders
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.110(1) A permit authority may make a building order; s.111(1) Notice of proposed building order other than building order (emergency); s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect; s.118(2) and (3) Permit authority may give effect to building order if non-compliance; and s.133(1) A permit authority may commence a prosecution for an offence against this Act.
Function	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work; b. Demolition work; and c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO).
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	Manager Development Services (but not including Functions 5, court action, and 6, to initiate a prosecution). As outlined in Council Conditions for this Delegation.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Act 2011: s.111 Notice of proposed building order other than building order (emergency); s.112 Content of building order; s.113 Limitation on effect of building order; s.114 Service of building order; and Part 9 Review - s.122 Building orders – application for review by SAT.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate conditions and added information to statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates and subdelegate conditions to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	2.1.6 Inspection and Copies of Building Records
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.131(2) Inspection, copies of building records.
Function	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO).
Subdelegates	Director Community Planning Director Strategic Business
Subdelegate conditions	<p>a. As outlined in Council Conditions for this Delegation.</p> <p>b. "Standard Conditions" as outlined in this Register of Delegations.</p> <p>In addition, are the Director Strategic Business Conditions:</p> <p>a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer.</p> <p>b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.</p>
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Act 2011 - s.146 Confidentiality.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	2.1.7 Referrals and Issuing Certificates (Building)
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.145A Local Government functions.
Function	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO).
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Act 2011: s.61 Form and content of occupancy, permit, building approval certificate s.62 Conditions imposed by permit authority s.63 To whom form of permit, modification, certificate issued.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	2.1.8 Private Pool Barrier – Alternative and Performance Solutions
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Regulations 2012: r.51 Approvals by permit authority.
Function	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)]. 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner/occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]. 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Delegates	Chief Executive Officer
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO).
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Regulations 2012: r.51 Approvals by permit authority.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	2.1.9 Smoke Alarms – Alternative Solutions
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Regulations 2012: r.55 Terms Used (alternative building solution approval); and r.61 Local Government approval of battery powered smoke alarms.
Function	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	Chief Executive Officer
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO).
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Regulations 2012: r.51 Approvals by permit authority. r.55 Terms Used (alternative building solution approval); and r.61 Local Government approval of battery powered smoke alarms.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework, record keeping and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	2.1.10 Appointment of Approved Officers and Authorised Officers (Building)
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Regulations 2012: 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 Criminal Procedure Act 2004, in accordance with Building Regulation 70(1) and (1A).</p> <p>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers";.</p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(2).</p> <p>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</p>
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO).
Subdelegates	Deputy Chief Executive Officer Director Community Planning
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Regulations 2012: r. 70(3) each authorised officer must be issued a certificate of appointment.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegates and added information to statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation and amendment to subdelegates.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure and to include the Deputy Chief Executive Officer as per conditions of delegation 1.2.12.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

3.0 BUSH FIRE ACT 1954 DELEGATIONS

3.1 Council to CEO, Employees, Shire President and Bush Fire Control Officer

Delegation	3.1.1 Make Request to FES Commissioner – Control of Fire
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.13(4) Duties and powers of bush fire liaison officers.
Function	Authority to request on behalf of the Shire that the Fire and Emergency Services Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13 (4)].
Delegates	Chief Executive Officer Director Community Planning
Conditions	As outlined in Council Conditions for this Delegation.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	3.1.2 Prohibited Burning Times - Vary
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government; and s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8)).
Express power or duty delegated	Bush Fires Act 1954: s.17(7) Prohibited burning times may be declared by Minister Bush Fire Regulations 1954: r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.; r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times; and r.39B Crop dusters etc., use of in restricted or prohibited burning times.
Function	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Delegates	Chief Bush Fire Control Officer Shire President
Conditions	a. Decisions under s.17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to delegates, subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	3.1.3 Prohibited Burning Times – Control Activities
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions; and s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land. Bush Fire Regulations 1954: r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.; r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times; and r.39B Crop dusters etc., use of in restricted or prohibited burning times.
Function	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	Chief Executive Officer Director Community Planning
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.

Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	3.1.4 Restricted Burning Times – Vary and Control Activities
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.18(5), (11) Restricted burning times may be declared by FES Commissioner; s.22(6) and (7) Burning on exempt land and land adjoining exempt land; s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions; and s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land. Bush Fire Regulations 1954: r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.; r.15C Local Government may prohibit burning on certain days; r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times; and r.39B Crop dusters etc., use of in restricted or prohibited burning times.
Function	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation (if required) with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. 2. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 3. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 4. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 5. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 6. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 7. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 8. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 9. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Time, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].

	10. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	Chief Executive Officer Director Community Planning
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	NIL. – Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	3.1.5 Control of Operations Likely to Create Bush Fire Danger
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.27D Requirements for carriage and deposit of incendiary material Bush Fires Regulations 1954; r.39C Welding and cutting apparatus, use of in open air; r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc.;; r.39D Explosives, use of; and r.39E Fireworks, use of.
Function	<ol style="list-style-type: none"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]; b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]; c. a person using explosives [r.39D(2)]; and d. a person using fireworks [r.39E(3)]; 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.
Delegates	Chief Executive Officer Director Community Planning
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No.69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	3.1.6 Burning Garden Refuse/Open Air Fires
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.24F Burning garden refuse during limited burning times; s.24G Minister or local government may further restrict burning of garden refuse; s.25 No fire to be lit in open air unless certain precautions taken; and s.25A Power of Minister to exempt from provisions of section 25. Bush Fires Regulations 1954: r.27(3) Permit, issue of.
Function	<ol style="list-style-type: none"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]: <ol style="list-style-type: none"> a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27 (3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]; and b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Delegates	Chief Executive Officer Director Community Planning
Conditions	Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	3.1.7 Firebreaks
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.33 Local government may require occupier of land to plough or clear fire-breaks.
Function	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]: <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Delegates	Chief Executive Officer Director Community Planning
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.38 Local Government may appoint bush fire control officer.
Function	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire [s.38(5A)]. 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]: <ol style="list-style-type: none"> a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Delegates	Chief Executive Officer Director Community Planning
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	3.1.9 Control and Extinguishment of Bush Fires
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.46 Bush fire control officer or forest officer may postpone lighting fire.
Function	<ol style="list-style-type: none"> 1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]: <ol style="list-style-type: none"> a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Delegates	Chief Executive Officer Director Community Planning
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	3.1.10 Recovery of Expenses Incurred through Contraventions of the Bush Fires Act
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.58 General penalty and recovery of expenses incurred.
Function	Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire or those on behalf of the Shire to do [s.58].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	3.1.11 Prosecution of Offences (Bush Fires)
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.59 Prosecution of offences; and 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)]. 3. Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)].
Delegates	Chief Executive Officer Director Community Planning
Conditions	“Standard Conditions” as outlined in this Register of Delegations
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Bush Fires Act 1954: s.65 Proof of certain matters; and s.66 Proof of ownership or occupancy.</p> <p>Bush Fire Brigades Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to, subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

4.0 CAT ACT 2011 DELEGATIONS

4.1 Council to CEO

Delegation	4.1.1 Cat Registrations
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat Act 2011: s.9 Registration; s.10 Cancellation of registration; s.11 Registration numbers, certificates and tags. s.12 Keep an accurate up to date register of cats registered, and s.13 Notify the owner of cat outcome of a decision. Cat Regulations 2012: Schedule 3, cl.1(4) Fees Payable .
Function	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9 (1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Regs. Sch. 3 cl.1(4)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	Deputy Chief Executive Officer Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing Manager Administration Senior Customer Services Officer Customer Service and Administration Officer Recovery and Fitzroy Crossing Senior Operations Manager Team Leader Operations Customer Service and Tourism Officer

Subdelegate conditions	As outlined in Council Conditions for this Delegation. Only Deputy Chief Executive Officer to have authority for Function #5 above (vis. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Regs. Sch. 3 cl.1(4)]).
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Cat Regulations 2012: r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration; r.12 Period of registration (s.9(7)); r.11 Changes in registration; r.14 Registration certificate (s.11(1)(b)); and r.15 Registration tags (s.76(2)). Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the Cat Act 2011.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, added information to express power or duty delegated, subdelegates, subdelegate conditions, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation, amendments to subdelegates – adding Senior Customer Service and Tourism Officer (will eventually replace FX Senior Customer Services Officer), Customer Service and Administration Officer and deleting out Team Leader Customer Service.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates and subdelegate conditions to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
9 July 2024	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position title of Senior Customer Service and Tourism Officer to Team Leader Operations for delegations 4.1.1 and 5.1.2.	Synergy Record No. N21810.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	4.1.2 Cat Control Notices
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat Act 2011: s.26 Cat control notice may be given to cat owner.
Function	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s.26].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Cat Regulations 2012: r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	4.1.3 Approval to Breed Cats
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat Act 2011: s.37 Approval to breed cats; s.38 Cancellation of approval to breed cats; and s.39 Certificate to be given to approved cat breeder.
Function	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Cat Regulations 2012: r.21 Application for approval to breed cats (s.36(2)); r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)); r.23 Person who not be refused approval to breed cats (s.37(5)); r.24 Duration of approval to breed cats (s.37(6)); and r.25 Certificate given to approved cat breeder (s.39(1)).</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	4.1.4 Recovery of Costs – Destruction of Cats
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat Act 2011: s.49(3) Authorised person may cause cat to be destroyed.
Function	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Delegates	Chief Executive Officer
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	Deputy Chief Executive Officer Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Cat Act 2011: s.49(3) Authorised person may cause cat to be destroyed.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	4.1.5 Applications to Keep Additional Cats
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat (Uniform Local Provisions) Regulations 2013: r.8 Application to keep additional number of cats; and r.9 Grant of approval to keep additional number of cats.
Function	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)]. 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8 (4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the Cat (Uniform Local Provisions) Regulations 2013. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	<p>Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing</p>
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Cat (Uniform Local Provisions) Regulations 2013: r.8 Application to keep additional number of cats; and r.9 Grant of approval to keep additional number of cats.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	4.1.6 Reduce or Waiver a Cat Registration Fee
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat Regulations 2012: Schedule 3 Fees clause 1(4).
Function	Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Delegates	Chief Executive Officer
Conditions	<p>a. This delegation does not provide authority to determine to reduce or waiver the fees payable in regard to any "class of cat" within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995.</p> <p>b. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	Deputy Chief Executive Officer Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Cat Regulations 2012: Schedule 3 Fees clause 1(4).
Policy	F4 Sundry Debtors Collection Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

4.2 CEO to Employees

Delegation	4.2.1 Infringement Notices – Extensions and Withdrawals
Head of power	Cat Act 2011
Delegator	Chief Executive Officer
Express power to delegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Express power or duty delegated	Cat Act 2011: s.64 Extension of time; and s.65 Withdrawal of notice.
Function	<ol style="list-style-type: none"> 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Delegates	Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Cat Regulations 2012: r.28 Withdrawal of infringement notice (s.65(1)).
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

5.0 DOG ACT 1976 DELEGATIONS

5.1 Council to CEO

Delegation	5.1.1 Part Payment of Dog Sterilisation Costs/Directions to Veterinary Surgeons
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.10A Payments to veterinary surgeons towards costs of sterilisation.
Function	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$50 [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Deputy Chief Executive Officer Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Dogs Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, added information to express power to subdelegate, subdelegates, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure and changed wording for express power to sub-delegate. Synergy Record No. N22323.

Delegation	5.1.2 Refuse or Cancel Registration of a Dog
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.15(2) and (4A) Registration periods and fees; s.16 Registration procedure; s.17A(2)(6) If no application for registration made; and s.17(4) and (6) Refusal or cancellation of registration.
Function	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past three-years in respect of two or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant/owner has not applied to the State Administration Tribunal for the decision to be reviewed [s.17(4)]: <ol style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Deputy Chief Executive Officer Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger

	<p>Ranger Works Supervisor – Fitzroy Crossing Manager Administration Senior Customer Services Officer Customer Service and Administration Officer Recovery and Fitzroy Crossing Senior Operations Manager Team Leader Operations Customer Service and Tourism Officer</p>
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Dog Act 1976: s.17A If no application for registration made – procedure for giving notice of decision under s.16(3).</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6).</p> <p>Dogs Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, amendment to express duty or power delegated, conditions, added information to express power to subdelegate, subdelegates, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation, amendments to subdelegates – adding Senior Customer Service and Tourism Officer (will eventually replace FX Senior Customer Services Officer), Customer Service and Administration Officer and deleting out Team Leader Customer Service.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
9 July 2024	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position title of Senior Customer Service and Tourism Officer to Team Leader Operations for delegations 4.1.1 and 5.1.2.	Synergy Record No. N21810.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure and changed wording for express power to sub-delegate. Synergy Record No. N22323.

Delegation	5.1.3 Dog Kennel Establishments
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.27 Licensing of approved kennel establishments.
Function	Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Delegates	Chief Executive Officer
Conditions	<ul style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the Shire of Derby/West Kimberley Dogs Local Law. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	<p>Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing</p>
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.</p> <p>Dogs Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	5.1.4 Recovery of Moneys Due Under the Dog Act
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.29(5) Power to seize dogs.
Function	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Deputy Chief Executive Officer Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense; s.33M Local government expenses to be recoverable; s.47 Veterinary service expenses recoverable from local government; and r.31 Local government expenses as to dangerous dogs (declared). Dogs Local Laws.
Policy	F4 Sundry Debtors Collection Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, amendment to policy, added information to subdelegates, and statutory framework.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	5.1.5 Dispose of or Sell Dogs Liable to be Destroyed
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.29(11) Power to seize dogs.
Function	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Delegates	Chief Executive Officer
Conditions	a. "Standard Conditions" as outlined in this Register of Delegations. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Dogs Local Laws.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions and policy, added information to express power to subdelegate, subdelegates, and statutory framework.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure and changed wording for express power to sub-delegate. Synergy Record No. N22323.

Delegation	5.1.6 Declare a Dog Dangerous
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.33E(1) Individual dog may be declared to be dangerous dog (declared).
Function	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Community Planning Manager Development Services Ranger Coordinator Senior Ranger Ranger Works Supervisor – Fitzroy Crossing
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Dogs Local Laws.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions and policy, added information to express power to subdelegate, subdelegates, and statutory framework.	OCM Agenda Item 11.1 Res. No. 61/22.
21 Sept 2022	Amended delegation	The CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change add the position of Ranger Coordinator.	Synergy Record No. N18564.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure and changed wording for express power to sub-delegate. Synergy Record No. N22323.

Delegation	5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.33F(6) Owners to be notified of making of declaration; s.33G(4) Seizure and destruction; and s.33H(1) and (2) Local government may revoke declaration or proposal to destroy.
Function	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Delegates	Chief Executive Officer
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation. The same person/position delegated/authorised to exercise s.33E powers enabling the declaration of a dangerous dog should not deal with the objection relative to that dog.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Dogs Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024

Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.
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Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure and changed wording for express power to sub-delegate. Synergy Record No. N22323.

Delegation	5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.33H(5) Local government may revoke declaration or proposal to destroy.
Function	Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation).
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	a. As outlined in Council Conditions for this Delegation. b. The delegate that authorised the notice must not be party to any dismissal/upholding determination under this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Dogs Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions and express power to subdelegate, added information to subdelegates, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure and changed wording for express power to sub-delegate. Synergy Record No. N22323.

Delegation	5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.33M(1)(a) Local Government expenses to be recoverable.
Function	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Deputy Chief Executive Officer Director Community Planning
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Dogs Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778.
26 May 2022	Amended delegation	Review of delegation, amendment to conditions and express power to subdelegate, added information to subdelegates, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to delete the positions of Director Corporate and Community Services and A/Director of Corporate Service and add in the position of Deputy Chief Executive Officer.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure and changed wording for express power to sub-delegate. Synergy Record No. N22323.

6.0 FOOD ACT 2008 DELEGATIONS

6.1 Council to CEO and Employees

Delegation	6.1.1 Determine Compensation
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Act 2008: s.56(2) Compensation to be paid in certain circumstances; and s.70(2) and (3) Compensation.
Function	<ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Delegates	Chief Executive Officer Director Community Planning
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$500. Compensation requests above this value are to be reported to Council. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024

Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.
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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	6.1.2 Prohibition Orders (Food Act)
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Act 2008: s.65(1) Prohibition orders; s.66 Certificate of clearance to be given in certain circumstances; and s.67(4) Request for re-inspection.
Function	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Delegates	Manager Development Services Senior Environmental Health Officer Environmental Health Officer Environmental Health Technical Officer
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to delegates, subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
19 Aug 2022	Amended delegation	The CEO used delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position tile of Senior Environmental Health Officer to Environmental Health Officer.	Synergy Record No. N18299.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	6.1.3 Food Business Registrations
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Act 2008: s.110(1) and (5) Registration of food business; and s.112 Variation of conditions or cancellation of registration of food businesses.
Function	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Delegates	Director Community Planning Manager Development Services Environmental Health Officer Environmental Health Technical Officer
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA; • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1; • WA Priority Classification System; and • Verification of Food Safety Program Guideline. b. “Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to delegates, subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
19 Aug 2022	Amended delegation	The CEO used delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position tile of Senior Environmental Health Officer to Environmental Health Officer.	Synergy Record No. N18299.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	6.1.4 Appoint Authorised Officers and Designated Officers (Food Act)
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Act 2008: s.122(1) Appointment of authorised officers; and s.126(6), (7) and (13) Infringement Officers.
Function	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Delegates	Chief Executive Officer Director Community Planning Manager Development Services
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors; • Appointment of Authorised Officers; • Appointment of Authorised Officers – Designated Officers only; and • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Food Act 2008: s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers . s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed.
Policy	Not applicable.

Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	6.1.5 Debt Recovery and Prosecutions (Food Act)
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Act 2008: s.54 Cost of destruction or disposal of forfeited item; and s.125 Institution of proceedings.
Function	<ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Delegates	Chief Executive Officer Director Community Planning Manager Development Services Senior Environmental Health Officer Environmental Health Officer Environmental Health Technical Officer
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Food Act 2008: s.54 Cost of destruction or disposal of forfeited item; and s.125 Institution of proceedings.
Policy	F4 Sundry Debtors Collection Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to delegates and policy, added information to subdelegates, subdelegates conditions, and statutory framework.	OCM Agenda Item 11.1 Res. No. 61/22.
19 Aug 2022	Amended delegation	The CEO used delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position tile of Senior Environmental Health Officer to Environmental Health Officer.	Synergy Record No. N18299.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	6.1.6 Abattoir Inspections and Fees
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Regulations 2009: r.43 Local government may require security; and r.45 Withdrawal of inspection services.
Function	<ol style="list-style-type: none"> 1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> i. require a person to provide security, ii. determine the form that security is to be provided, and iii. discharge a security held by the Shire [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Delegates	Director Community Planning
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Food Regulations 2009: r.43 Local government may require security; and r.45 Withdrawal of inspection services.
Policy	F4 Sundry Debtors Collection Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to policy, added information to subdelegates, subdelegates conditions, and statutory framework.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	6.1.7 Food Businesses List – Public Access
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Regulations 2009: r.51 Enforcement agency may make list of food.
Function	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Delegates	Director Community Planning Manager Development Services Senior Environmental Health Officer Environmental Health Officer Environmental Health Technical Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Food Regulations 2009: r.51 Enforcement agency may make list of food.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to express power to duty to delegate, delegates, and policy, added information to subdelegates, subdelegates conditions, and statutory framework.	OCM Agenda Item 11.1 Res. No. 61/22.
19 Aug 2022	Amended delegation	The CEO used delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position tile of Senior Environmental Health Officer to Environmental Health Officer.	Synergy Record No. N18299.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

7.0 GRAFFITI VANDALISM ACT 2016 DELEGATIONS

7.1 Council to CEO

Delegation	7.1.1 Give Notice Requiring Obliteration of Graffiti
Head of power	Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government.
Express power or duty delegated	Graffiti Vandalism Act 2016: s.18(2) Notice requiring removal of graffiti; and s.19(3) & (4) Additional powers when notice is given.
Function	<ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government.
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	7.1.2 Notices – Deal with Objections and Give Effect to Notices (Graffiti)
Head of power	Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government.
Express power or duty delegated	Graffiti Vandalism Act 2016: s.22(3) Objection may be lodged; and s.24(1)(b) & (3) Suspension of effect of notice.
Function	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)]; and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. "Standard Conditions" as outlined in this Register of Delegations. b. The delegate that authorised the notice must not make the objection/appeal determination under this Delegation.
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	7.1.3 Obliterate Graffiti on Private Property
Head of power	Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government.
Express power or duty delegated	Graffiti Vandalism Act 2016: s.25(1) Local government graffiti powers on land not local government property.
Function	Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Delegates	Chief Executive Officer
Conditions	a. Subject to exercising Powers of Entry. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegates	Director Community Planning Director Strategic Business
Subdelegate conditions	a. As outlined in Council Conditions for this Delegation. b. "Standard Conditions" as outlined in this Register of Delegations. In addition, are the Director Strategic Business Conditions: a. Only applicable for the period of the ex-Cyclone Ellie response/recovery period (unless withdrawn earlier by the Chief Executive Officer. b. No authorisations or decisions are to be provided or made if the Director Strategic Business concludes that the matter should be considered by the Chief Executive Officer only, taking into consideration such matters as legal compliance, broad based risk, the strategic direction of the Shire, Councillor or community interest, and the Director's known view of the Chief Executive Officer on each specific matter.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Graffiti Vandalism Act 2016: s.25(1) Local government graffiti powers on land not local government property.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added subdelegate and subdelegate conditions. The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate.	Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	7.1.4 Powers of Entry (Graffiti Vandalism Act)
Head of power	Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government.
Express power or duty delegated	Graffiti Vandalism Act 2016: s.28 Notice of entry; and s.29 Entry under warrant.
Function	<ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Graffiti Vandalism Act 2016: s.28 Notice of entry; and s.29 Entry under warrant.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

8.0 PUBLIC HEALTH ACT 2016 DELEGATIONS

8.1 Council to CEO and Employees

Delegation	8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos)
Head of power	Public Health Act 2016
Delegator	Council
Express power to delegate	Health (Asbestos) Regulations 1992: r.15D(7) Infringement Notices.
Express power or duty delegated	Health (Asbestos) Regulations 1992: r.15D(5) Infringement Notices.
Function	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2 [r.15D(5)].
Delegates	Chief Executive Officer
Conditions	<p>a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].</p> <p>b. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	The Health (Asbestos) Regulations 1992 do not provide a power to sub-delegate.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Criminal Procedure Act 2004 – Part 2.</p> <p>Health Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegate conditions, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.

Delegation	8.1.2 Enforcement Agency Reports to the Chief Health Officer
Head of power	Public Health Act 2016
Delegator	Council
Express power to delegate	Public Health Act 2016: s.21 Enforcement agency may delegate
Express power or duty delegated	Public Health Act 2016 s.22 Reports by and about enforcement agencies
Function	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegates	Chief Executive Officer Senior Environmental Health Officer Environmental Health Officer Environmental Health Technical Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Nil. – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies. Health Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to delegates, added information to subdelegates, subdelegate conditions, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
19 Aug 2022	Amended delegation	The CEO used delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position title of Senior Environmental Health Officer to Environmental Health Officer.	Synergy Record No. N18299.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	8.1.3 Designate Authorised Officers (Health)
Head of power	Public Health Act 2016
Delegator	Council
Express power to delegate	Public Health Act 2016: s.21 Enforcement agency may delegate
Express power or duty delegated	Public Health Act 2016 s.24(1) and (3) Designation of authorised officers.
Function	<p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <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. [s.24(1) and (3)].
Delegates	Director Community Planning
Conditions	<ol style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Public Health Act 2016: s.20 Conditions on performance of functions by enforcement agencies; s.25 Certain authorised officers required to have qualifications and experience; s.26 Further provisions relating to designations; s.27 Lists of authorised officers to be maintained; s.28 When designation as authorised officer ceases;</p>

	<p>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers;</p> <p>s.30 Certificates of authority;</p> <p>s.31 Issuing and production of certificate of authority for purposes of other written laws;</p> <p>s.32 Certificate of authority to be returned; and</p> <p>s.136 Authorised officer to produce evidence of authority.</p> <p>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016.</p> <p>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016.</p> <p>Health Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to subdelegate, subdelegate conditions, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to delegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	8.1.4 Determine Compensation for Seized Items (Health)
Head of power	Public Health Act 2016
Delegator	Council
Express power to delegate	Public Health Act 2016: s.21 Enforcement agency may delegate.
Express power or duty delegated	Public Health Act 2016 s.264 Compensation.
Function	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Delegates	Chief Executive Officer Senior Environmental Health Officer Environmental Health Officer Environmental Health Technical Officer
Conditions	a. Compensation is limited to a maximum value of \$500, with any proposal for compensation above this value to be referred for Council's determination. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Public Health Act 2016: s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Health Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to delegates, added information to subdelegate, subdelegate conditions, statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
19 Aug 2022	Amended delegation	The CEO used delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position tile of Senior Environmental Health Officer to Environmental Health Officer.	Synergy Record No. N18299.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

9.0 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS

9.1 Council to CEO

Delegation	9.1.1 Illegal Development
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42(b) Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Planning and Development Act 2005: Section 214(2), (3) and (5).
Function	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Part 13 of the Planning and Development Act 2005.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

9.2 Local Planning Scheme - Council to CEO

Delegation	9.2.1 Town Planning Scheme No's 5, 7 and Local Planning Scheme No. 9 following final approval and gazettal: Determination of Applications
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42(b) Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015: Division 2 - Delegations cl. 81 Terms used cl. 82 Delegations by local governments cl. 83 Local government CEO may delegate cl.84 Other matters relevant to delegations under this Division
Function	Determination of development and subdivision applications and the issue of formal Council notices in accordance with the Town Planning Scheme and Council Policies.
Delegates	Chief Executive Officer
Conditions	<p>Advice to Council through appropriate mechanism.</p> <p>Sub-Delegation Conditions:</p> <p>The Director Community Planning is delegated authority, and the Manager Development Services is delegated authority (following consultation with the Executive Director Operations and Strategic Development as appropriate), to determine applications for development, recommend to the Western Australian Planning Commission on subdivision applications and exercise other powers of Council under the Town Planning Scheme as follows:</p> <p>1.0 Subdivision Applications</p> <p>1.1 Determine responses to the Western Australian Planning Commission (WAPC) in relation to:</p> <p>(i) All strata, survey strata and subdivision applications, including applications involving assessment against the design principles of the Residential Design Codes of Western Australia (R Codes);</p> <p>(ii) Non-residential subdivision applications where:</p> <ul style="list-style-type: none"> • vacant lots are proposed to be created; and • existing development on the subdivided lots would, if the subdivision was approved, be in compliance with the requirements of the Planning Scheme and Council policy; <p>(iii) Subdivision applications where the application constitutes a minor variation to a plan already approved by the WAPC and in which no additional lots are proposed; and</p> <p>(iv) Amalgamation applications.</p> <p>1.2 Issue subdivision clearance certificates where the relevant local government conditions have been satisfied.</p>

	<p>2.0 Notification of Planning Applications</p> <p>2.1 Authorise and determine the method of advertising and the persons notified for an application involving a discretionary ('D' or 'A') use, a use not listed, a non-conforming use which is, or may be required to be advertised, and variations to standards requiring advertising.</p> <p>2.2 Determine under what circumstances consultation with adjoining owners is required, under 'Part 4 -Consultation' of the R-Codes and administer consultation accordingly.</p> <p>3.0 Applications for Planning Approval</p> <p>3.1 Refuse applications not compliant with the Planning Scheme, R-Codes and/or Council policy requiring assessment against the design principles of the R-Codes and/or Council policy.</p> <p>3.2 Approve applications compliant with the Planning Scheme, R-Codes and/or Council policy, including those requiring assessment against the design principles of the R-Codes and/or Council policy subject to no objections being received where applications are required to be advertised.</p> <p>3.3 Approve minor variations to Council policy standards where consistent with the objectives of the Planning Scheme and any applicable policies.</p> <p>3.4 Approve minor changes to developments involving a non-conforming use where this is considered to not intensify the impact of the use.</p> <p>3.5 Approve dividing fences requiring planning approval where abutting property owners are in agreement.</p> <p>3.6 Approve modified proposals for applications previously the subject of the Council decision, subject to the modification(s):</p> <ul style="list-style-type: none"> • not being in conflict with any specific direction of Council in relation to the aspects of the proposal the subject of Council consideration; • not increasing the impact of or degree of variation the subject of Council consideration; and • otherwise consistent with relevant provisions. <p>3.7 Determine responses to the WAPC in regard to development applications which require determination by the WAPC.</p> <p>3.8 Place conditions on any approval, or reasons for refusal on any refusal, to an application for planning approval.</p> <p>3.9 Landscaping and preservation of existing vegetation</p> <p>Variations to the minimum areas of landscaping required for commercial and industrial developments where the development proposes an area of landscaping at the street level but falls below 10% of the site area.</p> <p>Requests for the relocation of Boab Trees when it can be demonstrated that retention of the tree in its original location would unduly prejudice the proper and orderly development of a property, on the basis that the tree is to be relocated and it can be demonstrated that the tree can be safely transplanted.</p> <p>Requests to remove a Boab Tree where it is clearly demonstrated that the tree is dead or dying or dangerous.</p> <p>4.0 Retrospective Applications</p>
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	<p>Approve, with or without conditions, applications for unauthorised development compliant with the Planning Scheme, R-Codes and/or Council policy, including those requiring assessment against the design principles of the R-Codes and/or Council policy.</p> <p>5.0 Renewal of Planning Approval</p> <p>Approve, with or without conditions, applications for renewal of planning approval, provided such applications are in accordance with the application originally approved by the Council, and the Planning Scheme, R-Codes and/or Council policy and circumstances relating to the site or surrounding the site are unchanged since Council granted approval. Such application must be received within two years of the expiration of the original approval.</p> <p>6.0 Appeals</p> <p>6.1 Determine appropriate conditions to be recommended to be applied to applications the subject of a successful appeal to the State Administrative Tribunal (SAT) and enter into Minute of Consent Orders accordingly.</p> <p>6.2 Agree to modifications to proposals the subject of an Appeal to the SAT where this is consistent with the delegation that would normally be extended to an application and is supported by the delegated officer, and is not directly in conflict with are solution of Council, and enter into Minute of Consent Orders accordingly.</p> <p>7.0 Compliance</p> <p>Issue formal notices to owners or occupiers of properties to cease unauthorised uses, remove unauthorised structures or comply with conditions of planning approval.</p> <p>8.0 Reporting</p> <p>A report shall be presented to Council every month outlining the decisions made under delegated authority to approve or refuse applications, in accordance with the terms of this policy.</p> <p>9.0 Applications may still be referred to Council</p> <p>9.1 In applying this policy, a conservative approach shall be adopted.</p> <p>9.2 An application shall be referred to Council for consideration where:</p> <ul style="list-style-type: none"> - the proposal is not explicitly permitted to be determined under delegated authority under the terms of this policy; - there is any doubt whether a proposal complies with the terms of this policy; - in the opinion of the delegated officer the scale and significance of the proposal is such that it should be considered by Council; - an applicant has specifically requested that the matter be considered by Council; and - the Council has specifically resolved that a particular application shall not be determined under delegated authority. <p>10.0 Procedures</p> <ul style="list-style-type: none"> - Where an applicant or owner of land is aggrieved by a decision of the Community Planning / Manager Development Services under delegated authority where that
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	<p>decision involves the exercise of a discretionary power under the scheme the applicant or the owner may request that Council reconsider the matter.</p> <ul style="list-style-type: none"> - Where an application has been determined under the above delegation of authority the approval shall contain the following advice: <p>"The above determination has been made by the Director Community Planning / Manager Development Services under delegated authority in order to expedite the decision making process. If you are aggrieved by the decision, you may request that the matter be reviewed at a Council meeting.</p> <p>Should the applicant/landowner be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the Planning and Development Act 2005. An application for review must be submitted in accordance with Part XIV of the Planning and Development Act 2005 within 28 days of the date of this decision to the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website www.sat.justice.wa.gov.au or by phoning 1300 306 017."</p> <p>11.0 Standard Conditions</p> <p>Compliance with "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns and to disclose interests relating to delegated functions (s. 5.71 Employees).
	Part 13 of the Planning and Development Act 2005.
	Extractive Industries Local Laws.
Policy	TP5 Transportable/Relocated Dwellings TPG1 Minimum Finished Floor Level of New Buildings in Fitzroy Crossing and Camballin TP2 Radio Masts TP1 Light Industrial Area – Caretakers Residence
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, moved designated employers paragraph from express power to delegate to statutory framework, moved council polices from statutory framework to policy and amendment to express power or duty delegated and policy.	OCM Agenda Item 11.1 Res. No. 61/22.
3 May 2023	Amended delegation	The Director Strategic Business (using Authorisation AUTHO33 - Acting through on behalf of the CEO) utilised delegation 1.1.34 Amendments to Policies and Delegations to amend the express power or duty delegated, generally by deleting "Manager Planning Services" wherever it occurs, and replacing it with Director Technical and Development Services and Manager Development Services.	Synergy Record No. N19557.
29 June 2023	Amended delegation	Review of delegation, amendment to delegation title and conditions.	OCM Agenda Item 12.2 Res. No. 69/23.
18 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to change the policy reference of TP3/TP7 Minimum Finished Floor Level of New Buildings (other than Outbuildings) Fitzroy Crossing and Camballin to TPG1 Minimum Floor Level for New Buildings in Fitzroy Crossing and Camballin for delegations 2.1.1 and 2.1.3. 9.2.1 and 9.2.2.	Synergy Record No. N20604.
24 Apr 2024	Amended delegation	Review of delegation and amendments to conditions and subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

Delegation	9.2.2 Interim Development Order No 9: Determination of Applications
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42(b) Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Planning and Development Act 2005: Section 214(2), (3) and (5).
Function	Determination of development and subdivision applications in accord with the Interim Development Order and Council Policies.
Delegates	Chief Executive Officer
Conditions	<p>Advice to Council through appropriate mechanism.</p> <p>Sub-Delegation Conditions:</p> <p>The Director Community Planning is delegated authority, and the Manager Development Services is delegated authority (following consultation with the Executive Director Operations and Strategic Development as appropriate), to determine applications for development, recommend to the West Australian Planning Commission on subdivision applications and exercise other powers of Council under Interim Development Order No 9 as follows:</p> <p>1.0 Subdivision Applications</p> <p>1.1 Determine responses to the Western Australian Planning Commission (WAPC) in relation to:</p> <p>(i) all strata, survey strata and subdivision applications, including applications involving assessment against the design principles of the Residential Design Codes of Western Australia (R Codes);</p> <p>(ii) non-residential subdivision applications where:</p> <ul style="list-style-type: none"> • vacant lots are proposed to be created; and • existing development on the subdivided lots would, if the subdivision was approved, be in compliance with the recommendations of the Fitzroy Futures Town Plan and Council policy; (iii) subdivision applications where the application constitutes a minor variation to a plan already approved by the WAPC and in which no additional lots are proposed; and <p>(iii) amalgamation applications.</p> <p>1.2 Issue subdivision clearance certificates where the relevant local government conditions have been satisfied.</p> <p>2.0 Notification of Development Applications</p> <p>2.1 Authorise and determine the method of those applications that due to their scale, nature, type or other aspect should be advertised for public comment.</p> <p>2.2 Determine under what circumstances consultation with adjoining owners is required, under 'Part 4 – Consultation 'of the R-Codes and administer consultation accordingly.</p> <p>3.0 Applications for Development Approval</p>

	<p>3.1 Refuse applications that are contrary to the recommendations within with the Fitzroy Futures Town Plan, R-Codes and/or Council policy requiring assessment against the design principles of the R-Codes and/or Council policy.</p> <p>3.2 Approve applications compliant with the recommendations within the Fitzroy Futures Town Plan, R- Codes and/or Council policy, including those requiring assessment against the design principles of the R-Codes and/or Council policy subject to no objections being received where applications are required to be advertised.</p> <p>3.3 Approve construction, extension of any single residential dwelling, grouped dwelling or commercial or industrial building or use that is consistent with an approved Layout Plan.</p> <p>3.4 Approve minor variations to Council policy standards where consistent with the objectives of the Planning Scheme and any applicable policies.</p> <p>3.5 Approve minor changes to developments involving a non- conforming use where this is considered to not intensify the impact of the use.</p> <p>3.6 Approve dividing fences requiring planning approval where abutting property owners are in agreement.</p> <p>3.7 Approve modified proposals for applications previously the subject of the Council decision, subject to the modification(s):</p> <ul style="list-style-type: none"> • not being in conflict with any specific direction of Council in relation to the aspects of the proposal the subject of Council consideration; • not increasing the impact of or degree of variation the subject of Council consideration; and otherwise consistent with relevant provisions. <p>3.8 Determine responses to the WAPC in regard to development applications which require determination by the WAPC.</p> <p>3.9 Place conditions on any approval, or reasons for refusal on any refusal, to an application for planning approval.</p> <p>4.0 Retrospective Applications</p> <p>Approve, with or without conditions, applications for unauthorised development compliant with the Fitzroy Futures Town Plan, R-Codes and/or Council policy, including those requiring assessment against the design principles of the R-Codes and/or Council policy.</p> <p>5.0 Renewal of Planning Approval</p> <p>Approve, with or without conditions, applications for renewal of planning approval, provided such applications are in accordance with the application originally approved by the Council, and the Planning Scheme, R-Codes and/or Council policy and circumstances relating to the site or surrounding the site are unchanged since Council granted approval. Such application must be received within two years of the expiration of the original approval.</p> <p>6.0 Layout Plans</p> <p>Approve minor amendments to Layout Plans for remote Aboriginal settlements where the amendment has been endorsed by the Community Council and the nature of the amendment is of a procedural nature or will not significantly change the nature and purpose of the approved plan.</p> <p>7.0 Appeals</p>
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	<p>7.1 Determine appropriate conditions to be recommended to be applied to applications the subject of a successful appeal to the State Administrative Tribunal (SAT) and enter into Minute of Consent Orders accordingly.</p> <p>7.2 Agree to modifications to proposals the subject of an Appeal to the SAT where this is consistent with the delegation that would normally be extended to an application and is supported by the delegated officer, and is not directly in conflict with a resolution of Council, and enter into Minute of Consent Orders accordingly.</p> <p>8.0 Compliance</p> <p>Issue formal notices to owners or occupiers of properties to cease unauthorised uses, remove unauthorised structures or comply with conditions of planning approval.</p> <p>9.0 Reporting</p> <p>A report shall be presented to Council every month outlining the decisions made under delegated authority to approve or refuse applications, in accordance with the terms of this policy.</p> <p>10.0 Applications may still be referred to Council</p> <p>10.1 In applying this policy, a conservative approach shall be adopted.</p> <p>10.2 An application shall be referred to Council for consideration where:</p> <ul style="list-style-type: none"> • the proposal is not explicitly permitted to be determined under delegated authority under the terms of this policy; • there is any doubt whether a proposal complies with the terms of this policy; • in the opinion of the delegated officer the scale and significance of the proposal is such that it should be considered by Council; • an applicant has specifically requested that the matter be considered by Council; and • the Council has specifically resolved that a particular application shall not be determined under delegated authority. <p>10.3 In exercising this delegation in the area covered by the Fitzroy Futures Town Plan, the requirements, land uses and provisions of the plan shall be given due regard.</p> <p>11.0 Procedures</p> <ul style="list-style-type: none"> - Where an applicant or owner of land is aggrieved by a decision of the Director Community Planning / Manager Development Services under delegated authority where that decision involves the exercise of a discretionary power under the scheme the applicant or the owner may request that Council reconsider the matter. - Where an application has been determined under the above delegation of authority the approval shall contain the following advice notes: <p>"The above determination has been made by the Director Community Planning / Manager Development Services under delegated authority in order to expedite the decision making process. If you are aggrieved by the decision, you may request that the matter be reviewed at a Council meeting.</p> <p>Should the applicant/landowner be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the Planning and Development Act 2005. An application for review must be submitted in accordance with Part XIV of the Planning and Development Act 2005 within 28 days of the date of this decision to the State</p>
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	<p>Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website www.sat.justice.wa.gov.au or by phoning 1300 306 017."</p> <p>12.0 Standard Conditions</p> <p>"Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Community Planning Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns and to disclose interests relating to delegated functions (s. 5.71 Employees).</p> <p>Local Government Act 1995: sS.42 Delegation of some powers or duties to the Chief Executive Officer sS.43 Limitations on delegations to the Chief Executive Officer; and sS.44 Chief Executive Officer may delegate some powers and duties to other employees.</p> <p>Planning and Development Act 2005.</p> <p>Planning and Development (Local Planning Schemes) Regulations 2015: Division 2 - Delegations clause 81 and 82.</p> <p>Extractive Industries Local Laws.</p>
Policy	<p>TP5 Transportable/Relocated Dwellings</p> <p>TPG1 Minimum Finished Floor Level of New Buildings in Fitzroy Crossing and Camballin</p> <p>TP2 Radio Masts</p> <p>TP1 Light Industrial Area – Caretakers Residence</p>
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
28 Feb 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019.
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, amendment to policy.	OCM Agenda Item 11.1 Res. No. 61/22.
3 May 2023	Amended delegation	The Director Strategic Business (using Authorisation AUTHO33 - Acting through on behalf of the CEO) utilised delegation 1.1.34 Amendments to Policies and Delegations to amend the express power or duty delegated, generally by deleting "Manager Planning Services" wherever it occurs, and replacing it with Director Technical and Development Services and Manager Development Services.	Synergy Record No. N19557.
29 June 2023	Amended delegation	Review of delegation, and amendment to conditions.	OCM Agenda Item 12.2 Res. No. 69/23.
18 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to change the policy reference of TP3/TP7 Minimum Finished Floor Level of New Buildings (other than Outbuildings) Fitzroy Crossing and Camballin to TPG1 Minimum Floor Level for New Buildings in Fitzroy Crossing and Camballin for delegations 2.1.1 and 2.1.3. 9.2.1 and 9.2.2.	Synergy Record No. N20604.
24 Apr 2024	Amended delegation	Review of delegation and amendments to conditions and subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

10.0 STATUTORY DELEGATION TO LOCAL GOVERNMENT FROM EXTERNAL AGENCIES

**10.1 Environmental Protection Act 1986
Department of Water and Environmental Regulation to CEO**

Delegation	10.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]
Head of power	Environmental Protection Act 1986
Delegator	Department of Water and Environmental Regulation
Express power to delegate	<p style="text-align: center;">19 March 2004 GOVERNMENT GAZETTE, WA 919</p> <hr/> <p style="text-align: center;">ENVIRONMENT</p> <hr/> <p>EV401</p> <p style="text-align: center;">ENVIRONMENTAL PROTECTION ACT 1986</p> <p style="text-align: center;">SECTION 20 Delegation No. 52</p> <p>Pursuant to section 20 of the <i>Environmental Protection Act 1986</i>, the Chief Executive Officer hereby delegates as follows—</p> <p style="padding-left: 40px;">Powers and duties delegated—</p> <p style="padding-left: 80px;">All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.</p> <p style="padding-left: 40px;">Persons to whom delegation made—</p> <p style="padding-left: 80px;">This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the <i>Local Government Act 1995</i>.</p> <p>Pursuant to section 59(1)(e) of the <i>Interpretations Act 1984</i>, Delegation No. 32, dated 4 February 2000 is hereby revoked.</p> <p>Dated this 9th day of January 2004.</p> <p>Approved—</p> <p style="text-align: right;">FERDINAND TROMP, A/Chief Executive Officer. Dr JUDY EDWARDS MLA, Minister for the Environment.</p>
Express power or duty delegated	Environmental Protection Act 1986: s.65 Environmental protection notices, issue and effect of
Function	Issue and effect of environmental protection notices in respect to premises.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Not applicable.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21. Approved by A/Chief Executive Officer of Department of Environment Regulation and Minister for Environment – published 19/3/2004.
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item 11.1 Res. No. 61/22.
19 Aug 2022	Amended delegation	The CEO used delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position title of Senior Environmental Health Officer to Environmental Health Officer.	Synergy Record No. N18299.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to remove the subdelegation as there is no power to delegate. Synergy Record No. N22323.

Delegation	10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events
Head of power	Environmental Protection Act 1986
Delegator	Department of Water and Environmental Regulation
Express power to delegate	<p>6282 GOVERNMENT GAZETTE, WA 20 December 2013</p> <hr/> <p>EV402*</p> <p style="text-align: center;">ENVIRONMENTAL PROTECTION ACT 1986 DELEGATION NO. 112</p> <p>I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the <i>Local Government Act 1995</i>, my powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation, in relation to—</p> <ul style="list-style-type: none"> (a) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B; (b) bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi); (c) community activities—noise control notices in respect of community noise under regulation 16; (d) motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3; (e) shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4; (f) calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4; (g) sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation— <ul style="list-style-type: none"> (i) Subregulation 18(13)(b) is not delegated. <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.</p> <p>Dated the 12th day of December 2013.</p> <p style="text-align: right;">JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by— JOHN DAY, Acting Minister for Environment; Heritage.</p>
Express power or duty delegated	<p>Environmental Protection (Noise) Regulations 1997:</p> <ul style="list-style-type: none"> r.14A Waste collection and other works; r.14B Ancillary measures: waste collection and other works; r.15 Bellringing and calls to worship (3)(c)(vi); r.16 Community Noise; Division 3 – Motor sport venues; Division 4 – Shooting venues; r.23 Calibration results to be available (b); and Division 7 – Sporting, cultural and entertainment events. <p>Note: r.18 (13)(b) is not delegated.</p>
Function	Perform functions of Environmental Protection (Noise) Regulations 1997, Part 2 – Allowable noise emissions.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.


Subdelegate conditions	Not applicable.
Statutory framework	Not applicable.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21. Approved by Acting Minister for Environment; Heritage – published 20/12/2013.
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item 11.1 Res. No. 61/22.
19 Aug 2022	Amended delegation	The CEO used delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position title of Senior Environmental Health Officer to Environmental Health Officer.	Synergy Record No. N18299.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to remove the subdelegation as there is no power to delegate. Synergy Record No. N22323.

Delegation	10.1.3 Noise Management Plans – Construction Sites
Head of power	Environmental Protection Act 1986
Delegator	Department of Water and Environmental Regulation
Express power to delegate	<p>1548 GOVERNMENT GAZETTE, WA 16 May 2014</p> <p>EV405*</p> <p style="text-align: center;">ENVIRONMENTAL PROTECTION ACT 1986 DELEGATION NO. 119</p> <p>I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of—</p> <p style="padding-left: 40px;">(a) Chief Executive Officer under the <i>Local Government Act 1995</i>; and</p> <p style="padding-left: 40px;">(b) to any employee of the local government under the <i>Local Government Act 1995</i> who is appointed as an Authorised Person under section 87 of the Act,</p> <p>all my powers and duties in relation to noise management plans under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.</p> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.</p> <p>Dated the 1st day of May 2014.</p> <p style="text-align: right;">JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by—</p> <p style="text-align: right;">Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage.</p>
Express power or duty delegated	Environmental Protection (Noise) Regulations 1997: r.13 Construction sites.
Function	Perform functions of Environmental Protection (Noise) Regulations 1997, Part 2 – Allowable noise emissions.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Not applicable.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21. Approved by Minister for Environment; Heritage – published 16/5/2014.
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item 11.1 Res. No. 61/22.
19 Aug 2022	Amended delegation	The CEO used delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position tile of Senior Environmental Health Officer to Environmental Health Officer.	Synergy Record No. N18299.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation and amendments to subdelegates to reflect current organisational structure.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to remove the subdelegation as there is no power to delegate. Synergy Record No. N22323.

10.2 Planning and Development Act 2005 Department of Planning, Lands and Heritage to CEO

Delegation	10.2.1 Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner
Head of power	Planning and Development Act 2005
Delegator	Department; Lands and Heritage
Express power to delegate	<p style="text-align: center;">DoL FILE 1738/2002v8; 858/2001v9</p> <p style="text-align: center;">PLANNING AND DEVELOPMENT ACT 2005</p> <p style="text-align: center;">INSTRUMENT OF AUTHORISATION</p> <p>I, Donald Terrence Redman MLA, Minister for Lands, a body corporate continued by section 7(1) of the <i>Land Administration Act 1997</i>, under section 267A of the <i>Planning and Development Act 2005</i>, HEREBY authorise, in respect of each local government established under the <i>Local Government Act 1995</i> and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.</p> <p style="text-align: center;">Dated the <i>2nd</i> day of <i>June</i> 2016</p> <div style="text-align: center;">  HON DONALD TERRENCE REDMAN MLA MINISTER FOR LANDS </div>

SCHEDULE

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

Column 1

Column 2

Column 3

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

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

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


- (i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);
- (iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- (iv) section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- (v) section 152 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);
- (vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;
- (vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

City of Albany
 City of Armadale
 Shire of Ashburton
 Shire of Augusta-Margaret River
 Town of Bassendean
 City of Baywater
 City of Belmont
 Shire of Beverley
 Shire of Boddington
 Shire of Boyup Brook
 Shire of Bridgetown-Greenbushes
 Shire of Brooking
 Shire of Broome
 Shire of Broomehill-Tambellup
 Shire of Bruce Rock
 City of Burbury
 Shire of Busselton
 Town of Cambridge
 City of Cannock
 Shire of Capel
 Shire of Carnamah
 Shire of Carnarvon
 Shire of Chapman Valley
 Shire of Chittering
 Shire of Christmas Island
 Town of Claremont
 City of Cockburn
 Shire of Coocos (Keeling) Islands
 Shire of Collie
 Shire of Coolgardie
 Shire of Coorow
 Shire of Dornkin
 Town of Doodlakine
 Shire of Dumbleton
 Shire of Dumbleton
 Shire of Dunderburg
 Shire of Dundas
 Town of East Fremantle
 Shire of East Pilbara
 Shire of Esperance
 Shire of Esmond
 City of Fremantle
 City of Greater Geraldton

In accordance with and subject to approved Government Land policies.

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

Shire of Gingin
 Shire of Gnowangerup
 Shire of Goomalling
 City of Goswells
 Shire of Halls Creek
 Shire of Harvey
 Shire of Irwin
 Shire of Jerramungup
 City of Joondalup
 Shire of Kalamunda
 City of Kalgoorlie-Boulder
 Shire of Kalbarning
 Shire of Kellerberrin
 Shire of Kent
 Shire of Kojoonup
 Shire of Kondinin
 Shire of Koorda
 Shire of Kulin
 City of Kunena
 Shire of Lake Grace
 Shire of Laverton
 Shire of Leonora
 City of Mandurah
 Shire of Manjimup
 Shire of Meekatharra
 City of Melville
 Shire of Mandies
 Shire of Marden
 Shire of Mingenew
 Shire of Morawa
 Shire of Moravia
 Town of Mosman Park
 Shire of Mount Magnet
 Shire of Mt Marshall
 Shire of Mukinbudin
 Shire of Mundaring
 Shire of Murchison
 Shire of Murray

	<p>Shire of Nannup Shire of Narembean Shire of Narrogin Town of Narrogin City of Nedlands Shire of Ngaanyawarranki Shire of Northam Shire of Northampton Shire of Nungarin Shire of Peppermint Grove Shire of Perenjori City of Perth Shire of Pingelly Shire of Plantagenet Town of Port Hedland Shire of Quairading Shire of Ravensthorpe City of Rockingham Shire of Roebourne Shire of Sandstone Shire of Gasperine-Jamaldale Shire of Shark Bay City of South Perth City of Stirling City of Subiaco City of Swan</p> <p>Shire of Taramin Shire of Three Springs Shire of Toodyay Shire of Trayning Shire of Upper Gascoyne Town of Victoria Park Shire of Victoria Plains Town of Vincent Shire of Wagin Shire of Wandaring City of Wanneroo Shire of Waroona Shire of West Arthur Shire of Westonia Shire of Wilkepin Shire of Williams Shire of Wiluna Shire of Wongan-Ballidu Shire of Woodanilling Shire of Wyalkatchem Shire of Wyndham-East Kimberley Shire of Yalgoo Shire of Yalgoo Shire of York</p> <div style="text-align: right;">  HON DONALD TERENCE REDMAN MLA MINISTER FOR LANDS 2nd day of June 2016 </div>
Express power or duty delegated	Planning and Development Act 2005: s.267A Crown and State land, who may sign documents
Function	As outlined in column 1 of the above schedule.
Delegates	Chief Executive Officer
Conditions	As outlined in column 3 of the above schedule and "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024

Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.
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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21. Approved by Minister for Lands – published 2/6/2014.
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added express power to subdelegate, subdelegate, subdelegate, subdelegate conditions and statutory framework.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to remove the subdelegation as there is no power to delegate. Synergy Record No. N22323.

Western Australian Planning Commission to CEO

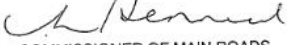


Delegation	10.2.2 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)
Head of power	Planning and Development Act 2005
Delegator	Western Australian Planning Commission
Express power to delegate	<p>S22 GOVERNMENT GAZETTE, WA 27 March 2020</p> <p>PL402</p> <p style="text-align: center;">PLANNING AND DEVELOPMENT ACT 2005 INSTRUMENT OF DELEGATION Del 2020/01 Powers of Local Governments</p> <p>Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 15 of the <i>Strata Titles Act 1985</i>.</p> <p>Preamble Under section 16 of the <i>Planning and Development Act 2005</i> (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the <i>Government Gazette</i>, delegate any function under the Act or any other written law to a local government, a committee established under the <i>Local Government Act 1995</i> or an employee of a local government.</p> <p>In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.</p> <p>Resolution under section 16 of the Act (delegation) On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED—</p> <ul style="list-style-type: none"> A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the <i>Strata Titles Act 1985</i> as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1; B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the <i>Strata Titles Amendment Act 2018</i>. <p style="text-align: right;">SAM FAGAN, Secretary, Western Australian Planning Commission.</p> <p style="text-align: center;">Schedule 1</p> <p>1. Applications made under section 15 of the <i>Strata Titles Act 1985</i> Power to determine applications for the issuing of a certificate of approval under section 15 of the <i>Strata Titles Act 1985</i>, except those applications that—</p> <ul style="list-style-type: none"> (a) propose the creation of a vacant lot; (b) propose vacant air stratas in multi-tiered strata scheme developments; (c) propose the creation or postponement of a leasehold scheme; (d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to— <ul style="list-style-type: none"> i. a type of development; and/or ii. land within an area, <p>which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</p> <p>2. Reporting requirements A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.</p>
Express power or duty delegated	Strata Titles Act 1985: s.15 Subdivision approval of strata scheme
Function	Power to determine applications for issuing of a certificate of approval.
Delegates	Chief Executive Officer
Conditions	As outlined in schedule 1 above and “Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.

Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21. Approved by Secretary, Western Australian Planning Commission – published 27/3/2020.
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added express power to subdelegate, subdelegate, subdelegate, subdelegate conditions and statutory framework.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to remove the subdelegation as there is no power to delegate. Synergy Record No. N22323.



10.3 Main Roads Act 1930 Main Roads Western Australia to CEO and Employees

Delegation	10.3.1 Traffic Management - Events on Roads
Head of power	Main Roads Act 1930
Delegator	Main Roads Western Australia
Express power to delegate	<p>A list of local governments authorised for Traffic Management for Events can be found on the Main Road WA website here.</p> <p style="text-align: center;"> WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION RELATING TO TRAFFIC MANAGEMENT FOR EVENTS </p> <p>Pursuant to Regulation 297(2) of the <i>Road Traffic Code 2000</i> the Commissioner of Main Roads ("the Commissioner") hereby authorises <i>Shire of Derby/West Kimberley</i> (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:</p> <ul style="list-style-type: none"> i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the <i>Road Traffic Act 1974</i>; ii) race meeting or speed test for which the Minister referred to in section 83 of the <i>Road Traffic Act 1974</i> has, under that provision, temporarily suspended the operation of any provisions of the <i>Road Traffic Act 1974</i> or regulations made under that Act; or iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the <i>Public Order in Streets Act 1984</i>; <p>or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:</p> <ul style="list-style-type: none"> (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone; (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body. <p>By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.</p> <p>The powers in this Instrument of Authorisation do not change or replace:</p> <ul style="list-style-type: none"> 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and 2) any powers and responsibilities of a local government provided in regulation 9 of the <i>Road Traffic (Events on Roads) Regulations 1991</i>. <p style="text-align: right;">Page 1 of 2</p>

	<p>Dated: 27 MAR 2007</p> <p>THE COMMON SEAL OF THE COMMISSIONER OF MAIN ROADS</p> <p>WAS AFFIXED BY</p> <p> COMMISSIONER OF MAIN ROADS</p> <p>FOR THE TIME BEING IN THE PRESENCE OF:</p> <p> Signature of Witness</p> <p><u>Leron Woronzow</u> Name of Witness (please print)</p> <p>ACKNOWLEDGMENT BY AUTHORISED BODY</p> <p>The Shire of Derby/West Kimberley... agrees to unconditionally observe, perform and be bound by the above conditions.</p> <p>THE COMMON SEAL of <u>Shire of Derby/West Kimberley</u> [Insert name of Local Government]</p> <p>Was hereunto affixed pursuant to a resolution of the Council in the presence of:</p> <p> Signature of Chief Executive Officer</p> <p><u>MZL's</u> Signature of Witness</p> <p><u>Michelle Inglis.</u> Name of Witness (please print)</p> <p style="text-align: right;">Page 2 of 2</p>
Express power or duty delegated	As outlined in the Instrument of Authorisation above.
Function	As outlined in the Instrument of Authorisation above.
Delegates	Chief Executive Officer Director of Infrastructure
Conditions	As outlined in the Instrument of Authorisation above.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Not applicable.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

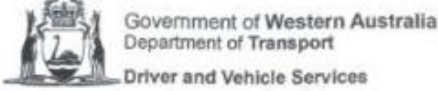
Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21. Signed agreement by the Commissioner of Main Roads – dated 27/03/2007.
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item 11.1 Res. No. 61/22.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

	<p>Dated: 8th August 2023</p> <p>THE COMMON SEAL OF THE COMMISSIONER OF MAIN ROADS WAS AFFIXED BY PETER WODANZOW</p> <p>COMMISSIONER OF MAIN ROADS FOR THE TIME BEING IN THE PRESENCE OF:</p> <p><i>[Signature]</i> Signature of Witness</p> <p>PHILIP DODD Name of Witness</p>   <p>2023/05</p> <p>ACKNOWLEDGEMENT BY AUTHORISED BODY The Shire of Derby / West Kimberley agrees to observe, perform and be bound by the above conditions</p> <p>THE COMMON SEAL OF THE the Shire of Derby / West Kimberley WAS AFFIXED PURSUANT TO DELEGATION 1.1.33 APPLYING COMMON SEAL IN THE PRESENCE OF</p> <p><i>[Signature]</i> Amanda Dexter Chief Executive Officer</p> <p><i>[Signature]</i> Geoff Haerewa Shire President</p> <p><i>[Signature]</i> Signature of Witness</p> <p><i>[Signature]</i> Signature of Witness</p> <p>Sarah Smith Name of Witness</p> <p>Sarah Smith Name of Witness</p> <p>MAIN ROADS Western Australia Instrument of Authorisation 2 of 2</p>
Express power or duty delegated	As outlined in the Instrument of Authorisation above.
Function	As outlined in the Instrument of Authorisation above.
Delegates	Chief Executive Officer Director of Infrastructure
Conditions	As outlined in the Instrument of Authorisation above.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.

Subdelegate conditions	Not applicable.
Statutory framework	Not applicable.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21.
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item 11.1 Res. No. 61/22. Signed agreement by the Commissioner of Main Roads – (dated) – to be received.
29 June 2023	Amended delegation	Review of delegation.	OCM Agenda Item 12.2 Res. No. 69/23. Agreement signed by the Shire President and Chief Executive Officer to be resent to Commissioner of Main Roads. Fully signed agreement to replace current document in delegation.
13 Oct 2023	Amended delegation	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to add in the signed Instrument of Authorisation to delegation 10.3.2 Traffic Management – Road Works.	Synergy Record No. N20660.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to reflect current organisational structure. Synergy Record No. N22323.

10.4 Road Traffic (Vehicles) Act 2012 Department of Transport to CEO

Delegation	10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles
Head of power	Road Traffic (Vehicles) Act 2012
Delegator	Department of Transport
Express power to delegate	 <p style="text-align: center;">ROAD TRAFFIC (VEHICLES) ACT 2012 <i>Road Traffic (Vehicles) Regulations 2014</i> RTVR-2017-202046</p> <p style="text-align: center;">APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES</p> <p>Pursuant to the <i>Road Traffic (Vehicles) Regulations 2014</i> (the <i>Regulations</i>), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:</p> <ul style="list-style-type: none"> (a) the <i>Local Government Act 1995</i>; (b) regulations made under the <i>Local Government Act 1995</i>; (c) a local law; (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the <i>Dog Act 1976</i>); or (e) any combination of the above paragraphs (a) to (d); <p>as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the <i>Regulations</i>, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the <i>Regulations</i>, subject to the following conditions:</p> <p style="text-align: center;">CONDITIONS</p> <ol style="list-style-type: none"> 1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light. 2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction. 3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position. 4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles. 5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat. 6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle. 7. Any vehicle fitted with flashing lights for the purposes of this approval must:

	 <p>Government of Western Australia Department of Transport Driver and Vehicle Services</p> <p>(a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and</p> <p>(b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.</p> <p>This condition 7 is not intended to prevent the use of additional words on the vehicle.</p>  <p>Christopher Davers Assistant Director, Strategy and Policy Driver and Vehicle Services Department of Transport</p> <p>Dated the <u>5th</u> day of <u>September</u> 2017</p> <p>Approval for ranger vehicles to fit and use yellow flashing lights (transport.wa.gov.au) Extracted <u>on line</u> on 15 March 2021</p>
Express power or duty delegated	As outlined in the Instrument of Approval above.
Function	As outlined in the Instrument of Approval above.
Delegates	Chief Executive Officer
Conditions	As outlined in the Instrument of Approval above.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	24 April 2024
Adoption references	OCM Agenda Item 12.1 Res. No. 48/24.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21. Signed approval by Assistant Director, Strategy and Policy, Driver and Vehicle Services, Department of Transport dates 5/9/2017.
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item 11.1 Res. No. 61/22.
15 Mar 2023	Amended delegation	Added express power to subdelegate, subdelegate, subdelegate, subdelegate conditions and statutory framework.	The CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to include the Director Strategic Business as a subdelegate. Synergy Record No. N19361.
29 June 2023	Amended delegation	Review of delegation, administrative error with updating the delegation when CEO utilised delegation 1.1.34 on 15 April 2023 – Amendments have now been included.	OCM Agenda Item 12.2 Res. No. 69/23.
24 Apr 2024	Amended delegation	Review of delegation.	OCM Agenda Item 12.1 Res. No. 48/24.
12 Nov 2024	Amended delegation	Review of delegation.	The Acting CEO utilised delegation 1.1.34 Amendments to Policies and Delegations to remove the subdelegation as there is no power to delegate. Synergy Record No. N22323.