



**Shire of Derby /
West Kimberley**

Shire of Derby-West Kimberley
Shire of Derby West Kimberley Delegated
Authority Register

Version 1.0

REVIEW

There are no reviews to display

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INTRODUCTION

Introduction

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

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

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

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

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

"Nothing in this Division is to read as preventing –

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

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

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

Delegations and authorisations under other Legislation

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

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

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

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

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

DELEGATIONS

Delegation	A1 CONTRACT VARIATIONS
Category	Administration
Delegator	Council
Express power or duty delegated	To approve minor variations to contracts entered into by Council. <i>Local Government Act 1995</i> - Section 9.49B Contract formalities.
Delegates	CEO
Conditions	<p>Subject to the funds required meeting the cost of the variations being contained within the amount set aside in the budget adopted by the Council. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence.</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services Manager Administration and Governance
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees
Policy	N/A
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017

Last reviewed	28 February 2019
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Delegation	A2 ACTING CHIEF EXECUTIVE OFFICER
Category	Administration
Delegator	Council
Express power or duty delegated	To appoint an Acting Chief Executive Officer during periods of absence from duty of the Chief Executive Officer. <i>Local Government Act 1995</i> - Section 5.39 Contracts for Chief Executive Officer and senior employees.
Delegates	CEO
Conditions	<p>Periods of absence not to exceed 90 days without referral to Council The Chief Executive Officer cannot on delegate this delegation to the Acting Chief Executive Officer The Chief Executive Officer shall inform Councillors of the details of the appointment Record Keeping: Retention of file copy of relevant correspondence Record in Delegation Register</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees
Policy	M7 – Higher Duties
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017

Last reviewed	28 February 2019
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Delegation	A3 APPOINTMENT OF AUTHORISED PERSONS
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to appoint and authorise persons to exercise the powers and duties of an authorised person as set out in the <i>Local Government Act 1995</i>:</p> <ol style="list-style-type: none"> 1. Section 9.10 – Notices requiring certain things to be done by owner of occupier of land 2. Section 3.31 – Power to enter a property 3. Sections 3.39-3.48 – Power to remove, impound and dispose 4. Section 9.10 – Power to appoint authorised persons to perform particular functions 5. Section 9.11 – Persons committing breach of Act to give name, address and date of birth 6. Section 9.13 – Onus of proof in vehicle offences 7. Section 9.16 – Issue infringement notices 8. Section 9.19 – Extension of time 9. Section 9.20 – Withdrawal of notice 10. Section 9.24 – Commencing prosecutions <p>To appoint and authorise person to exercise the powers and duties of an authorised person under the Shire's Local Laws.</p> <p><i>Local Government Act 1995</i> Section 9.10(1) Appointment of authorised persons Section 3.24 Authorising persons under this subdivision (Part 3, Division 3, Subdivision 2 – Certain provisions about land)</p>
Delegates	CEO

<p>Conditions</p>	<p>Compliance with <i>Local Government Act 1995</i>, Local Laws and Council policy. Issue to each person authorised to enforce laws a certificate stating that the person is so authorised and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person. Conditions on the original delegation also apply to the sub-delegations. The Chief Executive Officer is to be satisfied that any person the subject of an authorisation appointment is appropriately trained and, where necessary, qualified. Record Keeping: Retention of file copy of relevant correspondence and infringement notices HR to provide written confirmation of delegations to authorised officers</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
<p>Subdelegates</p>	<p>Director of Technical and Development Services</p>
<p>Statutory framework</p>	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>
<p>Policy</p>	<p>N/A</p>
<p>Date adopted</p>	<p>26 April 2001</p>
<p>Adoption references</p>	<p>MINUTE NO. 108/2017</p>
<p>Last reviewed</p>	<p>28 February 2019</p>

Delegation	A4 INSURANCE
Category	Administration
Delegator	Council
Express power or duty delegated	To enter into appropriate contracts of insurance on behalf of the Shire. Part 3 <i>Local Government Act 1995</i> <i>Local Government Act 1995</i> Section 6.7(2) Municipal fund Section 6.10 Financial management regulations
Delegates	CEO
Conditions	<p>Nil. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Manager Administration and Governance
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees
Policy	N/A
Date adopted	26 April 2001

Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	A5 DISPOSING OF PROPERTY
Category	Administration
Delegator	Council
Express power or duty delegated	<p>Authority to dispose of any property (other than art and memorabilia) that is surplus to the requirements of the local government valued at an amount not exceeding \$100,000:</p> <ol style="list-style-type: none"> 1. To the highest bidder at public auction; 2. The person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender; 3. By private treaty in accordance with the provisions of section 3.58 unless exempt under regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i>. <p><i>Local Government Act 1995</i> Section 3.58 Disposing of property Local Government (Functions and General) Regulations 1996 Regulation 30 Dispositions of property excluded from Act section 3.58</p>
Delegates	CEO
Conditions	<p>"Property" mean anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government, but does not include money Appropriate provision is made in Council's Budget Record Keeping: Retention of file copy of relevant correspondence</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <ol style="list-style-type: none"> (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who —</p> <ol style="list-style-type: none"> (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services Manager Administration and Governance

Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer
Policy	N/A
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	A6 TENDERS FOR WORKS AND SERVICES
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to determine:</p> <ol style="list-style-type: none"> 1. To call tenders (F&G Reg 11) 2. To call tenders for the disposal of impounded goods in accordance with section 3.58 (s3.47) 3. To invite tenders though not required to do so (F&G Reg 13) 4. The criteria for accepted tenders (F&G Reg 14(2a)) 5. To vary tender information after public notice of invitation to tender and before close of tenders (F&G Reg 14(5)) 6. Seek clarification from tenderers in relation to information contained in their tender submission (F&G Reg 18(4a)) 7. To evaluate tenders and decide which is the most advantageous (F&G Reg 18(4)) 8. To accept or reject tenders (F&G Reg 18(2) and (4)) 9. To decline any tender (F&G Reg 18(5)) 10. To accept another tender where within 6 months of either accepting a tender a contract has not been entered into OR the successful tenderer agrees to terminate the contract (F&G Reg 18 (6) and (7)) 11. Minor variations before entering into a contract (F&G Reg 20) 12. When to seek Expressions of Interest and to invite Expressions of Interest to supply goods or services (F&G Reg 21) 13. 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 Reg 23) <p>Subject to compliance with regulation 18 of the <i>Local Government (Functions and General) Regulations 1996</i> receive and consider all complying tenders and expressions of interest and accept on behalf of Council any tender that does not exceed a total amount of \$150,000</p> <p><i>Local Government Act 1995</i> Section 3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> Part 4 Division 2 Tenders for providing goods or services</p>
Delegates	CEO

<p>Conditions</p>	<p>Compliance with the requirements of part 4 – Tenders for Providing Goods and Services of the Local Government (Functions and General) Regulations 1996 This delegation applies to the procurement of goods and services that have been considered by Council and included in the Shire’s annual budget The invitation will be in accordance with legislative requirements and subject to Council’s Procurement of Goods and Services Policy All tenders and tender evaluation reports will be formally presented to Council for final determination on awarding the tender Record Keeping: Retention of file copy of relevant correspondence Relevant documents recorded in tender file/Tender Register</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
<p>Statutory framework</p>	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer</p>
<p>Policy</p>	<p>N/A</p>
<p>Date adopted</p>	<p>26 April 2001</p>
<p>Adoption references</p>	<p>MINUTE NO. 108/2017</p>
<p>Last reviewed</p>	<p>28 February 2019</p>

Delegation	A7 POWERS OF ENTRY
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers of entry upon land as contained in section 3.28 to 3.36 inclusive of the <i>Local Government Act 1995</i>.</p> <p><i>Local Government Act 1995</i> Section 3.34 Entry in an emergency</p>
Delegates	CEO
Conditions	<p>Compliance with the <i>Local Government Act 1995</i> and any other written law. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Recorded in Delegation Register</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services
Statutory framework	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>
Policy	N/A
Date adopted	26 April 2001

Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	A8 SUB LETTING OF LEASES
Category	Administration
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to approve the subletting of a lease. <i>Local Government Act 1995</i> Section 3.58 Disposing of property
Delegates	CEO
Conditions	<p>Subject to continuation of appropriate use and relevant lease conditions. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence and lease documentation</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Manager Administration and Governance
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees
Policy	AF35 – Establishment of Leases and User Agreements
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017

Last reviewed	28 February 2019
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Delegation	A9 NATIVE TITLE
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to register an interest in any Native Title Claim affecting Council in order for Council to have sufficient interest to become a party to the Native Title Application.</p> <p><i>Local Government Act 1995</i> <i>Native Title (State Provisions) Act 1999</i></p>
Delegates	CEO
Conditions	<p>Nil.</p> <p>Conditions on the original delegation also apply to the sub-delegations.</p> <p>Record Keeping: Retention of file copy of relevant correspondence and advice to Council as appropriate through the Information Bulletin</p> <p>5.71. Employees to disclose interests relating to delegated functions</p> <p>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <p>(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and</p> <p>(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns</p> <p>(1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.</p> <p>(2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.</p> <p>(3) This section does not apply to a person who —</p> <p>(a) has lodged a return within the previous year; or</p> <p>(b) has, within 3 months of the start day, ceased to be a relevant person.</p> <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns</p> <p>(1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.</p> <p>(2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.</p> <p>Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Statutory framework	<p><i>Local Government Act 1995</i></p> <p>Section 5.42 Delegation of some powers or duties to the Chief Executive Officer</p> <p>Section 5.43 Limitations on delegations to the Chief Executive Officer</p> <p>Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>
Policy	N/A
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017

Last reviewed	28 February 2019
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Delegation	A10 MINOR AMENDMENTS TO POLICY MANUAL AND REGISTER OF DELEGATIONS
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to make minor amendments to the Policy Manual and Register of Delegations, due to any changes in name or title of an Officer or Committee, re-numbering, reformatting or similar administrative requirement.</p> <p><i>Local Government Act 1995</i> Section 5.41 Functions of Chief Executive Officer</p>
Delegates	CEO
Conditions	<p>Providing any such amendment does not constitute a major change of duties or responsibilities of an officer or committee affected. Conditions on the original delegation also apply to the sub-delegations.</p> <p>Record Keeping: Distribution of amendments to all Policy Manuals and Registers of Delegations</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services
Statutory framework	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>
Policy	N/A
Date adopted	30 April 2003

Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	A11 AFFIXING THE COMMON SEAL
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Shire President and Chief Executive Officer are delegated authority to:</p> <ol style="list-style-type: none"> 1. Execute a document on behalf of the Shire where there is a requirement for the document to be executed as a deed, pursuant to s9.49A(5) of the Act 2. Affix the Council's Common Seal to documents, pursuant to s9.49A(2) of the Act, and 3. Sign documents on behalf of the local government for all matters arising under delegated authority given by the Council under s5.42 and s9.49A(4) of the Act and generally as is necessary or appropriate in reasonably carrying out his or her function under the Act or under any written law. <p><i>Local Government Act 1995</i> Section 2.5 Local governments created as body corporates Section 9.49A Execution of documents Local Government (Functions and General) Regulations 1996 Regulation 34 Common seal, unauthorised use of Fire and Emergency Services Authority of Western Australia Act 1998 Part 6A, Division 9 ESL agreements Section 36ZJ ESL agreement, nature of etc Section 36ZK Part 6A modified for ESL agreements (Sch. 1A) Rates and Charges (Rebates and Deferments) Act 1992 Section 16 Claims by administrative authorities</p>
Delegates	CEO President

Conditions	<p>Power to sub-delegate: In accordance with s5.43(ha) of the Act, the Chief Executive Officer or Acting Chief Executive Office, appointed in writing, is NOT authorised to delegate this function</p> <p>Compliance with Council Policy: Use of Common Seal</p> <p><i>Local Government Act 1995</i>, section 9.49A Execution of documents</p> <p>Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p> <p>Conditions on the original delegation also apply to the sub-delegations</p> <p>Record Keeping: Common Seal Register</p> <p>Report to Council monthly</p> <p>5.71. Employees to disclose interests relating to delegated functions</p> <p>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <p>(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and</p> <p>(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns</p> <p>(1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.</p> <p>(2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.</p> <p>(3) This section does not apply to a person who —</p> <p>(a) has lodged a return within the previous year; or</p> <p>(b) has, within 3 months of the start day, ceased to be a relevant person.</p> <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns</p> <p>(1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.</p> <p>(2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.</p> <p>Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Statutory framework	<p><i>Local Government Act 1995</i></p> <p>Section 5.42 Delegation of some powers or duties to the Chief Executive Officer</p> <p>Section 5.43 Limitations on delegations to the Chief Executive Officer</p> <p>Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>
Policy	Use of Common Seal
Date adopted	26 June 2003
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	A12 LEASES FOR COUNCIL LAND
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Negotiate leases for Council land with community groups 2. Approve assignment of leases <p><i>Local Government Act 1995</i> Section 3.58 Disposing of property</p>
Delegates	CEO
Conditions	<p>Use of the template provided by McLeod's Barristers and Solicitors Presentation to Council for signing unless otherwise delegated Subject to continuation of appropriate use and lease conditions Conditions on the original delegation also apply to the sub-delegations Record Keeping: Retention of file copy of relevant correspondence and lease documentation</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Manager Administration and Governance
Statutory framework	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>
Policy	AF35 – Establishment of Leases and User Agreements

Date adopted	26 June 2014
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	A13 AUTHORISATION OF OFFICERS TO EXERCISE CERTAIN PROVISIONS ABOUT LAND
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Issue notices pursuant to section 3.25 of the <i>Local Government Act 1995</i> to owners and occupiers of land requiring certain things to be done by the owner or occupier of that land pursuant to Schedule 3.1 of the <i>Local Government Act 1995</i> 2. Undertake what action is deemed necessary to cover the costs incurred in achieving the purpose for which a Notice was given pursuant to Section 3.25 of the <i>Local Government Act 1995</i> from the persons who failed to comply with the said Notice 3. Do anything considered necessary, so far as practicable, to achieve the purposes for which a Notice was given pursuant to Section 3.25 of the <i>Local Government Act 1995</i>. <p>CEO's Sub-Delegation to: Senior Ranger – Sub Delegation (1) only</p> <p><i>Local Government Act 1995</i> Section 3.25 Notices requiring certain things to be done by owner or occupier of land Section 3.26 Additional powers when notices given Section 3.27 Particular things local governments can do on land that is not local government property Section 3.31 General procedure of entering property Section 3.34 Entry in an emergency Section 3.36 Opening fences Schedule 3.1 Powers under notices to owners or occupiers of land</p>
Delegates	CEO

<p>Conditions</p>	<p>Subject to the express provisions contained in the Local Government Act 1995, Council's Policies and Resolutions of Council. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence and notices</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
<p>Subdelegates</p>	<p>Director of Technical and Development Services Senior Ranger</p>
<p>Statutory framework</p>	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees.</p>
<p>Policy</p>	<p>N/A</p>
<p>Date adopted</p>	<p>26 April 2001</p>
<p>Adoption references</p>	<p>MINUTE NO. 108/2017</p>
<p>Last reviewed</p>	<p>28 February 2019</p>

Delegation	A14 DISPOSING OF CONFISCATED OR UNCOLLECTED GOODS
Category	Administration
Delegator	Council
Express power or duty delegated	<p>1. 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].</p> <p>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</p>
Delegates	CEO
Conditions	<p>1. 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; and</p> <p>2. In accordance with the Disposal of Property other than Land and Buildings Management Procedure</p> <p>Local Government Act 1995 S5.44 CEO may delegate powers and duties to other employees</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>

Statutory framework	<p>Local Government Act 1995: s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of</p> <p>Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
Policy	N/A
Date adopted	28 September 2018
Adoption references	TBC
Last reviewed	28 February 2019

Delegation	A15 CEO Recruitment Committee
Category	Administration
Delegator	Council
Express power or duty delegated	<p>Establish the CEO Recruitment Committee under Section 5.8 of the Local Government Act 1995 and appoint Cr Haerewa, Cr White, Cr Kloss, Cr Prouse and one Councillor from Fitzroy Crossing.</p> <p>Delegate to the CEO Recruitment the ability to liaise with the Recruitment Consultant, finalise documentation for advertising, and undertake shortlisting applications for final interview.</p>
Delegates	CEO Recruitment Committee
Conditions	<p>Note that ALL Councillors will participate in the final interview and appointment process.</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Statutory framework	Section 5.8 of the Local Government Act 1995
Policy	Nil
Date adopted	25 October 2018
Adoption references	Minute No. 105/2018
Last reviewed	28 February 2019

Delegation	B1 DEMOLITION PERMIT – ISSUE AND REFUSAL
Category	Building Control
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Grant a demolition permit, section 21(1) 2. Refuse a demolition permit, section 21(2) 3. Impose, vary or revoke conditions on a demolition permit, sections 27(1) and (3) <p><i>Building Act 2011</i> Section 21 Grant of demolition permit Section 22 Further grounds for not granting an application Section 23 Time for deciding application for building or demolition permit Section 24 Notice of decision not to grant building or demolition permit Section 27 (1) and (3) Conditions imposed by permit authority</p> <p><i>Local Government Act 1995</i> Section 5.36 Local government employees</p> <p>Building Services (Complaint Resolution and Administration) Act 2011 Part 7, Division 2 Building services levy</p> <p><i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i></p> <p>Power of Sub-Delegation: <i>Building Act 2011</i> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to Chief Executive Officer)</p>
Delegates	CEO

<p>Conditions</p>	<p>Provisions of the relevant legislation Delegation must be provided in writing Conditions on the original delegation also apply to the sub-delegations Record Keeping: Retention of file copy of permit</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
<p>Subdelegates</p>	<p>Director of Technical and Development Services</p>
<p>Statutory framework</p>	<p><i>Building Act 2011</i> Section 127 Delegation: special permit authorities and local governments</p>
<p>Policy</p>	<p>N/A</p>
<p>Date adopted</p>	<p>30 May 2013</p>
<p>Adoption references</p>	<p>MINUTE NO. 108/2017</p>
<p>Last reviewed</p>	<p>28 February 2019</p>

Delegation	B2 BUILDING PERMIT – ISSUE AND REFUSAL
Category	Building Control
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Grant a building permit, s20(1) 2. Refuse a building permit, s20(2) 3. Impose, vary or revoke conditions on a building permit s27(1) and (3) <p><i>Local Government Act 1995</i> Section 5.36 Local government employees</p> <p><i>Building Act 2011</i> Section 20 Grant of building permit Section 22 Further grounds for not granting an application Section 23 Time for deciding application for building or demolition permit Section 24 Notice of decision not to grant building or demolition permit</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011</i> Part 7, Division 2 Building services levy</p> <p><i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i></p>
Delegates	CEO
Conditions	<p>Provided it meets the provisions of all relevant legislation and Shire Policies Conditions on the original delegation also apply to the sub-delegations Record Keeping: Retention of file copy of relevant correspondence and permit(s)</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services

Statutory framework	Building Act 2011 Section 127 Delegation: special permit authorities and local governments Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to Chief Executive Officer)
Policy	N/A
Date adopted	30 May 2013
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	B3 OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATES
Category	Building Control
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Require an applicant to provide any document or information required in order to determine an application, section 55(1) 2. Grant or modify or refuse an occupancy permit or building approval certificate, section 58 3. Impose, add, vary or revoke conditions on an occupancy permit or building approval certificate, sections 62(1) and (3) 4. Extend the period in which an occupancy permit or modification, or building approval certificate has effect section 65(4) <p><i>Building Act 2011</i> Section 58 Grant of Occupancy Permit, Building Approval Certificate Section 59 Time for granting occupancy permit or building approval certificate Section 60 Notice of decision not to grant occupancy permit or grant building approval certificate Section 62(1) and (3) Conditions Imposed by Permit Authority Section 65(4) Extension Period of Duration</p>
Delegates	CEO
Conditions	<p>Provisions of the relevant legislation. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence, permits and certificates</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services

Statutory framework	<i>Building Act 2011</i> Section 127 Delegation: special permit authorities and local governments Section 127 Delegation: special permit authorities and local governments
Policy	N/A
Date adopted	26 April 2012
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	B4 DESIGNATE AUTHORISED PERSONS
Category	Building Control
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to appoint persons for the purposes of the <i>Building Act 2011</i> and <i>Building Regulations 2012</i></p> <p><i>Building Act 2011</i> Section 93(2)(d) Changing building standards, requirements, as to existing buildings Section 96(3) Authorised persons Section 100 Entry powers Section 101 Powers after entry for compliance purposes</p>
Delegates	CEO
Conditions	<p>Provisions of the relevant legislation. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence Register of Authorised Persons</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Statutory framework	<p><i>Building Act 2011</i> Section 127 Delegation: special permit authorities and local governments</p>
Policy	N/A
Date adopted	26 April 2012
Adoption references	MINUTE NO. 108/2017

Last reviewed	28 February 2019
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Delegation	B5 BUILDING ORDERS
Category	Building Control
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Make building orders pursuant to section 110 of the <i>Building Act 2011</i> in relation to: <ol style="list-style-type: none"> a) Building work b) Demolition work c) An existing building or incidental structure whether completed before or after commencement day d) Buildings which are considered as being unsafe or not fit for human habitation 2. Give notice of a proposed building order and consider submissions received in response and determine actions section 111(1)(c) 3. Serve a building order section 114 4. Revoke a building order section 117 5. If there is non-compliance with a building order, 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 section 118(2) 6. Take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order section 118(3) 7. Initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>. <p><i>Building Act 2011</i> Section 110 Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Section 117 Revocation of building order Section 118 Permit authority may give effect to building order if non-compliance Section 133 Prosecutions</p>
Delegates	CEO

Conditions	<p>Provisions of the relevant legislation. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence, permits and Certificates.</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services Manager Development Services
Statutory framework	<i>Building Act 2011</i> Section 127 Delegation: special permit authorities and local governments
Policy	N/A
Date adopted	26 April 2012
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	B6 LICENCE TO DEPOSIT MATERIALS ON OR ADJACENT TO A STREET
Category	Building Control
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to issue licences to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place.</p> <p><i>Section 5.36 Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> Regulation 6 Obstruction of public thoroughfare by things placed and left Regulation 7 Encroaching on public thoroughfare Regulation 8 Separating land from public thoroughfare Regulation 11 Dangerous excavation in or near public thoroughfare Shire of Derby/West Kimberley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law</p>
Delegates	CEO
Conditions	<p>The Chief Executive Officer shall first obtain confirmation from the Director Technical and Development Services that the proposed activity will not create undue interference with the operation of the street, way or public place</p> <p>Licences are to be issued subject to the provisions of the relevant legislation</p> <p>Conditions on the original delegation also apply to the sub-delegations</p> <p>Record Keeping: Retention of file copy of relevant correspondence and licence(s)</p> <p>5.71. Employees to disclose interests relating to delegated functions</p> <p>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <p>(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and</p> <p>(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns</p> <p>(1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.</p> <p>(2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.</p> <p>(3) This section does not apply to a person who —</p> <p>(a) has lodged a return within the previous year; or</p> <p>(b) has, within 3 months of the start day, ceased to be a relevant person.</p> <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns</p> <p>(1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.</p> <p>(2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.</p> <p>Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services Manager Development Services

Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees
Policy	N/A
Date adopted	26 April 2012
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	F1 PAYMENTS FROM MUNICIPAL FUNDS – INCURRING LIABILITIES AND MAKING PAYMENTS
Category	Finance
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to incur liabilities and make payments from the Municipal Fund and Reserve Fund for purposes duly authorised by the <i>Local Government Act 1995</i> and for which provision has been made in the Council budget.
Delegates	CEO
Conditions	<p>Subject to:</p> <ol style="list-style-type: none"> 1. Authority subject to funds being provided in the Annual Budget. 2. Incurring liabilities and making payments to be undertaken in accordance with the Shire's procedures and systems for incurring liabilities and making payments. 3. Authority which may be Delegated by the Chief Executive Officer to employees is subject to the maximum individual amount limits on payments defined below: <p>LIMIT OFFICER \$150,000 Chief Executive Officer \$100,000 Director Technical and Development Services \$50,000 Manager Finance \$50,000 Manager Operations \$50,000 Asset Management Coordinator \$20,000 Manager Development Services \$20,000 Fitzroy Crossing Area Manager \$20,000 Manager Administration & Governance \$20,000 Manager Community Services</p> <p>Conditions on the original delegation also apply to the sub-delegations The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Develop procedures for the authorisation of and the payment of accounts to ensure that there is effective security for and properly authorised use of Cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained and Petty cash systems 2. Develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, as the case requires. <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns</p>

	<p>A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.</p> <p>(3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person.</p> <p>Penalty: \$10,000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns</p> <p>(1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.</p> <p>Penalty applicable to subsections (1) and (2): \$10,000 or imprisonment for 2 years.</p>
Subdelegates	<p>Asset Coordinator Director of Technical and Development Services Manager Administration and Governance Manager Community Services Manager Development Services Manager Finance Manager Fitzroy Crossing Manager Operations</p>
Statutory framework	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees Section 6.7 Municipal fund Section 6.8 Expenditure from municipal fund not included in annual budget Section 6.10 Financial management regulations</p> <p>Local Government (Financial Management)Regulations 1996 Regulation 5 Chief Executive Officer's duties as to financial management Regulation 11 Payments, procedures for making etc Regulation 12 Payments from municipal fund or trust fund, restrictions on making Regulation 13 Payment from municipal fund or trust fund by Chief Executive Officer, Chief Executive Officer's duties as to etc</p>
Policy	AF1 – Procurement of Goods and Services
Record keeping	<ul style="list-style-type: none"> • The list referred to above is to be presented to the Council at the next Ordinary Meeting of the Council following the preparation of the list and is to be recorded in the Minutes of the meeting at which it is presented. • Retain cheque vouchers, including transfer records as evidence of decisions to make payments. • Retain computer encryption devices and other controls for effective scrutiny of account payments.
Date adopted	12 December 2019
Adoption references	Amended to include purchase limits of subdelegates

Delegation	F2 AUTHORISING PAYMENT FROM THE TRUST FUND
Category	Finance
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to make payments from the Trust Fund for purposes duly authorised by the <i>Local Government Act 1995</i> and for which provision has been made in the Council budget.</p> <p><i>Local Government Act 1995</i> Section 6.9 Trust fund</p> <p><i>Local Government (Financial Management) Regulations 1996</i> Regulation 5 Chief Executive Officer's duties as to financial management Regulation 11 Payments, procedures for making etc Regulation 12 Payments from municipal fund or trust fund, restrictions on making Regulation 13 Payment from municipal fund or trust fund by Chief Executive Officer, Chief Executive Officer's duties as to etc</p>
Delegates	CEO

Conditions	<p>Making payments to be undertaken in accordance with the Shire's procedures and systems for making payments from the Trust Fund.</p> <p>Conditions on the original delegation also apply to the sub-delegations The Chief Executive Officer is delegated authority to: Develop procedures for the authorisation of and payments from the Trust Fund</p> <p>Record Keeping: A list of payments made is to be presented to the Council at the next Ordinary Meeting of the Council following the preparation of the list and is to be recorded in the Minutes of the meeting at which it is presented Retain cheque vouchers, including transfer records as evidence of decisions to make payments Retain computer encryption devices and other controls for effective scrutiny of account payments</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	<p>Director of Technical and Development Services Manager Administration and Governance Manager Finance</p>
Statutory framework	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>
Policy	N/A
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017

Last reviewed	28 February 2019
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Delegation	F3 INVESTMENTS
Category	Finance
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to Invest funds held in the Municipal Fund or Trust Fund of the local government that is not, for the time being, required by the local government for any other purpose, in accordance with part III of the <i>Trustee's Act 1962</i>.</p> <p><i>Local Government Act 1995</i> Section 6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996</i> Regulation 19 Investments, control procedures for <i>Trustees Act 1962</i> Section 17 Trust funds, investment of</p>
Delegates	CEO
Conditions	<p>Compliance with Regulation 19 of the <i>Local Government (Financial Management) Regulations 1996</i></p> <p>Investments must be in accordance with Council's Investment Policy</p> <p>The Chief Executive Officer is to establish and document internal control procedures to be followed to ensure control over the investments, enabling identification of the nature and location of all investments and the transactions related to each investment.</p> <p>Conditions on the original delegation also apply to the sub-delegations.</p> <p>Record Keeping: Retention of file copy of relevant correspondence</p> <p style="padding-left: 40px;">All investments are to be reported to Council in the monthly financial management reports</p> <p>5.71. Employees to disclose interests relating to delegated functions</p> <p>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <p>(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and</p> <p>(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns</p> <p>(1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.</p> <p>(2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.</p> <p>(3) This section does not apply to a person who —</p> <p>(a) has lodged a return within the previous year; or</p> <p>(b) has, within 3 months of the start day, ceased to be a relevant person.</p> <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns</p> <p>(1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.</p> <p>(2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.</p> <p>Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>

Subdelegates	Manager Administration and Governance Manager Finance
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees
Policy	FM8 – Investments
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	F4 RATES AND SERVICE CHARGES
Category	Finance
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is hereby delegated authority to:</p> <ol style="list-style-type: none"> 1. Amend the rate record as specified in section 6.39(2) 2. Enter into an agreement with a person for the payment of rates or services charges in accordance with section 6.49 3. Determine the date on which rates or service charges become due and payable under section 6.50(1) and (2) 4. Recover a rate or service, as well as the costs of proceedings, where it remains unpaid after it becomes due under section 6.56 5. Grant an extension of time for a person to make an objection to the rate record under 6.76 6. Consider an objection to a rate record, either allowing or disallowing it, wholly or in part. In accordance with section 6.76(5), and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with section 6.76(6) 7. Give notice to a lessee of land in respect of which there is an unpaid rate or service charge to require the lessee to pay the rent to the local government in accordance with section 6.60(2) 8. Recover the amount of the rate or service charge as a debt from the lessee if the rent is not paid in accordance with the notice (section 6.60(4)) 9. Commence proceedings under section 6.64 to recover rates owing to the Shire <p><i>Local Government Act 1995</i> Section 6.39(2) Rate record Section 6.49 Agreement as to payment of rates and service charges Section 6.50(1) and (2) Rates or service charges due and payable Section 6.56(1) Rates or service charges recoverable in court Section 6.60(2) and (4) Local government may require lessee to pay rent Section 6.64 Actions to be taken Section 6.76(4) and (5) Grounds of objection</p>
Delegates	CEO

Conditions	<p>Special payment agreements may be entered into for cases of special hardship for payment of rates, service charges, domestic rubbish removal charges, private swimming pool inspection fees and debtors invoices.</p> <p>Conditions on the original delegation also apply to the sub-delegations</p> <p>The Senior Finance Officer may agree to terms not exceeding 12 months on amounts less than \$15,000 for special payment arrangements</p> <p>Record Keeping: Retention of file copy of relevant correspondence on assessment file Ensure full record of each decision is lodged on the Shire rates database in Synergy Soft</p> <p>5.71. Employees to disclose interests relating to delegated functions</p> <p>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <p>(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and</p> <p>(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns</p> <p>(1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.</p> <p>(2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.</p> <p>(3) This section does not apply to a person who —</p> <p>(a) has lodged a return within the previous year; or</p> <p>(b) has, within 3 months of the start day, ceased to be a relevant person.</p> <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns</p> <p>(1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.</p> <p>(2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.</p> <p>Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	<p>Manager Administration and Governance Manager Finance</p>
Statutory framework	<p><i>Local Government Act 1995</i></p> <p>Section 5.42 Delegation of some powers or duties to the Chief Executive Officer</p> <p>Section 5.43 Limitations on delegations to the Chief Executive Officer</p> <p>Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>
Policy	<p>AF19 – Outstanding Rates Collection AF20 – Rating Administration FM3 – Rates</p>
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	F5 POWER TO REMOVE, IMPOUND AND DISPOSE OF PROPERTY
Category	Finance
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Undertake the functions and duties required under Part 3 Subdivision 4 (Impounding of Goods) of the <i>Local Government Act 1995</i> in respect of section 3.39 2. Appoint authorised persons for the purpose of removing and impounding goods that are involved in the contravention which can lead to impounding of goods from a public place if the goods present a hazard to any public place or obstruct its lawful use 3. Sell or otherwise dispose: <ol style="list-style-type: none"> (a) any goods that have been confiscated subject to s3.47(1) of the Act (b) impounded goods that have not been collected within the period specified in s3.42(1)(b), s3.47(2b) or s3.44 of the Act (c) any vehicle that has not been collected within two months of a notice having been given under s3.40(3) or seven days of declaration being made that a vehicle is an abandoned vehicle wreck (4) Determine that court action be taken to recover impounding expenses in accordance with s3.48 of the Act (5) Authorise persons to administer any or all of the above functions <p><i>Local Government Act 1995</i> Section 3.39 Power to remove and impound Section 3.40 Vehicle may be removed if goods to be impounded are in or on vehicle Section 3.42 Impounded non-perishable goods Section 3.44 Notice to collect goods if not confiscated Section 3.46 Goods may be withheld until costs paid Section 3.47 Confiscated or uncollected goods, disposal of Section 3.48 Impounding expenses, recovery of</p>
Delegates	CEO

<p>Conditions</p>	<p>Compliance with part 3 subdivision 4 (Impounding of Goods) of the <i>Local Government Act 1995</i> and regulation 29 of the <i>Local Government (Functions and General) Regulations 1996</i> and Council Policies and Procedures.</p> <p>The Chief Executive Officer shall approve any legal action and sign any legal documents. The team that administers the impounding cannot administer the disposal</p> <p>Conditions on the original delegation also apply to the sub-delegations</p> <p>Record Keeping: Retention of file copy of relevant correspondence</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
<p>Subdelegates</p>	<p>Director of Technical and Development Services Manager Development Services Senior Ranger</p>
<p>Statutory framework</p>	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>
<p>Policy</p>	<p>N/A</p>
<p>Date adopted</p>	<p>26 April 2001</p>
<p>Adoption references</p>	<p>MINUTE NO. 108/2017</p>
<p>Last reviewed</p>	<p>28 February 2019</p>

Delegation	F6 WRITE-OFF OF RATES AND SUNDRY DEBTORS
Category	Finance
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to write-off rates and sundry debtors of \$1,000 and under when it is considered that the debt is unrecoverable. Local Government Act 1995 Section 6.12 Power to defer, grant discounts, waive or write off debts
Delegates	CEO
Conditions	<p>Need to be satisfied that the debt is unrecoverable by exhausting all reasonable avenues for the recovery of the debt or receiving advice from Council's debt collection agent. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence and report to Information Bulletin</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Manager Finance
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees
Policy	AF18 – Sundry Debtors Collection AF18 – Outstanding Rates Collection
Date adopted	30 October 2003

Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	H1 HEALTH ACT 1911 – APPOINTMENT OF DEPUTY
Category	Health
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to exercise and discharge all or any of the powers and functions of the local government, as the local government's deputy, under the <i>Health Act 1911</i> <i>Health Act 1911</i> Section 26 Powers of local government
Delegates	CEO
Conditions	Provisions and requirements of legislation, Local Laws and Council Policies Applicants must be advised of objections and/or appeal rights Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees Record Keeping: Retention of file copy of relevant correspondence and notices 5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. 5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76. 5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.
Subdelegates	Director of Technical and Development Services
Statutory framework	<i>Health Act 1911</i> Section 26 Powers of local government
Policy	N/A
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017

Last reviewed	28 February 2019
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Delegation	H2 TRADERS AND STALLHOLDERS LICENSING
Category	Health
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Approve the issue of a licence for itinerant food vendors 2. Determine applications for a stallholder permit 3. Determine applications for a traders permit under the Shire of Derby/West Kimberley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law <p><i>Local Government Act 1995</i> Section 9.10 Appointment of authorised persons Shire of Derby/West Kimberley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law</p>
Delegates	CEO
Conditions	<p>Authority provides for approvals only. Should the Director Technical and Development Services determine that the application for licence does not comply with the legislation, he/she is to refer the issue to Council for consideration.</p> <p>Conditions on the original delegation also apply to the sub-delegations.</p> <p>Record Keeping: Retention of file copy of relevant correspondence and notices</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <ol style="list-style-type: none"> (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who —</p> <ol style="list-style-type: none"> (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services Manager Development Services
Statutory framework	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>

Policy	H2 – Traders and Stallholders Permits
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	H3 CARAVAN PARKS AND CAMPING GROUNDS – APPOINTMENT OF AUTHORISED PERSONS
Category	Health
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to appoint a person pursuant to section 17 of the Caravan Parks and Camping Grounds Act 1995 to undertake the powers of an 'authorised person' as prescribed in the Caravan Parks and Camping Grounds Act 1995 and associated regulations.</p> <p><i>Caravan Parks and Camping Grounds Act 1995</i> Section 7 Application for grant or renewal of licence Sections 9 Renewal after expiry</p>
Delegates	CEO
Conditions	<p>Pursuant to the provisions of the <i>Caravan Parks and Camping Grounds Act 1995</i>. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence and licences</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services Manager Development Services
Statutory framework	<i>Caravan Parks and Camping Grounds Act 1995</i> Section 17 Appointment of authorised person
Policy	N/A
Date adopted	27 June 2002

Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	H4 PROHIBITION ORDERS – FOOD ACT 2008
Category	Health
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Serve a prohibition order on the proprietor of a food business in accordance with section 65 2. Issue a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices, section 66 3. Give written notice to the 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 under section 66 and section 67 of the Food Act 2008 section 67(4) <p>Section 65(1) Prohibition order Section 66 Certificate of clearance Section 67(4) Request for re-inspection</p>
Delegates	CEO
Conditions	<p>Pursuant to the provisions of the Food Act 2008. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence and notices</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <ol style="list-style-type: none"> (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who —</p> <ol style="list-style-type: none"> (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Statutory framework	<i>Food Act 2008</i> Section 118(2)(b) Functions of enforcement agencies and delegation
Policy	N/A
Date adopted	10 December 2009
Adoption references	MINUTE NO. 108/2017

Last reviewed	28 February 2019
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Delegation	H5 APPOINT AUTHORISED OFFICERS – FOOD ACT 2008
Category	Health
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Appoint a person to be an authorised officer for the purposes of the Food Act 2008 section 122(1) 2. Appoint a person to be a designated officer for the purposes of the Food Act 2008 section 126(13) <p><i>Food Act 2008</i> Section 122(1) Appointment of authorised officer Section 126(13) Infringement notices</p>
Delegates	CEO
Conditions	<p>Pursuant to the provisions of the <i>Food Act 2008</i>. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence and notices</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <ol style="list-style-type: none"> (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who —</p> <ol style="list-style-type: none"> (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Statutory framework	<p><i>Food Act 2008</i> Section 118(2)(b) Functions of enforcement agencies and delegation</p>
Policy	N/A
Date adopted	10 December 2009
Adoption references	MINUTE NO. 108/2017

Last reviewed	28 February 2019
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Delegation	LL1 ADMINISTER THE SHIRE'S LOCAL LAWS
Category	Local Laws
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to administer the Shire's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the Shire under the Shire's local laws.</p> <p>Shire of Derby/West Kimberley Local Laws</p> <p>Sub-Delegation of:</p> <ol style="list-style-type: none"> 1. Functions relevant to part 7 – Permits (approvals only) 2. Functions relevant to Part 10 – Enforcement <p>Of the Shire of Derby/West Kimberley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law</p>
Delegates	CEO
Conditions	<p>Council is to be provided details of any prosecutions under local laws. Conditions on the original delegation also apply to the sub-delegations.</p> <p>Record Keeping: Retention of file copy of relevant correspondence and notices</p> <p>5.71. Employees to disclose interests relating to delegated functions</p> <p>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <ol style="list-style-type: none"> (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. <p>5.75. Primary returns</p> <ol style="list-style-type: none"> (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — <ol style="list-style-type: none"> (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns</p> <ol style="list-style-type: none"> (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. <p>Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	<p>Director of Technical and Development Services</p> <p>Fitzroy Crossing Works Supervisor</p> <p>Manager Development Services</p> <p>Ranger</p> <p>Senior Ranger</p>

Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees
Policy	N/A
Date adopted	27 September 2001
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	M1 BUSH FIRES ACT 1954 – FUNCTIONS OF A LOCAL GOVERNMENT
Category	Miscellaneous
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to perform all powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i>.</p> <p><i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Bush Fires (Infringement) Regulations 1978</i></p>
Delegates	CEO
Conditions	<p>Authority excludes powers and duties that:</p> <ol style="list-style-type: none"> 1. Are prescribed in the Act with a requirement for a resolution of the local government 2. Are prescribed by the Act for performance by designated officers <p>This power and authority cannot be sub-delegated by virtue of section 48(3) of the <i>Bush Fires Act 1954</i></p> <p>Conditions on the original delegation also apply to the sub-delegations</p> <p>Record Keeping: Retention of file copy of relevant correspondence and notices</p> <p>5.71. Employees to disclose interests relating to delegated functions</p> <p>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <ol style="list-style-type: none"> (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. <p>5.75. Primary returns</p> <ol style="list-style-type: none"> (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — <ol style="list-style-type: none"> (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns</p> <ol style="list-style-type: none"> (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. <p>Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Statutory framework	<p><i>Bush Fires Act 1954</i> Section 48 Delegation by local governments <i>Local Government Act 1995</i> Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>
Policy	N/A

Date adopted	27 June 2002
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	M2 DOG ACT 1974
Category	Miscellaneous
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to perform all powers and duties of the local government under the Dog Act 1976 and subsidiary legislation and to further delegate powers and duties under the Dog Act 1976 and associated regulations.</p> <p><i>Dog Act 1976</i></p> <p>Delegations made to the Director Technical and Development Services are:</p> <ol style="list-style-type: none"> 1. To institute and carry out proceedings in the name of the Shire in respect to offences alleged to have been committed within the district against the <i>Dog Act 1976</i> 2. To issue infringement notices pursuant to the provisions of section 29 of the <i>Dog Act 1976</i> 3. To declare a dog to be a dangerous dog, pursuant to section 33E of the <i>Dog Act 1976</i>
Delegates	CEO
Conditions	<p>Pursuant to the provisions of the <i>Dog Act 1976</i>. Conditions on the original delegation also apply to the sub-delegations.</p> <p>Record Keeping: Retention of file copy of relevant correspondence and notices</p> <p>5.71. Employees to disclose interests relating to delegated functions</p> <p>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <ol style="list-style-type: none"> (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. <p>5.75. Primary returns</p> <ol style="list-style-type: none"> (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — <ol style="list-style-type: none"> (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns</p> <ol style="list-style-type: none"> (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. <p>Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services
Statutory framework	<p><i>Dog Act 1976</i> Section 10AA Delegation of local government powers and duties</p> <p><i>Local Government Act 1995</i> Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>

Policy	N/A
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	M3 REGISTRATIONS – CAT ACT 2011
Category	Miscellaneous
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Grant or refuse to grant the registration of a cat, section 9(1)(a) 2. Renew or refuse to renew the registration of a cat, section 9(1)(b) 3. Require an applicant to provide any document or information required to determine an application for registration, section 9(5) 4. Refuse to consider an application, where an applicant has not complied with a request for information, section 9(6) 5. Cancel the registration of a cat, section 10 6. Give notice of decisions, section 13 <p><i>Cat Act 2011</i> Section 9 Registration Section 10 Cancellation of registration Section 13 Notice to be given of certain decisions made under this Subdivision</p>
Delegates	CEO
Conditions	<p>Pursuant to the provisions of the <i>Cat Act 2011</i>. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence and notices</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <ol style="list-style-type: none"> (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who —</p> <ol style="list-style-type: none"> (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services
Statutory framework	<i>Cat Act 2011</i> Section 44 Delegation by local government

Policy	N/A
Date adopted	29 June 2017
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	M4 APPOINTMENT OF AUTHORISED PERSONS – CAT ACT 2011
Category	Miscellaneous
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Appoint persons or classes of persons to be authorised for the purpose of performing particular functions under the Cat Act 2011, section 48(1) 2. Determine conditions on any authorisation, section 48(3) 3. Cancel or vary an authorisation, section 48(4) <p><i>Cat Act 2011</i> Section 48 Authorised persons</p>
Delegates	CEO
Conditions	<p>Pursuant to the provisions of the <i>Cat Act 2011</i>. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence and notices</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <ol style="list-style-type: none"> (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who —</p> <ol style="list-style-type: none"> (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Statutory framework	<p><i>Cat Act 2011</i> Section 44 Delegation by local government Section 45 Delegation by Chief Executive Officer of local government</p>
Policy	N/A
Date adopted	29 June 2017
Adoption references	MINUTE NO. 108/2017

Last reviewed	28 February 2019
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Delegation	M5 BREEDER APPROVALS – CAT ACT 2011
Category	Miscellaneous
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Grant or refuse to grant an approval for the person to breed cats, section 37(1)(a) 2. Renew or refuse to renew an approval for the person to breed cats, section 37(1)(b) 3. Require an applicant to provide any document or information required to determine the application, section 37(3) 4. Refuse to consider an application, where the applicant has not complied with a request for information, section 37(4) 5. Cancel an approval to breed cats, section 38 6. Give notice of decisions, section 40 <p><i>Cat Act 2011</i> Section 37 Approval to breed cats Section 38 Cancellation of approval to breed cats Section 40 Notice to be given of certain decisions made under this Subdivision</p>
Delegates	CEO
Conditions	<p>Pursuant to the provisions of the <i>Cat Act 2011</i>. Conditions on the original delegation also apply to the sub-delegations.</p> <p>Record Keeping: Retention of Breeder Approvals to be kept in the Shire’s record keeping system and any relevant correspondence and notices</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <ol style="list-style-type: none"> (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who —</p> <ol style="list-style-type: none"> (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Statutory framework	<p><i>Cat Act 2011</i> Section 44 Delegation by local government Section 45 Delegation by Chief Executive Officer of local government</p>

Policy	N/A
Date adopted	29 June 2017
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	T1 TOWN PLANNING SCHEME NO'S 5 AND 7: DETERMINATION OF APPLICATIONS
Category	Town Planning
Delegator	Council
Express power or duty delegated	<p>Determination of development and subdivision applications and the issue of formal Council notices in accordance with the Town Planning Scheme and Council Policies.</p> <p>Clause 9.8 "Delegation" Town Planning Scheme No's 5 and 7 Division 2 Delegations cl 81 and 82 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p>
Delegates	CEO
Conditions	<p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <p>(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and</p> <p>(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p> <p>N/A. Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees.</p> <p>Sub-Delegation Conditions: The Manager Planning Services is delegated authority, following consultation with the Director Technical and Development Services 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 1.1 Determine responses to the Western Australian Planning Commission (WAPC) in relation to: (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); (ii) Non-residential subdivision applications where: vacant lots are proposed to be created; and existing development on the subdivided lots would, if the subdivision was approved, be in</p>

compliance with the requirements of the Planning Scheme 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
 (iv) amalgamation applications.

1.2 Issue subdivision clearance certificates where the relevant local government conditions have been satisfied.

2.0 Notification of Planning Applications

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.

2.2 Determine under what circumstances consultation with adjoining owners is required, under 'Part 4 – Consultation' of the R-Codes and administer consultation accordingly.

3.0 Applications for Planning Approval

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.

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.

3.3 Approve minor variations to Council policy standards where consistent with the objectives of the Planning Scheme and any applicable policies.

3.4 Approve minor changes to developments involving a non-conforming use where this is considered to not intensify the impact of the use.

3.5 Approve dividing fences requiring planning approval where abutting property owners are in agreement.

3.6 Approve modified proposals for applications previously the subject of the Council decision, subject to the modification(s):

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.

3.7 Determine responses to the WAPC in regard to development applications which require determination by the WAPC.

3.8 Place conditions on any approval, or reasons for refusal on any refusal, to an application for planning approval.

3.9 Landscaping and preservation of existing vegetation

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.

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.

Requests to remove a Boab Tree where it is clearly demonstrated that the tree is dead or dying or dangerous.

4.0 Retrospective Applications

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.

5.0 Renewal of Planning Approval

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

	<p>application must be received within two (2) 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 a resolution 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 Manager Planning 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 footnote: "The above determination has been made by the Manager Planning 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>Record Keeping: For the information of Councillors and the public a list of all applications determined under the terms of this policy shall be included in the Information Bulletin for the following month</p>
Subdelegates	Manager Planning Services
Statutory framework	<p><i>Local Government Act 1995</i></p> <p>Section 5.42 Delegation of some powers or duties to the Chief Executive Officer</p> <p>Section 5.43 Limitations on delegations to the Chief Executive Officer</p> <p><i>Planning and Development Act 2005</i></p>
Policy	N/A
Date adopted	26 April 2001

Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	T2 INTERIM DEVELOPMENT ORDER NO 8: DETERMINATION OF APPLICATIONS
Category	Town Planning
Delegator	Council
Express power or duty delegated	Determination of development and subdivision applications in accord with the Interim Development Order and Council Policies. Division 2 – Delegations cl81 and 82 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Delegates	CEO
Conditions	<p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <p>(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and</p> <p>(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p> <p>Sub-Delegation Conditions: The Manager Planning Services is delegated authority, following consultation with the Director Technical and Development Services 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 8 as follows:</p> <p>1.0 Subdivision Applications 1.1 Determine responses to the Western Australian Planning Commission (WAPC) in relation to: (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); (ii) non-residential subdivision applications where: 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 (iv) amalgamation applications. 1.2 Issue subdivision clearance certificates where the relevant local government conditions have</p>

been satisfied.

2.0 Notification of Development Applications

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.

2.2 Determine under what circumstances consultation with adjoining owners is required, under 'Part 4 – Consultation' of the R-Codes and administer consultation accordingly.

3.0 Applications for Development Approval

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.

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.

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.

3.4 Approve minor variations to Council policy standards where consistent with the objectives of the Planning Scheme and any applicable policies.

3.5 Approve minor changes to developments involving a non- conforming use where this is considered to not intensify the impact of the use.

3.6 Approve dividing fences requiring planning approval where abutting property owners are in agreement.

3.7 Approve modified proposals for applications previously the subject of the Council decision, subject to the modification(s):

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.

3.8 Determine responses to the WAPC in regard to development applications which require determination by the WAPC.

3.9 Place conditions on any approval, or reasons for refusal on any refusal, to an application for planning approval.

4.0 Retrospective Applications

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.

5.0 Renewal of Planning Approval

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 (2) years of the expiration of the original approval.

6.0 Layout Plans

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.

7.0 Appeals

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.

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

	<p>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 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 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 10.1 In applying this policy, a conservative approach shall be adopted. 10.2 An application shall be referred to Council for consideration where: 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. 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 - Where an applicant or owner of land is aggrieved by a decision of the Manager Planning 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 footnote: "The above determination has been made by the Shire Planner 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>Record Keeping: For the information of Councillors and the public a list of all applications determined under the above delegated authority shall be included in the information bulletin for the following month.</p>
Subdelegates	Manager Planning Services
Statutory framework	<p><i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer <i>Planning and Development Act 2005</i> Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees</p>
Policy	N/A
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	W1 TEMPORARY CLOSURE OF ROADS FOR PUBLIC EVENTS
Category	Works
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the <i>Road Traffic (Events on Roads) Regulations 1991</i>.</p> <p><i>Local Government Act 1995</i> Section 3.50 Closing certain thoroughfares to vehicles <i>Road Traffic (Events on Roads) Regulations 1991</i> Regulation 4 Approvals</p>
Delegates	CEO
Conditions	<p>The determination shall be in accordance with provisions of the Road Traffic (Events on Roads) Regulations 1991 and section 3.50 of the Local Government Act 1995 and shall, when approved by the Chief Executive Officer, contain the following conditions:</p> <ol style="list-style-type: none"> 1 The closure is to be advertised locally 2 Arrangements are to be made for appropriate signposting to affect the closure 3 The applicant is to take out a Public Risk Insurance Policy that indemnifies the Shire against any damages claims and a copy is to be delivered to the Shire 4 The applicant is to notify the Emergency Services Department and ensure that whilst the event is in progress, satisfactory arrangements are made to allow access to premises by Emergency Services <p>The Chief Executive Officer may determine other conditions to be imposed on any approvals issued</p> <p>Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence/documentation.</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <ol style="list-style-type: none"> (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who —</p> <ol style="list-style-type: none"> (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>

Subdelegates	Director of Technical and Development Services Manager Operations Manager Technical Services
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees
Policy	N/A
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	W2 CLOSURE OF THOROUGHFARES TO VEHICLES IN CASES OF EMERGENCY
Category	Works
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. To undertake the necessary notice and action for closure of thoroughfares to vehicles in connection with Council works 2. To ensure that when works are carried out associated with the fixing or altering the level of or alignment of a public thoroughfare, that access by vehicle to land adjoining the thoroughfare can be reasonably provided <p><i>Local Government Act 1995</i> Section 3.50 Closing certain thoroughfares to vehicles Section 3.50A Partial closure of thoroughfares for repairs or maintenance Section 3.51 Affected owners to be notified of certain proposals</p>
Delegates	CEO
Conditions	<p>Compliance with Regulations 4 to 6 of the <i>Local Government (Functions and General) Regulations 1996</i> Conditions on the original delegation also apply to the sub-delegations</p> <p>Record Keeping: Decision to undertake a closure must be recorded Advice to owners/occupiers is to be recorded Agreements for maintenance of private structure in public thoroughfares/places are to be recorded Retention of file copy of all relevant correspondence</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>

Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer
Policy	N/A
Date adopted	26 April 2001
Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	W3 EXTRA MASS PERMITS
Category	Works
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to determine any application for extra mass permits on any road within the Shire, recommending approval or refusal, with or without conditions, for referral to Main Roads WA.</p> <p><i>Local Government Act 1995</i> Section 3.50 Closing certain thoroughfares to vehicles Section 3.51 Affected owners to be notified of certain proposals</p>
Delegates	CEO
Conditions	<p>Nil. Conditions on the original delegation also apply to the sub-delegations. Record Keeping: Retention of file copy of relevant correspondence and permit(s)</p> <p>5.71. Employees to disclose interests relating to delegated functions If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and — (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day. (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day. (3) This section does not apply to a person who — (a) has lodged a return within the previous year; or (b) has, within 3 months of the start day, ceased to be a relevant person. Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year. Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
Subdelegates	Director of Technical and Development Services Manager Operations Manager Technical Services
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate some powers and duties to other employees
Policy	N/A
Date adopted	26 April 2001

Adoption references	MINUTE NO. 108/2017
Last reviewed	28 February 2019

Delegation	W4 HOUSING AND WORKS COMMITTEE
Category	Works
Delegator	Council
Express power or duty delegated	<p>The Committee is a formally appointed committee of Council and is responsible to that body. The Committee has delegated authority to allocate up to \$300,000 from account number 11243000 from the approved 2015/2016 budget for remediation works identified during the road grading program.</p> <p>The Committee will consist of three elected members, Chief Executive Officer and Executive Manager Technical and Development Services. All members shall have full voting rights.</p> <p>The Committee has been established to prioritise works in accordance with the Shires asset management principles and the <i>Local Government Act</i>. The Committee will consider items above \$5,000 for works that are not otherwise listed in the approved budget or those that require works outside normal maintenance.</p> <p>The purpose of the Committee is to:</p> <ul style="list-style-type: none"> (i) To make recommendations to the Council on the prioritisation of the major building maintenance/renewal within the approved budget and receive project updates on major capital works. (ii) To allocate from the approved budget for road maintenance extension of works. This should have a limit of under \$50,000 per job, or otherwise it should be referred to the Council as a major item.
Delegates	Housing and Works Committee

<p>Conditions</p>	<p>(i) The works must be inspected, verified and costed by a Shire of Derby/West Kimberley Officer.</p> <p>(ii) A project brief be prepared to assist prioritisation by the Housing and Works Committee.</p> <p>(iii) The value of any extension/remediation works is not to exceed \$50,000 per request and unit rates must align with the grading maintenance contracts C3/2015 Areas 1 to 4.</p> <p>(iv) The minutes documenting any decision of the Housing and Works Committee must be presented to the next Council meeting and include a balance of the total allocation remaining.</p> <p>5.71. Employees to disclose interests relating to delegated functions</p> <p>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</p> <p>(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and</p> <p>(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</p> <p>5.75. Primary returns</p> <p>(1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.</p> <p>(2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.</p> <p>(3) This section does not apply to a person who —</p> <p>(a) has lodged a return within the previous year; or</p> <p>(b) has, within 3 months of the start day, ceased to be a relevant person.</p> <p>Penalty: \$10 000 or imprisonment for 2 years. 5.76.</p> <p>5.76 Annual returns</p> <p>(1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.</p> <p>(2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.</p> <p>Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.</p>
<p>Statutory framework</p>	<p><i>Local Government Act 1995</i></p> <p>Sections 5.8 - 5.9</p> <p>Section 5.10</p> <p>Sections 5.16 - 5.17</p>
<p>Policy</p>	<p>N/A</p>
<p>Date adopted</p>	<p>28 June 2017</p>
<p>Adoption references</p>	<p>MINUTE NUMBER. 108/2017</p>
<p>Last reviewed</p>	<p>28 February 2019</p>

AMENDMENTS

There are no amendments to display

