

## **TOWN OF VICTORIA PARK REGISTER OF DELEGATIONS**

The following is the register of delegations for the purposes of sections 5.18 and 5.46 of the *Local Government Act 1995 (WA)* which includes all delegations made by the Council of the Town of Victoria Park under section 5.42 of the *Local Government Act 1995 (WA)*, section 127 of the *Building Act 2011 (WA)*, section 48 of the *Bush Fires Act 1954 (WA)*, section 44 of the *Cat Act 2011 (WA)*, section 10AA of the *Dog Act 1976 (WA)*, section 118 of the *Food Act 2008 (WA)*, section 16 of the *Graffiti Vandalism Act 2016 (WA)*, section 21 of the *Public Health Act 2016* and Schedule 2 clause 82(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.

The delegations made within this register were made by the Council of the Town of Victoria Park by a resolution passed by an absolute majority of the Council.

Signed, for the Council –

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Karen Vernon

Mayor

On the            of the            2020

# TOWN OF VICTORIA PARK REGISTER OF DELEGATIONS

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## Guidance Notes

Council is responsible for the overall government of the Towns affairs and the performance of the Towns functions. The CEO is responsible for the management of the day to day operations of the Town. Delegations are made by the Council and the CEO under relevant legislation in order to enable the efficient and orderly governance of the Town.

In managing the delegations and sub-delegations the following principles are to be obeyed:

- (a) all delegations must be consistent with the relevant legislation (including Acts, Regulations, Local Laws and the external conditions of granting bodies).
- (b) the exercise of delegations must be consistent with the policies of the Town and the Town's budget and financial position.
- (c) delegations are to be worded so that they are exercisable by a committee or the holder of a position, including anyone acting in that role, not by a specified individual.
- (d) delegations cannot authorise anything to be done that could not be done by the person or body delegating the function.
- (e) delegations may be subject to such conditions as may be set by the delegator and the delegate must adhere to those conditions.
- (f) a delegator may at any time, regardless of their delegation:
  - (i) exercise the delegated function; or
  - (ii) revoke or vary the delegation, in writing.
- (g) a delegate exercises a delegated function in their own right, not as an agent (or on behalf of) the delegator.
- (h) a true delegation only exists when the delegate in exercising the delegation is not expected to consult prior to making any decision with a superior body or role.
- (i) a delegation cannot be exercised by a person with a conflict of interest, if a conflict of interest exists, it must be declared and dealt with in accordance with the Act.
- (j) the principles of delegation above apply generally to sub-delegation.
- (k) sub-delegations should reflect the Town's organisational structure, responsibility and accountability.
- (l) sub-delegation should only be made to roles that should be substantively qualified to make that decision and will regularly be expected to make that decision.
- (m) the levels of authority are hierarchical through line management up to and including the CEO. Generally, any function exercisable by a delegate would be exercisable by the delegate's supervisor or line manager, providing due regard is had to requirements of professional qualifications or membership.

- (n) sub-delegations should place decision-making authority as close as possible to the point of service delivery and minimise steps in decision-making processes, enabling decisions to be made faster and therefore be more responsive to the needs of stakeholders.
- (o) a delegation authorising the expenditure of Town funds is to be limited to authorising expenditure within the budget approved by the Council. A delegate who incurs expenditure beyond or without an approved source of funds is liable for that expenditure.
- (p) ~~instruments dealing with interests in land (eg transfers, leases, mortgages and caveats) are to be signed~~ where a document must be executed under the Common Seal of the Town, it must be in accordance with the relevant Council resolution authorising its use and must be registered in the Common Seal Register.

# TOWN OF VICTORIA PARK

## REGISTER OF DELEGATIONS AND SUB-DELEGATIONS

The following are the delegations made by the Council of the Town of Victoria Park under section 5.42 of the *Local Government Act 1995 (WA)*, section 127 of the *Building Act 2011 (WA)*, section 48 of the *Bush Fires Act 1954 (WA)*, section 44 of the *Cat Act 2011 (WA)*, section 10AA of the *Dog Act 1976 (WA)*, section 118 of the *Food Act 2008 (WA)*, section 16 of the *Graffiti Vandalism Act 2016 (WA)*, section 21 of the *Public Health Act 2016 (WA)* and Schedule 2 clause 82(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.

### Part 1 – Local Government Act 1995 and Regulations

#### Division 1.1 – Council to the Chief Executive Officer

##### 1.1.1 Appoint Authorised Persons

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.24 Authorising persons under this subdivision 9.10 Appointment of authorised persons
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act.</li> <li>2. Authority to appoint authorised person for the purposes of the <i>Graffiti Vandalism Act 2016 (WA)</i>.</li> <li><del>3. Authority to appoint approved officers and authorised officers for the purposes of the <i>Building Act 2011</i> and <i>Building Regulations 2012</i>.</del></li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Each appointed Authorised Person is to be recorded on the Register of Authorised Persons, issued a certificate detailing their authorisation and an identity card.</li> <li>2. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> </ol>
Compliance Links:	N/A



Record Keeping:		<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person’s personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Exercise of authority to be recorded in TRIM.</p>			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	16/7/2019	Council	134/2019	Item 11.2

### 1.1.2 Compensation for Damage Incurred when Performing Executive Function

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.22(1) Compensation 3.23 Arbitration				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. In accordance with the section 3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation.</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with section 3.23.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Delegation is limited to compensation payments which do not exceed \$1000.				
Compliance Links:	N/A				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.3 Notices requiring certain things to be done by owner or occupier of land

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.25 Notices requiring certain things to be done by owner or occupier of land 3.26 Additional powers when notices given				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Give a person who is the owner and occupier of the land a notice in writing requiring a person to do a thing required under Schedule 3.1 of the <i>Local Government Act 1995</i>.</li> <li>2. Do anything necessary to achieve the purpose for which the notice was given under section 3.25.</li> <li>3. Recover the cost from the person who failed to comply with the notice given under section 3.25 of anything done by the Town to meet the requirements of that notice.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	N/A				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.4 Powers of Entry

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.28 When this Subdivision applies 3.32 Notice of entry 3.33 Entry under warrant 3.34 Entry in an emergency 3.36 Opening fences				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law.</li> <li>2. Authority to give notice of entry.</li> <li>3. Authority to seek and execute an entry under warrant.</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable.</li> <li>5. Authority to give notice and effect entry by opening a fence.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.				
Compliance Links:	<i>Local Government Act 1995:</i> 9.10 Appointment of authorised persons – refer also 3.32(2) Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry 3.34(2) Entry in an emergency				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.5 Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.40A(4) Abandoned vehicle wreck may be taken				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Declare that an impounded vehicle is an abandoned vehicle wreck.				
<b>Council Conditions on this Delegation:</b>	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.6 Confiscated or Uncollected Goods or alternatively, referred for Council decision.				
Compliance Links:	N/A				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.6 Confiscated or Uncollected Goods

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.46 Goods May be withheld until costs paid 3.47 Confiscated or uncollected goods, disposal of 3.48 Impounding expenses, recovery of				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under 3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government.</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under 3.43.</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.				
Compliance Links:	<i>Local Government Act 1995:</i> 3.58 Disposing of Property – applies the sale of goods under 3.47 as if they were property referred to in that section.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.7 Disposal of Sick or Injured Animals

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.47A Sick or injured animals, disposal of 3.48 Impounding expenses, recovery of				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass.</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.				
Compliance Links:	<i>Local Government Act 1995:</i> 3.47A sets out conditions for destruction.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.8 Close Thoroughfares to Vehicles

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.50 Closing certain thoroughfares to vehicles 3.50A Partial closure of thoroughfare for repairs or maintenance 3.51 Affected owners to be notified of certain proposals				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks.</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ol style="list-style-type: none"> <li>a. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>b. consider submissions relevant to the road closure/s proposed.</li> </ol> </li> <li>3. Authority to revoke an order to close a thoroughfare.</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare.</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. If, under 3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed.</li> <li>2. Maintain access to adjoining land.</li> </ol>				
Compliance Links:	N/A				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.



### 1.1.9 Control Reserves and Certain Unvested Facilities

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.53(3) Control of certain unvested facilities 3.54(1) Reserves under control of local government				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts.</li> <li>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Town that the Town could do under section 5 of the <i>Parks and Reserves Act 1895</i>.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.				
Compliance Links:	N/A				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.10 Obstruction of Footpaths and Thoroughfares

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

	d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.				
Compliance Links:	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.2 – Public Thoroughfare Obstruction – Determine Conditions</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.11 Public Thoroughfare – Dangerous Excavations

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> 11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation.</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare.</li> <li>3. Authority to impose conditions on granting permission.</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>a. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>b. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>c. Provided evidence of sufficient Public Liability Insurance.</li> <li>d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Compliance Links:</b>	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
<b>Record Keeping:</b>	Exercise of authority to be recorded in TRIM.

<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.12 Crossing – Construction, Repair and Removal

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> 12(1) Crossing from public thoroughfare to private land or private thoroughfare 13(1) Requirement to construct or repair crossing				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land.</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government.</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing.</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .				
Compliance Links:	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</p> <p>Policy 205 Vehicle crossover</p>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.13 Private Works on, over or under Public Places

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> 17 Private works on, over, or under public places				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property.</li> <li>2. Authority to impose conditions on permission including those prescribed in 17(5) and (6).</li> </ol>				
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>a. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>b. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>c. Provided evidence of sufficient Public Liability Insurance.</li> <li>d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>				
<b>Compliance Links:</b>	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>				
<b>Record Keeping:</b>	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> 21(1) Wind erosion and sand drifts				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to give notice to an owner / occupier of land if it is considered that clearing the owner / occupier's land might cause local government land having a common boundary, will be adversely affected by wind erosion or sand drift.				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures.  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.



### 1.1.15 Expressions of Interest for Goods and Services

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> 21 Limiting who can tender, procedure for 23 Rejecting and accepting expressions of interest to be acceptable tenderer				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services.</li> <li>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Items in adopted budget only.				
Compliance Links:	<i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures  Policy 301 Purchasing				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.16 Tenders for Goods and Services

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> 11 When tenders have to be publicly invited 13 Requirements when local government invites tenders though not required to do so 14 Publicly inviting tenders, requirements for 18 Rejecting and accepting tenders 20 Variation of requirements before entry into contract 21A Varying a contract for the supply of goods or services
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to call tenders.</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement.</li> <li>3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$<del>150250</del>,000 or less and the expense is included in the adopted Annual Budget.</li> <li>4. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders.</li> <li>5. Authority to determine the information that is to be disclosed to those interested in submitting a tender.</li> <li>6. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation.</li> <li>7. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous.</li> <li><del>8. Authority to accept, or reject tenders, only within the \$250,000 detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations.</del></li> <li><u>98.</u> Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation <del>and within the \$250,000 detailed as a condition on this Delegation,</del> and to then negotiate minor variations with the successful tenderer before entering into a contract.</li> <li><u>109.</u> Authority to seek clarification from tenderers in relation to information contained in their tender submission.</li> </ol>

	<p><del>1410.</del> Authority to decline any tender that are deemed non-compliant with the tender criteria.</p> <p><del>1211.</del> If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept.</p> <p><del>1312.</del> Authority to:</p> <ul style="list-style-type: none"> <li>a. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%.</li> <li>b. Exercise an extension option that was included in the original tender specification and contract in accordance with regulation 11(2)(j).</li> </ul> <p><del>1413.</del> Authority 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.</p>
<p><b>Council Conditions on this Delegation:</b></p>	<ol style="list-style-type: none"> <li>1. Sole supplier arrangements may only be approved where a record is retained that evidences: <ul style="list-style-type: none"> <li>a. A detailed specification;</li> <li>b. The outcomes of market testing of the specification;</li> <li>c. The reasons why market testing has not met the requirements of the specification; and</li> <li>d. Rationale for why the supply is unique and cannot be sources through other suppliers;</li> </ul> </li> <li>2. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: <ul style="list-style-type: none"> <li>a. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government,</li> <li>b. current supply contract expiry is imminent,</li> <li>c. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>d. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ul> </li> <li>3. <del>In accordance with section 5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total</del></li> </ol>

	<del>consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget. The CEO is not delegated to accept a tender or establish a panel of pre-qualified suppliers.</del>				
Compliance Links:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996 –</i> prescribe applicable statutory procedures Policy 301 Purchasing				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.17 Disposing of Property – Assets other than land or buildings

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 3.58(2) & (3) Disposing of Property
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. <u>Authority to dispose of property, other than land or buildings, which has a market value of less than \$20,000 in accordance with the relevant council policy.</u></li> <li>2. Authority to dispose of property <u>other than land or buildings which has a market value between -\$20,000 and \$250,00</u> to: <ol style="list-style-type: none"> <li>a. to the highest bidder at public auction <u>(as set out in section 3.58(2)(a)); or</u></li> <li>b. to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders <u>(as set out in section 3.58(2)(b)).</u></li> </ol> </li> <li>3. Authority to dispose of property, <u>other than land or buildings which has a market value between \$20,000 and \$250,000</u> by <u>negotiating, and entering into, an agreement subject to compliance private treaty only in accordance with section 3.58(3) and (4) and prior to the disposal, to consider including the consideration of</u> any submissions received following the giving of public notice <u>prior to the disposal.</u></li> <li>4. <u>Authority to dispose of property, other than land or buildings, where the entire consideration received for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75,000.</u></li> <li>5. <u>Authority to dispose or discard of property, other than land or buildings, in an environmentally sustainable way, where no suitable purchaser can be found pursuant to the above functions.</u></li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. <del>Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</del></li> <li>2. <del>In accordance with 5.43, d</del> Disposal of property <u>under this delegation</u>, for any <del>single project or where not part of a project but part of a</del> single transaction, <del>is limited to</del> <u>must be for a</u> maximum value of \$250,000 or less.</li> <li>3. <del>Where the following determining the method</del> <u>methods</u> of disposal <u>of property are implemented, it is conditional on the corresponding requirements:</u> <ol style="list-style-type: none"> <li>a. <del>Where for</del> a public auction <u>Reserve price has been set by, a confidential independent valuation. must be obtained in</u></li> </ol> </li> </ol>

advance to operate as the "reserve price" and then any disposal must be:

i. Where for no less than the reserve price; or

ii. within 10% of the reserve price, if the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a 10% variation on the set reserve price and an agreement that complies with section 3.58 is subsequently negotiated;

a. is determined as the method of disposal:

i. Reserve price has been set by independent valuation.

ii. Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a 10% variation on the set reserve price.

b. Where for a public tender, if in the CEO's opinion no is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property tender response is received, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method; and:

c. for an agreement negotiated, and entered into in compliance with section 3.58(3), it must be for a price that is within 10% of an independent valuation obtained in accordance with section 3.58(4).

e. Where a private treaty is determined under 3.58(3) as the method of disposal, authority to:

i. Negotiate the sale of the property up to a 10% variance on the valuation; and

ii. Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.

d. Where the market value of the property is determined as being less than \$20,000 (Regulation 30(3) excluded disposal) may be undertaken:

Without reference to a delegate for resolution; and

	<p><del>In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.</del></p>				
Compliance Links:	<p><i>Local Government Act 1995 – 3.58 Disposal of Property</i></p> <p><i>Local Government (Functions and General) Regulations 1995 – 30 Dispositions of property excluded from Act 3.58</i></p> <p>Policy 304 <u>Disposal of disused equipment, machinery and other materials</u> <u>Disposal of property</u></p>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.18 Disposing of Property – Land and Buildings

<b><u>Delegator:</u></b>	Local Government
<b><u>Express Power to Delegate:</u></b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO
<b><u>Express Power or Duty Delegated:</u></b>	<i>Local Government Act 1995:</i> 3.58 Disposing of Property
<b><u>Delegate:</u></b>	<b>Chief Executive Officer</b>
<b><u>Function:</u></b>	<ol style="list-style-type: none"> <li>1. <del>Authority to carry out and the disposal of land and buildings by sale where the proposed sale has been included provided for:</del> <ol style="list-style-type: none"> <li>a. <del>_____ in the Annual Budget; or</del></li> <li>b. <del>_____ a decision of the Council resolution.</del></li> </ol> </li> <li>2. <del>Authority to dispose of land to an adjoining owner where its:</del> <ol style="list-style-type: none"> <li>a. <del>_____ it has a market value is of less than \$5,000; and</del></li> <li>b. <del>_____ the delegate or sub-delegate does not consider the land would be of significant benefit to anyone other than the transferee.</del></li> </ol> </li> <li>3. <del>Authority to carry out the disposal of property via by way of a lease, or licence to occupy, where the lease is it constitutes a renewal of a current lease or a licence to occupy with the same person or body counter party or the successor to that person or body counter party.</del></li> <li>4. <del>To the extent that a tenant under a lease exercising an option for a further term is a disposal of property, to accept agree to that option for a further term option in accordance with the conditions of the relevant lease.</del></li> <li>5. <del>Authority to carry out the disposal of lease a building via lease as, if for a residential tenancy.</del></li> </ol>
<b><u>Council Conditions on this Delegation:</u></b>	<ol style="list-style-type: none"> <li>1. <del>Disposal of land and buildings must comply with the requirements of section 3.58 of the <i>Local Government Act 1995</i>, unless the disposal is an exempt disposition under the <i>Local Government (Functions and General) Regulations 1996</i>.</del></li> <li>2. <del>Disposal via of land and buildings by way of a lease must additionally comply with Council Policy 310 Leasing, adopted by the Council.</del></li> <li>3. <del>All Unless the Council makes a decision expressly providing for the contrary, any, all disposal, of land and buildings, must be for a price within 10% of the an independent valuation obtained in accordance with section 3.58(4)(c), except in relation respect to a</del></li> </ol>



	<p><u>peppercorn lease, must receive an independent market valuation and cannot vary from that valuation in the:</u></p> <p>a. <u>to a benevolent body, in accordance with regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 to a not for profit organisation for nominal consideration given for that disposal of more than +/- 10% without a Council resolution.; and</u></p> <p>b. <u>that is exempt from the requirements of section 3.58.</u></p> <p>4. <u>This delegation does not allow include the power:</u></p> <p>a. <u>to terminate or evict a non-residential tenant, other than for the non-payment of rent;</u></p> <p>b. <u>to accept the surrender of a lease, except a residential tenancy lease; nor</u></p> <p>4. <u>to apply to subdivide or amalgamate Town property.</u></p>				
<u>Compliance Links:</u>	<p><u>Local Government Act 1995 – 3.58 Disposal of Property</u></p> <p><u>Local Government (Functions and General) Regulations 1995 – 30 Dispositions of property excluded from Act 3.58</u></p> <p><u>Policy 221 Strategic Management of Land and Building Assets</u></p> <p><u>Policy 304 Disposal of disused equipment, machinery and other materials</u></p> <p><u>Policy 310 Leasing</u></p>				
<u>Record Keeping:</u>	<u>Exercise of authority to be recorded in TRIM.</u>				
<b><u>Version</u></b>	<b><u>Approved, Amended, Rescinded</u></b>	<b><u>Date</u></b>	<b><u>Authority</u></b>	<b><u>Resolution Number</u></b>	<b><u>Key Changes/Notes</u></b>
1	Approved		Council		

## 1.1.1819 Payments from the Municipal, Reserve or Trust Funds

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> 12(1)(a) Payments from municipal fund or trust fund, restrictions on making				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to make payments from the municipal or trust funds.				
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Authority to make payments is subject to annual budget limitations.</li> <li>2. Payments by Cheque or EFT transactions must be approved by two sub-delegates or the delegate and a sub-delegate.</li> </ol>				
Compliance Links:	<p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i> - refer specifically 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p><i>Local Government (Audit) Regulations 1996</i></p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries: Accounting Manual</p>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

## 1.1.1920 Defer, Grant Discounts, Waive or Write off Debts

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 6.12 Power to defer, grant discounts, waive or write off debts				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Town.</li> <li>2. Write of an amount of money which is owed to the Town.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge.</li> <li>2. A debt may only be waived where it meets the criteria specified in Policy 303 Debt collection</li> <li>3. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Town.</li> <li>4. Limited to individual non rates debts valued below \$5000 or cumulative non rates debts of a debtor valued below \$5000. Write off of debts greater than these values must be referred for Council decision.</li> <li>5. Limited to individual rates debts valued below \$10 or cumulative rates debts of a debtor valued below \$10. Write off of debts greater than these values must be referred for Council decision.</li> </ol>				
<b>Compliance Links:</b>	Collection of Rates Debts – refer Delegations: 1.1.22 Agreement as to Payment of Rates and Service Charges 1.1.23 Recovery of Rates or Service Charges 1.1.24 Recovery of Rates Debts – Require Lessee to Pay Rent 1.1.25 Recovery of Rates Debts – Actions to Take Possession of the Land Policy 303 Debt collection				
<b>Record Keeping:</b>	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	28/6/2019	CEO	-	Sub-delegates revised

## 1.1.2021 Power to Invest and Manage Investments

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> 19 Investments, control procedures for
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or reserve fund that is not, for the time being, required for any other purpose.</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. All investment activity must comply with the Financial Management Regulation 19C and Policy 302 Investments.</li> <li>2. Investments are limited to: <ol style="list-style-type: none"> <li>a. <u>interest bearing</u> term deposits in an authorised deposit-taking institution <u>for a term not exceeding three years;</u></li> <li>b. <u>interest bearing term deposits with the Western Australian Treasury Corporation for a term not exceeding three years;</u></li> <li>c. <u>Bonds guaranteed by the Commonwealth Government, or a State Government or a Territory Government for a term not exceeding three years;</u></li> <li>d. <u>Managed funds having a Standard and Poor Rating of;</u> <ol style="list-style-type: none"> <li>i. <u>A1 short term or better; and</u></li> <li>ii. <u>A+ long term;</u></li> </ol> <u>as recommended by the Town's independent investment advisor</u> </li> </ol> </li> <li>3. A report detailing the interest, earnings and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>4. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>5. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit Committee at least once each financial year.</li> </ol>

Compliance Links:		<i>Local Government (Financial Management) Regulations 1996</i> – refer 19C Investment of money, restrictions on Policy 302 Investments			
Record Keeping:		Exercise of authority to be recorded in TRIM.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended		Council		

## 1.1.2122 Rate Record Amendment

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 6.39(2)(b) Rate record				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year.				
<b>Council Conditions on this Delegation:</b>	Delegates must comply with the requirements of 6.40 of the Act.				
Compliance Links:	<p><i>Local Government Act 1995</i> – 6.40 prescribes consequential actions that may be required following a decision to amend the rate record.</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.2223 Agreement as to Payment of Rates and Service Charges

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 6.49 Agreement as to payment of rates and service charges				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to make an agreement with a person for the payment of rates or service charges.				
<b>Council Conditions on this Delegation:</b>	Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.2324 Determine Due Dates for Rates or Service Charges

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 6.50 Rates or service charges due and payable				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to determine the date on which rates or service charges become due and payable to the Town				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.2425 Recovery of Rates and Service Charges

<b>Delegator:</b>		Local Government			
<b>Express Power to Delegate:</b>		<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO			
<b>Express Power or Duty Delegated:</b>		<i>Local Government Act 1995:</i> 6.56 Rates or service charges recoverable in court			
<b>Delegate:</b>		<b>Chief Executive Officer</b>			
<b>Function:</b>		Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction.			
<b>Council Conditions on this Delegation:</b>		Nil.			
Compliance Links:		Policy 303 Debt collection			
Record Keeping:		Exercise of authority to be recorded in TRIM.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.2526 Recovery of Rates Debts – Require Lessee to Pay Rent

<b>Delegator:</b>		Local Government			
<b>Express Power to Delegate:</b>		<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO			
<b>Express Power or Duty Delegated:</b>		<i>Local Government Act 1995:</i> 6.56 Rates or service charges recoverable in court			
<b>Delegate:</b>		<b>Chief Executive Officer</b>			
<b>Function:</b>		<ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Town.</li> <li>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice.</li> </ol>			
<b>Council Conditions on this Delegation:</b>		Nil.			
Compliance Links:		Policy 303 Debt collection			
Record Keeping:		Exercise of authority to be recorded in TRIM.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.



1.1.2627

Recovery of Rates Debts – Actions to Take Possession of Land

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 6.64(1) & (3) Actions to be taken 6.69(2) Right to pay rates, service charges and costs, and stay proceedings 6.71 Power to transfer land to Crown or local government 6.74 Power to have land revested in Crown if rates in arrears 3 years				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years, including: <ol style="list-style-type: none"> <li>a. lease the land, or</li> <li>b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>i. cause the land to be transferred to the Crown; or</li> <li>ii. cause the land to be transferred to the Town.</li> </ol> </li> </ol> </li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears.</li> <li>3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under 6.56, as 6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.				
Compliance Links:	Policy 303 Debt collection				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

**1.1.2728**      **Rate Record – Objections**

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 6.76 Grounds of objection				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record.</li> <li>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must not be party to any determination under this Delegation.				
Compliance Links:	Policy 303 Debt collection				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.2829 Extension of Time for Objections Against a Decision

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <del>9.40</del> <u>5</u> Objection may be lodged				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to extend the time for a person to make an objection to a decision.				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 1.1.2930 Appointment of an Acting Chief Executive Officer

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 5.36 Local Government Employees 5.39 Contracts for CEO and senior employees				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Appointment of an Acting Chief Executive Officer.				
<b>Council Conditions on this Delegation:</b>	<p><del>1. The Town employee appointed to act must be a senior employee holding the title of Chief.</del></p> <p><del>2. The Chief appointed to act as Chief Executive Officer at the discretion of the Chief Executive Officer, subject to performance and dependent on availability and operational requirements.</del></p> <p><del>3. Appointments to the role of Acting Chief Executive Officer under this delegation may not be for a period longer than three months without the approval of Council.</del></p> <p><del>4. The Chief Executive Officer is to advise the Council when a Chief is to be appointed as Acting Chief Executive Officer. Appointments must be in accordance with Policy 005 Acting Chief Executive Officer</del></p>				
Compliance Links:	<del>Nil.</del> <u>Policy 005 Acting Chief Executive Officer</u>				

Record Keeping:		Exercise of authority to be recorded in TRIM.			
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

## Division 1.3 – Other Resolutions of Council Authorising Officers

### 1.3.1 Execution of Documents

<b>Delegator/Authoriser:</b>	Local Government
<b>Express Power to Delegate/Authorise:</b>	<i>Local Government Act 1995:</i> Section 9.49A(4) authorisation to sign documents on behalf of the Town
<b>Express Power or Duty Delegated/Authorised:</b>	<i>Local Government Act 1995:</i> Section 9.49A(4) Execution of documents
<b>Delegate/Authorised Person:</b>	<b>Chief Executive Officer, Chiefs and Managers, including any persons appointed as Acting in relation to any such position.</b>
<b>Function:</b>	<p><del>authorises the Chief Executive Officer, Chiefs and Managers Authority to sign documents on behalf of the Town subject to the following conditions:-</del></p> <p><del>This authorisation is also extended to any person acting in a role authorised by this resolution.</del></p> <p><del>..</del></p>
<b>Council Conditions on this Delegation/Authorisation :</b>	<p><del>A person authorised by this resolution</del>1. Documents may only <del>sign documents</del>be signed where <del>it</del>the execution of the document:</p> <p>a. <del>is not inconsistent with a decision of the Council or any policy established by a decision of the Council;</del></p> <p>b. <del>is consistent with:- the scope of any relevant powers delegated to the CEO, including any maximum monetary amount for a transaction; and</del></p> <p>c. <del>is consistent with the annual budget; and-</del></p> <p><del>their existing delegations or sub-delegation or, a resolution of Council.-</del></p> <p><del>their relevant threshold for financial approval, and-</del></p> <p>2. A document for the purposes of <del>this resolution</del>this authorisation and the above conditions on this authorisation includes, but is not limited to, any contract, memorandum of understanding, agreement, undertaking, application, lease, deed, grant application or grant receipt, deal, compact, tender and certificate. <del>This authorisation is also extended to any person acting in a role authorised by this resolution.</del></p>
<b>Compliance Links:</b>	Nil.
<b>Record Keeping:</b>	Documents executed to be recorded in TRIM.

**Commented [TG1]:** For accuracy it would be appropriate to substitute "delegate" with "authorised person" in this instance

**Commented [TG2]:** Has the Town considered whether it wants to extend the authorisation to permitting the execution of documents as deeds by the authorised signatories under section 9.49A(5)?

<u>Version</u>	<u>Approved, Amended, Rescinded</u>	<u>Date</u>	<u>Authority</u>	<u>Resolution Number</u>	<u>Key Changes/Notes</u>
<u>1</u>	<u>Approved</u>	<u>21/5/2019</u>	<u>Council</u>	<u>87/2019</u>	<u>Adopted.</u>
<u>2</u>	<u>Amended</u>		<u>Council</u>		

**1.3.2 Use of the common seal**

<b>Delegator/Authoriser:</b>	Local Government
<b>Express Power to Delegate/Authorise:</b>	<u>Local Government Act 1995:</u> Section 9.49A(2) authorisation to affix the common seal
<b>Express Power or Duty Delegated/Authorised:</b>	<u>Local Government Act 1995:</u> Section 9.49A(3) affixing the common seal to documents
<b>Delegate/Authorised person:</b>	<b>Mayor and Chief Executive Officer, including any person appointed as Acting in relation to either position.</b>
<b>Function:</b>	Authority to affix the common seal of the Town of Victoria Park to duly execute documents.
<b>Council Conditions on this Delegation/Authorisation:</b>	<p>1. A document for the purposes of the authorisation and the above conditions <del>to this authorisation</del> also includes, but is not limited to:</p> <p>a. a licence to occupy lease, or sub-lease to:</p> <p>i. <del>enable:</del></p> <p>    i. a tenant to exercise a further term option;</p> <p>ii. <del>enable a tenant to enter into a new lease in accordance with the relevant delegation,</del></p> <p>iii. <del>enable a</del> a tenant to obtain the lessors consent for a matter set out in the lease, <del>or;</del> and</p> <p>iv. <del>enable</del>iii. a sub-lease to be granted.</p> <p>iv. the disposal of property where it constitutes a renewal of a current lease or a licence to occupy with the same counter party or the successor to that counter party.</p> <p>b. <del>any document associated with a residential tenancy agreement;</del></p> <p>c. <del>any documents for a new, lost or replacement title over land, or to take possession of land;</del></p> <p>d. <del>any caveats, permanent or temporary, consistent with:</del></p> <p>    i. a decision of the Council <del>resolutions;</del> <del>or decisions taken under delegation or</del></p> <p>    iii. a resolution of a Joint Development Assessment Panel (JDAP) or <del>a resolution of</del> the Western Australian Planning Commission (WAPC); and</p>

**Commented [TG3]:** Covered by 2(b) above

**Commented [TG4]:** This is covered by condition 2(b) above.

<p><del>5. Approves, enabling the authorisation in point 4 subject</del> Town to take possession of land for the purpose of public works</p> <p><del>the following conditions:</del></p> <p><del>4. Authorises the Mayor and Chief Executive Officer to affix 2. The affixing of the common seal to: is to be in the presence of, and signed by both, the Mayor and the CEO (or the person appointed as Acting in relation to either position).</del></p> <p><del>a. any documents associated</del> 3. Documents may only have the common seal affixed, where the execution of the document:</p> <p>a. is not inconsistent with a decision of the Council or any policy established by a decision of the Council;</p> <p>b. is consistent with the scope of any relevant powers delegated to the Chief Executive Officer, including any maximum monetary amount for a transaction; and</p> <p>c. is consistent with either –</p> <p>i. the annual budget;</p> <p>ii. a prior decision of Council;</p> <p>iii. a delegation; or</p> <p>iv. a resolution of the JDAP or WAPC, as applicable to the document in question.</p> <p><del>a. must be consistent with the annual budget or a prior decision of Council or a delegation or as per the resolution of JDAP or WAPC</del> b. 5. this authorisation is also extended to any person acting in a role authorised by this resolution</p> <p><del>c. Where does not permit the affixing of the common seal results from to execute documents for the purpose of the following, which instead require a specific decision of the use of delegation, the Mayor may refer a decision to Council at their discretion</del></p>					
Compliance Links: Nil.					
Record Keeping: Documents executed to be recorded in TRIM.					
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved		Council		

**Commented [TG5]:** This is covered in the authorised persons row above.

**Commented [TG6]:** The Mayor could only do this through a notice of motion and this instrument could not bind a councillor or Mayor to this. It would be more appropriate to retain the parameters around this authorisation and where it could not be used then by default it is up to the CEO/administration to put it to the Council or for councillors to take it upon themselves to initiate a notice of motion.



At its meeting on 21 May 2019 Council resolved:

That Council:-

3. Authorises the Chief Executive Officer, Chiefs and Managers to sign documents on behalf of the Town subject to the following conditions:-
  - a. A person authorised by this resolution may only sign documents where:-
    - i. it is consistent with the annual budget; and
    - ii. their existing delegations or sub-delegations; and
    - iii. up to the delegation for financial approval.
  - c. A document for the purposes of this resolution includes, but is not limited to, any contract, memorandum of understanding, agreement, undertaking, application, lease, deed, grant application or grant receipt, deal, compact, tender and certificate.
  - d. This authorisation is also extended to any person acting in a role authorised by this resolution.

**1.3.3 Certificates under sections 39 of the Liquor Control Act 1988**

<b>Authoriser:</b>	Local Government				
<b>Express Power to Authorise:</b>	<i>Local Government Act 1995:</i> Section 9.49A(4) authorisation to sign documents on behalf of the Town				
<b>Express Power Authorised:</b>	<i>Liquor Control Act 1988:</i> Section 39 Certificate of local government as to whether premises comply with laws				
<b>Authorised Persons:</b>	<b>Chief Executive Officer</b> <b>Chief Community Planner</b> <b>Manager Development Services</b> <b>Principal Building Surveyor</b> <b>Principal Environmental Health Officer</b>				
<b>Function:</b>	Authority to issue the "Certificate of local government as to whether premises comply with laws" under section 39 of the Liquor Control Act 1988				
<b>Council Conditions on this Authorisation :</b>	Nil.				
Compliance Links:	Nil.				
Record Keeping:	Documents executed to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved		Council		

**Commented [TG7]:** For accuracy it would be appropriate to substitute "delegate" with "authorised person" in this instance

### 1.3.4 Certificates under sections 40 of the Liquor Control Act 1988

<b><u>Authoriser:</u></b>	<u>Planning Authority</u>				
<b><u>Express Power to Authorise:</u></b>	<u>Local Government Act 1995:</u> Section 9.49A(4) authorisation to sign documents on behalf of the Town				
<b><u>Express Power Authorised:</u></b>	<u>Liquor Control Act 1988:</u> Section 40 Certificate of planning authority as to whether use of premises complies with planning laws				
<b><u>Authorised Person:</u></b>	<b><u>Chief Executive Officer</u></b> <b><u>Chief Community Planner</u></b> <b><u>Manager Development Services</u></b> <b><u>Urban Planning Coordinator</u></b>				
<b><u>Function:</u></b>	Authority to issue the "to issue the "Certificate of planning authority as to whether use of premises complies with planning laws" under section 40 of the Liquor Control Act 1988				
<b><u>Council Conditions on this Authorisation :</u></b>	<u>Nil.</u>				
<b><u>Compliance Links:</u></b>	<u>Nil.</u>				
<b><u>Record Keeping:</u></b>	<u>Documents executed to be recorded in TRIM.</u>				
<b><u>Version</u></b>	<b><u>Approved, Amended, Rescinded</u></b>	<b><u>Date</u></b>	<b><u>Authority</u></b>	<b><u>Resolution Number</u></b>	<b><u>Key Changes/Notes</u></b>
1	Approved		Council		

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## Part 2 – Local Laws

### Division 2.1 - Council to the CEO

#### 2.1.1 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000

<b>Delegator:</b>	Local Government			
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO			
<b>Express Power or Duty Delegated:</b>	<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>			
<b>Delegate:</b>	<b>Chief Executive Officer</b>			
<b>Function:</b>	<del>Administration</del> <u>All functions of the local government under the of</u> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>			
<b>Council Conditions on this Delegation:</b>	Nil.			
<b>Sub Delegation</b>	See Division 2.2			
Compliance Links:	Nil.			
Record Keeping:	Exercise of authority to be recorded in TRIM.			
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Key Changes/Notes</b>
<u>1</u>	Approved	21/5/2019	Council	87/2019

## 2.1.2 Dog Local Law 2018

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Dog Local Law 2018</i>				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<del>All functions of the local government under the Administration of Dog Local Law 2018</del>				
<b>Council Conditions on this Delegation:</b>	<del>Nil. Exercise of delegation must be consistent with Council Resolution 71/2019.</del>				
<b>Sub Delegation</b>	See Division 2.2				
Compliance Links:	<del>N</del> Nil.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

## 2.1.3 ~~Fencing Local Law 2000~~ Local Laws Relating to Fencing 2000

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Fencing Local Law 2000</i>				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<del>All functions of the local government under the Administration of Local laws Relating to Fencing 2000</del> <del>Fencing Local Law 2000</del>				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Sub Delegation</b>	See Division 2.2				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

#### 2.1.4 Health Local Law 2003

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Health Local Law 2003</i>				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<u>All functions of the local government under the Administration of Health Local Law 2003</u>				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Sub Delegation</b>	See Division 2.2				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

#### 2.1.5 Local Government Property Local Law 2000

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Local Government Property Local Law 2000</i>				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<u>All functions of the local government under the Administration of Local Government Property Local Law 2000</u>				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Sub Delegation</b>	See Division 2.2				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

## 2.1.6 Parking and Parking Facilities Local Law 2008

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Parking and Parking Facilities Local Law 2008</i>				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<u>All functions of the local government under the Administration of</u> <i>Parking and Parking Facilities Local Law 2008</i>				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Sub Delegation</b>	See Division 2.2				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

## Part 3 – Building Act 2011 Delegations

### Division 3.1 – Council to CEO

#### 3.1.1 Grant a Building Permit

<b>Delegator:</b>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> 127 Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> 18 Further Information 20 Grant of building permit 22 Further grounds for not granting an application 27 Impose Conditions on Permit <i>Building Regulations 2012:</i> 23 Application to extend time during which permit has effect. 24 Extension of time during which permit has effect. 26 Approval of new responsible person
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application.</li> <li>2. Authority to grant or refuse to grant a building permit.</li> <li>3. Authority to impose, vary or revoke conditions on a building permit.</li> <li>4. Authority to determine an application to extend time during which a building permit has effect: <ol style="list-style-type: none"> <li>a. subject to being satisfied that work for which the building permit was granted has not been completed; or</li> <li>b. the extension is necessary to allow rectification of defects of works for which the permit was granted.</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit.</li> <li>6. Authority to impose any condition on the building permit extension that could have been imposed..</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Compliance Links:</b>	<i>Building Act 2011</i> 119 Building and demolition permits – application for review by SAT 23 Time for deciding application for building or demolition permit 17 Uncertified application to be considered by building surveyor <i>Building Regulations 2012</i> 25 Review of decision to refuse to extend time during which permit has effect (32(3)) – reviewable by SAT



		<i>Building Services (Registration Act) 2011 – Section 7</i> <i>Home Building Contracts Act 1991 –</i> Part 3A, Division 2 Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage <del>of Western Australia Act 1990</del> Act 2018</i>			
Record Keeping:		Exercise of authority to be recorded in TRIM.			
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 3.1.2 Grant a Demolition Permit

<b>Delegator:</b>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> 127 Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> 18 Further Information 21 Grant of demolition permit 22 Further grounds for not granting an application 27 Impose Conditions on Permit <i>Building Regulations 2012:</i> 23 Application to extend time during which permit has effect. 24 Extension of time during which permit has effect. 26 Approval of new responsible person
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application.</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all section 21(1) of the <i>Building Act 2011</i> requirements have been satisfied.</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit.</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect: <ol style="list-style-type: none"> <li>a. subject to being satisfied that work for which the demolition permit was granted has not been completed; or</li> <li>b. the extension is necessary to allow rectification of defects of works for which the permit was granted.</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit.</li> <li>6. Authority to impose any condition on the demolition permit extension that could have been imposed under section 27 of the <i>Building Act 2011</i>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
Compliance Links:	<i>Building Act 2011</i> 119 Building and demolition permits – application for review by SAT 23 Time for deciding application for building or demolition permit <i>Building Services (Complaint Resolution and Administration) Act 2011</i> Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 2018-1990</i>

Record Keeping:		Exercise of authority to be recorded in TRIM.			
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 3.1.3 Occupancy Permits and Building Approval Certificates

<b>Delegator:</b>	Permit Authority (Local Government)				
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> 127 Delegation: special permit authorities and local government				
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> 55 Further information 58 Grant of occupancy permit, building approval certificate 62 Conditions imposed by permit authority 65 Extension of period of duration <i>Building Regulations 2012:</i> 40 Extension of period of duration of time limited occupancy permit or building approval certificate				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application.</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate.</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit.</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	<i>Building Act 2011</i> 59 time for granting occupancy permit or building approval certificate 60 Notice of decision not to grant occupancy permit or grant building approval certificate 121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011</i> Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 2018/1990</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

**3.1.4 Designate ~~Employees-employees~~ as ~~Authorised-authorised Persons~~persons, approved officers and authorised officers**

<b>Delegator:</b>	Permit Authority (Local Government)				
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> 127 Delegation: special permit authorities and local government				
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> 96 Authorised persons 99 Limitation on powers of authorised person <u><i>Building Regulations 2012</i></u> <u><i>70 Approved officers and authorised officers</i></u>				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person.</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person.</li> <li>3. <u><i>Authority to appoint approved officers and authorised officers for the purposes of the Building Act 2011 and Building Regulations 2012.</i></u></li> </ol>				
<b>Council Conditions on this Delegation:</b>	Decisions under this delegated authority should be in accordance with 5 of the <i>Building Regulations 2012</i> .				
Compliance Links:	<i>Building Act 2011:</i> 97 requires each person designated as an authorised person must have an identity card. <i>Building Regulations 2012</i> 5A Authorised persons <u><i>70 Approved officers and authorised officers</i></u>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

### 3.1.5 Building Orders

<b>Delegator:</b>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> 127 Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> 110 A permit authority may make a building order 111 Notice of proposed building order other than building order (emergency) 117 A permit authority may revoke a building order or notify that it remains in effect 118 Permit authority may give effect to building order if non-compliance 133 A permit authority may commence a prosecution for an offence against this Act
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure.</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions.</li> <li>3. Authority to revoke a building order.</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order ; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease.</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order.</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Decisions under this delegated authority should be in accordance with 5 of the <i>Building Regulations 2012</i> .
Compliance Links:	<i>Building Act 2011:</i> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order

		Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - 122 Building orders – application for review by SAT			
Record Keeping:		Exercise of authority to be recorded in TRIM.			
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 3.1.6 Inspection and Copies of Building Records

<b>Delegator:</b>	Permit Authority (Local Government)				
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> 127 Delegation: special permit authorities and local government				
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> 131 Inspection, copies of building records				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to determine an application from an interested person to inspect and copy a building record.				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	<i>Building Act 2011</i> - 146 Confidentiality				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.



### 3.1.7 Referrals and Issuing Certificates

<b>Delegator:</b>	Permit Authority (Local Government)				
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> 127 Delegation: special permit authorities and local government				
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> 145 Local Government Functions				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under 17(1) to a building surveyor who is not employed by the local government.</li> <li>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Town's District.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	<i>Building Act 2011</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 3.1.8 Private Pool Barrier – Alternative and Performance Solutions

<b>Delegator:</b>	Permit Authority (Local Government)				
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> 127 Delegation: special permit authorities and local government				
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> 51 Approvals by permit authority				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1.</li> <li>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability.</li> <li>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement.</li> <li>4. Authority to reject those alternative requirements in functions 1 to 3 above where the relevant criteria are considered to have not been satisfied.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	<i>Building Act 2011</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	16/7/2019	Council	134/2019	Item 11.2

### 3.1.9 Smoke Alarms – Alternative Solutions

<b>Delegator:</b>	Permit Authority (Local Government)				
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> 127 Delegation: special permit authorities and local government				
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> 55 Terms Used (alternative building solution approval) 61 Local Government approval of battery powered smoke alarms				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning.</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval.</li> <li>3. Authority to reject alternative building solutions which do not meet the performance requirement of the Building Code relating to fire detection and early warning.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	<i>Building Act 2011</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	16/7/2019	Council	134/2019	Item 11.2

## Part 4 - Bush Fires Act 1954

### Division 4.1 – Council to CEO and other Officers

#### 4.1.1 Control of Operations Likely to Create Bush Fire Danger

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> 48 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> 27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> 39C Welding and cutting apparatus, use of in open air 39CA Bee smoker devices, use of in restricted or prohibited burning times etc. 39D Explosives, use of 39E Fireworks, use of				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Bush Fire Control Officer</b> <b>Deputy Chief Bush Fire Control Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>a. a person operating a bee smoker device during a prescribed period.</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc.</li> <li>c. a person using explosives.</li> <li>d. a person using fireworks.</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning). Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Express Power to Sub-Delegate:</b>	Sub-delegation is prohibited by section 48(3).				
Compliance Links:	<i>Bush Fires Act 1954</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

#### 4.1.2 Firebreaks

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> 48 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> 33 Local government may require occupier of land to plough or clear fire-breaks				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Town: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions.</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with.</li> <li>3. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Express Power to Sub-Delegate:</b>	Sub-delegation is prohibited by section 48(3).				
Compliance Links:	<i>Bush Fires Act 1954</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

#### 4.1.3 Appoint Bush Fire Control Officers and Fire Weather Officer

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> 48 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> 38 Local Government may appoint bush fire control officer				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> <li>a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed.</li> </ol> </li> <li>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Town.</li> <li>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of section 38(17).</li> <li>4. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Express Power to Sub-Delegate:</b>	Sub-delegation is prohibited by section 48(3).				
Compliance Links:	<i>Bush Fires Act 1954</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

#### 4.1.4 Recovery of Expenses Incurred through Contraventions of this Act

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> 48 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> 58 General penalty and recovery of expenses incurred				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Bush Fire Control Officer</b>				
<b>Function:</b>	Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Town or those on behalf of the Town to do.				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Express Power to Sub-Delegate:</b>	Sub-delegation is prohibited by section 48(3).				
Compliance Links:	<i>Bush Fires Act 1954</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

#### 4.1.5 Prosecution of Offences

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> 48 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> 59 Prosecution of offences				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Bush Fire Control Officer</b>				
<b>Function:</b>	Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act.				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Express Power to Sub-Delegate:</b>	Sub-delegation is prohibited by section 48(3).				
Compliance Links:	<i>Bush Fires Act 1954:</i> 65 Proof of certain matters 66 Proof of ownership or occupancy				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.



#### 4.1.6 Authority to Serve Infringement Notices

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> 48 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> 59A Alternative procedure – infringement notices				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Bush Fire Control Officer</b> <b>Deputy Chief Bush Fire Control Officer</b> <b>Bush Fire Control Officer</b>				
<b>Function:</b>	Authority to serve an infringement notice for an offence against this Act.				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Express Power to Sub-Delegate:</b>	Sub-delegation is prohibited by section 48(3).				
Compliance Links:	<i>Bush Fires Act 1954:</i> 65 Proof of certain matters 66 Proof of ownership or occupancy				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

#### 4.1.7 Withdrawal of Infringement Notices

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> 48 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> 59A Alternative procedure – infringement notices				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Financial Officer</b> <b>Manager Corporate Services</b> <b>Chief Bush Fire Control Officer</b>				
<b>Function:</b>	Authority to withdraw an infringement notice for an offence against this Act.				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Express Power to Sub-Delegate:</b>	Sub-delegation is prohibited by section 48(3).				
<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> 65 Proof of certain matters 66 Proof of ownership or occupancy				
<b>Record Keeping:</b>	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

## Part 5 – Cat Act 2011

### Division 5.1 – Council to CEO

#### 5.1.1 Cat Registrations

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> 44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> 9 Registration 10 Cancellation of registration 11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, clause 1(4) Fees Payable
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration.</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application.</li> <li>3. Authority to cancel a cat registration.</li> <li>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed.</li> <li>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Town's District.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Compliance Links:	<i>Cat Regulations 2012</i> 11 Application for registration prescribes the Form of applications for registration. 12 Period of registration 13 Changes in registration 14 Registration certificate 15 Registration tags  Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> .
Record Keeping:	Exercise of authority to be recorded in TRIM.

<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 5.1.2 Cat Control Notice

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> 44 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> 26 Cat control notice may be given to cat owner				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Town's District.				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	<i>Cat Regulations 2012</i> 20 Cat control notice, prescribes the Form of the notice				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

#### 5.1.4 Appoint Authorised Persons

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> 44 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> 48 Authorised persons				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to appoint authorised persons by issuing a certificate of authorisation.				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	N/A				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

### 5.1.5 Applications to Keep Additional Cats

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> 44 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> 8 Application to keep additional number of cats 9 Grant of approval to keep additional number of cats				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application.</li> <li>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application.</li> <li>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Notices of decisions must include advice as to Review rights in accordance with 11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .				
Compliance Links:	<i>Cat (Uniform Local Provisions) Regulations 2013</i> <i>Health Local Law 2003</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

## Part 6 – Dog Act 1976

### Division 6.1 – Council to CEO

#### 6.1.1 Refuse or Cancel Registration

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> 10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> 15 Registration periods and fees 16 Registration procedure 17A If no application for registration made 17 Refusal or cancellation of registration
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any.</li> <li>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> <li>a. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or</li> <li>b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</li> <li>c. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept</li> <li>d. the dog is required to be microchipped but is not microchipped; or</li> <li>e. the dog is a dangerous dog.</li> </ol> </li> <li>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Town's District.</li> </ol>
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Compliance Links:	<i>Dog Act 1976</i> 17A If no application for registration made – procedure for giving notice of decision under s.16(3)  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – 16A, 17(4) and (6)



		<i>Dog Local Law 2018</i>			
Record Keeping:		Exercise of authority to be recorded in TRIM.			
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

## 6.1.2 Seize Dog

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> 10AA Delegation of local government powers and duties				
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> 15 Registration periods and fees 16 Registration procedure 17A If no application for registration made 17 Refusal or cancellation of registration				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed.</li> <li>2. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.				
Compliance Links:	<i>Dog Act 1976</i> 17A If no application for registration made – procedure for giving notice of decision under s.16(3)  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – 16A, 17(4) and (6)  <i>Dog Local Law 2018</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 6.1.3 Appoint Authorised Persons

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> 10AA Delegation of local government powers and duties				
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> 11 Staff and Services				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act.</li> <li>2. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act.</li> </ol>				
<b>CEO Conditions on this Sub-Delegation:</b>	N/A				
Compliance Links:	<i>Dog Act 1976</i> <i>Dog Local Law 2018</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

#### 6.1.4 Recovery of Moneys Due Under this Act

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> 10AA Delegation of local government powers and duties				
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> 29 Power to seize dogs				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable.				
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.				
Compliance Links:	<p><i>Dog Act 1976</i></p> <p>Includes recovery of expenses relevant to:</p> <p>30A(3) Operator of dog management facility may have dog microchipped at owner's expense</p> <p>33M Local government expenses to be recoverable.</p> <p>47 Veterinary service expenses recoverable from local government</p> <p><i>Dog Regulations 2013</i></p> <p>31 Local government expenses as to dangerous dogs (declared)</p> <p><i>Dog Local Law 2018</i></p>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 6.1.5 Dispose of or Sell Dogs Liable to be Destroyed

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> 10AA Delegation of local government powers and duties				
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> 29 Power to seize dogs				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to dispose of or sell a dog which is liable to be destroyed.				
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>2. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</li> </ol>				
Compliance Links:	<i>Dog Act 1976</i> <i>Dog Local Law 2018</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 6.1.6 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> 10AA Delegation of local government powers and duties				
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> 33F Owners to be notified of making of declaration 33G Seizure and destruction 33H Local government may revoke declaration or proposal to destroy				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog.</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog.</li> <li>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act.</li> <li>4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>2. Delegation not to be exercised by Officer who declared a dog to be a dangerous dog.</li> </ol>				
Compliance Links:	<i>Dog Act 1976</i> <i>Dog Local Law 2018</i>  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 6.1.7 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> 10AA Delegation of local government powers and duties				
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> 33H Local government may revoke declaration or proposal to destroy				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke: a. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed.				
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>Delegation not to be exercised by Officer who declared a dog to be a dangerous dog.</li> </ol>				
Compliance Links:	<i>Dog Act 1976</i> <i>Dog Local Law 2018</i>  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 6.1.8 Determine Recoverable Expenses for Dangerous Dog Declaration

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> 10AA Delegation of local government powers and duties				
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> 33M(1)(a) Local Government expenses to be recoverable				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under section 15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous.				
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.				
Compliance Links:	<i>Dog Act 1976</i> <i>Dog Local Law 2018</i>  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.



## Part 7 - Food Act 2008 Delegations

Note: There is no power of sub-delegation under the Food Act 2008, all delegations are made directly by Council to employees.

### Division 1 – Council to Employees

#### 7.1.1 Determine Compensation

<b>Delegator:</b>	Enforcement Agency (Local Government)				
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 118 Functions of enforcement agencies and delegation				
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> 56 Compensation to be paid in certain circumstances 70 Compensation				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Community Planner</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned.</li> <li>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. In accordance with 118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>2. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$1000. Compensation requests above this value are to be reported to Council.</li> </ol>				
<b>Sub-Delegation:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.				
Compliance Links:	<i>Food Act 2008</i>  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

## 7.1.2 Prohibition Orders

<b>Delegator:</b>	Enforcement Agency (Local Government)				
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 118 Functions of enforcement agencies and delegation				
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> 65 Prohibition orders 66 Certificate of clearance to be given in certain circumstances 67 Request for re-inspection				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Community Planner</b> <b>Manager Development Services</b> <b>Principal Environmental Health Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with 65 of the Food Act 2008.</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices.</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	In accordance with 118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.				
<b>Sub-Delegation:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.				
Compliance Links:	<i>Food Act 2008</i>  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

### 7.1.3 Food Business Registrations

<b>Delegator:</b>	Enforcement Agency (Local Government)				
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 118 Functions of enforcement agencies and delegation				
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> 110 Registration of food business 112 Variation of conditions or cancellation of registration of food businesses				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Community Planner</b> <b>Manager Development Services</b> <b>Principal Environmental Health Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration.</li> <li>2. Authority to vary the conditions or cancel the registration of a food business.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	<p>In accordance with 118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul>				
<b>Sub-Delegation:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.				
Compliance Links:	<i>Food Act 2008</i>				
	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

### 7.1.4 Appoint Authorised Officers and Designated Officers

<b>Delegator:</b>	Enforcement Agency (Local Government)				
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 118 Functions of enforcement agencies and delegation				
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> 122 Appointment of authorised officers 126 Infringement Officers				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008.</li> <li>2. Authority to appoint an Authorised Officer appointed under 122(2) of this Act or the 24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i>.</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by 126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties 126(6) and determining withdrawal of an infringement notice 126(7).</li> </ol>				
<b>Council Conditions on this Delegation:</b>	<p>In accordance with 118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors</li> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul>				
<b>Sub-Delegation:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.				
Compliance Links:	<i>Food Act 2008</i> 122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers  123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

### 7.1.5 Debt Recovery and Prosecutions

<b>Delegator:</b>	Enforcement Agency (Local Government)				
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 118 Functions of enforcement agencies and delegation				
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> 54 Cost of destruction or disposal of forfeited item 125 Institution of proceedings				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Community Planner</b> <b>Manager Development Services</b> <b>Principal Environmental Health Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs and the costs of any subsequent proceedings in a court of competent jurisdiction.</li> <li>2. Authority to institute proceedings for an offence under the Food Act 2008.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	In accordance with 118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.				
<b>Sub-Delegation:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.				
Compliance Links:	<i>Food Act 2008</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

### 7.1.6 Food Businesses List – Public Access

<b>Delegator:</b>	Enforcement Agency (Local Government)				
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 118 Functions of enforcement agencies and delegation				
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> 51 Enforcement agency may make list of food				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Community Planner</b>				
<b>Function:</b>	Authority to decide to make a list of food businesses maintained under section 115 publicly available.				
<b>Council Conditions on this Delegation:</b>	In accordance with 118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.				
<b>Sub-Delegation:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation.				
Compliance Links:	<i>Food Act 2008</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

## Part 8 – Graffiti Vandalism Act 2016 Delegations

### Division 1 – Council to CEO

#### 8.1.1 Give Notices Requiring Obliteration of Graffiti

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> 16 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> 18 Notice requiring removal of graffiti 19 Additional powers when notice is given				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice.</li> <li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	<i>Graffiti Vandalism Act 2016</i>  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 8.1.2 Notices – Deal with Objections and Give Effect to Notices

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> 16 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> 22 Objection may be lodged 24 Suspension of effect of notice				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice.</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>a. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken; and</li> <li>b. to give notice to the affected person, before taking the necessary actions.</li> </ol> </li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	<i>Graffiti Vandalism Act 2016</i>  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.



### 8.1.3 Obliterate Graffiti on Private Property

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> 16 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> 25 Local government graffiti powers on land not local government property				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent.				
<b>Council Conditions on this Delegation:</b>	Subject to exercising Powers of Entry.				
Compliance Links:	<i>Graffiti Vandalism Act 2016</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 8.1.4 Powers of Entry

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> 16 Delegation by local government				
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> 28 Notice of entry 29 Entry under warrant				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required.</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	<i>Graffiti Vandalism Act 2016</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

## Part 9 – Public Health Act 2016 Delegations

Note: There is no power of sub-delegation under the Public Health Act 2016, all delegations are made directly by Council to employees.

### Division 1 – Council to Employees

#### 9.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regulations)

<b>Delegator:</b>	Local Government				
<b>Express Power to Delegate:</b>	<i>Health (Asbestos) Regulations 1992:</i> 15D Infringement Notices				
<b>Express Power or Duty Delegated:</b>	<i>Health (Asbestos) Regulations 1992:</i> 15D Infringement Notices				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> .				
<b>Council Conditions on this Delegation:</b>	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notice.				
<b>Sub Delegation</b>	Nil. <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.				
Compliance Links:	<i>Criminal Procedure Act 2004 – Part 2</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

## 9.1.2 Enforcement Agency Reports to Chief Health Officer

<b>Delegator:</b>	Enforcement Agency (Local Government)				
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> 21 Enforcement agency may delegate				
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> 22 Reports by and about enforcement agencies				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Community Planner</b> <b>Manager Development Services</b> <b>Principal Environmental Health Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Town.</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Sub Delegation</b>	Nil. Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated.				
Compliance Links:	<i>Public Health Act 2016</i> 20 Conditions on performance of functions by enforcement agencies.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

### 9.1.3 Designate Authorised Officers

<b>Delegator:</b>	Enforcement Agency (Local Government)
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> 21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> 24 Designation of authorised officers
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> <li>a. The <i>Public Health Act 2016</i> or other specified Act;</li> <li>b. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act;</li> <li>c. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ol> <p>Including:</p> <ol style="list-style-type: none"> <li>d. an environmental health officer or environmental health officers as a class; OR</li> <li>e. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>f. a mixture of the two.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Subject to each person so appointed being; <ul style="list-style-type: none"> <li>• Appropriately qualified and experienced; and</li> <li>• Issued with a certificate, badge or identity card identifying the authorised officer</li> </ul> </li> <li>b. A Register (list) of authorised officers is to be maintained in accordance with section 27.</li> </ol>
<b>Sub Delegation</b>	Nil. Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated.
<b>Compliance Links:</b>	<i>Public Health Act 2016</i> 20 Conditions on performance of functions by enforcement agencies. 25 Certain authorised officers required to have qualifications and experience. 26 Further provisions relating to designations 27 Lists of authorised officers to be maintained 28 When designation as authorised officer ceases 29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers 30 Certificates of authority 31 Issuing and production of certificate of authority for purposes of other written laws

		<p>32 Certificate of authority to be returned.  136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></p>			
Record Keeping:		Exercise of authority to be recorded in TRIM.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.

#### 9.1.4 Determine Compensation for Seized Items

<b>Delegator:</b>	Enforcement Agency (Local Government)				
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> 21 Enforcement agency may delegate				
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> 264 Compensation				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Community Planner</b>				
<b>Function:</b>	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value.				
<b>Council Conditions on this Delegation:</b>	Compensation is limited to a maximum value of \$1000, with any proposal for compensation above this value to be referred for Council's determination.				
<b>Sub Delegation</b>	Nil. Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated.				
Compliance Links:	<i>Public Health Act 2016</i> 20 Conditions on performance of functions by enforcement agencies.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

### 9.1.5 Commence Proceedings

<b>Delegator:</b>	Enforcement Agency (Local Government)				
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> 21 Enforcement agency may delegate				
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> 280 Commencing Proceedings				
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Chief Community Planner</b> <b>Manager Development Services</b> <b>Principal Environmental Health Officer</b>				
<b>Function:</b>	Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i>				
<b>Council Conditions on this Delegation:</b>	Nil.				
<b>Sub Delegation</b>	Nil. Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated.				
Compliance Links:	<i>Public Health Act 2016</i> 20 Conditions on performance of functions by enforcement agencies.				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.



## Part 10 – Planning and Development Act 2005 and Associated Functions

### Division 1 - Council to CEO - Planning and Development Act 2005

#### 10.1.1 Illegal Development

<b>Delegator:</b>	Responsible Authority (Local Government)				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005:</i> 214 Illegal development, responsible authority's powers as to				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>a. to remove, pull down, take up, or alter the development; and</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>				
<b>Council Conditions on this Delegation:</b>	Nil.				
Compliance Links:	<i>Planning and Development Act 2005</i>				
Record Keeping:	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

### 10.1.2—Appointment of Designated Persons

<b>Delegator:</b>	Responsible Authority (Local Government)				
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> 5.42 Delegation of some powers or duties to the CEO				
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005:</i> 234 Designated persons, appointment of				
<b>Delegate:</b>	<b>Chief Executive Officer</b>				
<b>Function:</b>	Appoint persons or classes of persons as designated persons for the purposes of sections 228, 229, 230 and 231 of the <i>Planning and Development Act 2005</i> .				
<b>Council Conditions on this Delegation:</b>	A persons who is authorised to give infringement notices under section 228 is not eligible to be a designated person for the purposes of any of the other sections.				
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> 5.44 CEO may delegate some powers and duties to other employees				
<b>Sub-Delegate/s:</b>	Nil.				
<b>CEO Conditions on this Sub-Delegation:</b>	Nil				
<b>Compliance Links:</b>	<i>Planning and Development Act 2005</i>				
<b>Record Keeping:</b>	Exercise of authority to be recorded in TRIM.				
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.

## Division 2 – Council to CEO – Town Planning Scheme No.1

### 10.2.1 Determination of Applications for Development Approval

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2, Clause 82 Delegations by local government</i>
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2:</i></p> <p><u>61. Development for which development approval is not required</u></p> <p>62. Form of application</p> <p>63. Accompanying material</p> <p>64. Advertising applications</p> <p>65. Subsequent approval of development</p> <p>66. Consultation with other authorities</p> <p>67. Matters to be considered by local government</p> <p>68. Determination of applications</p> <p>69. Application not to be refused if development contribution plan not in place</p> <p>70. Form and date of determination</p> <p>71. Commencement of development under development approval</p> <p>72. Temporary development approval</p> <p>73. Scope of development approval</p> <p>74. Approval subject to later approval of details</p> <p>75. Time for deciding application for development approval</p> <p>76. Review of decisions</p> <p>77. Amending or cancelling development approval</p> <p><i>Town Planning Scheme No.1</i></p>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<p>1. Authority to determine applications for development approval, including the exercise of discretion under Town Planning Scheme No. 1, the Residential Design Codes, Local Planning Policies and other planning instruments, with the exception of the following:</p> <ul style="list-style-type: none"> <li>a. Applications requiring the exercise of a discretion under Clause 29 of TPS 1 by "Absolute Majority";</li> <li>b. Applications for a non-residential development that are not supported by Council Officers, but excluding minor additions/alterations (see condition 2.d. below);</li> <li>c. Applications for modification to a development approval previously considered by Council where the modifications increase the extent of non-compliance approved by Council, or result in a non-compliance</li> </ul>

	<p>issue that cannot be dealt with under delegated authority;</p> <p>d. Applications for a change of use to an Unlisted Use or building works to an Unlisted Use;</p> <p>e. Applications for a change of use from a non-conforming use to another non-conforming use, or building works to a building with a non-conforming use, but excluding minor additions/alterations (see condition 2.d. below);</p> <p>f. Applications for development approval (where required) which propose demolition of an existing building that is:</p> <ul style="list-style-type: none"> <li>i. listed in the State Register of Heritage Places; or</li> <li>ii. listed in the Town's Municipal Heritage Inventory;</li> </ul> <p>g. Applications which propose either a parking shortfall (in the case of a new development) or a net increase in an existing parking shortfall where the shortfall is not supported by Council Officers.</p> <p>h. Applications where the Town is not the determining authority.</p> <p>2. Make recommendations to the Western Australian Planning Commission in relation to applications for subdivision and/or amalgamation and process applications for subdivision clearance.</p> <p>3. Authority to refer and/or make recommendations to the Western Australian Planning Commission, Department of Planning, Lands and Heritage (DPLH), Department of Biodiversity, Conservation and Attractions (DBCA), Heritage Council WA and other government departments and instrumentalities in relation to applications for land use or development., except those considered by the delegate or sub-delegate to be major or requiring Council consideration.</p> <p>4. Perform all functions associated with applications for review to the State Administrative Tribunal including preparing responses and representing Council except as outlined in Local Planning Policy 28.</p> <p>5. Acknowledge existing use for purpose of application for development approval where current approval documentation is not available.</p>
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	<p>6. Approve or refuse Form <a href="#">24-15A</a> and Form <a href="#">26-15C</a> applications for built strata subdivisions, acting on behalf of the Western Australian Planning Commission.</p> <p><del>7. Complete requests for Section 40 'Certificate of Local Planning Authority' under the <i>Liquor Control Act 1988</i>.</del></p> <p><u>7.</u> Make recommendations to the Metropolitan Central Joint Development Assessment Panel in relation to DAP applications, following community consultation (where required under Council Policy and consideration if required by the Design Review Panel.</p> <p>8. <a href="#">Authority to approve a temporary work or temporary use in accordance with Clauses 61(1)(f) and 61(2)(d) respectively of the Planning and Development (Local Planning Schemes) Regulations 2015.</a></p>
<p><b>Council Conditions on this Delegation:</b></p>	<p>1. This delegation is not to be exercised:</p> <ul style="list-style-type: none"> <li>a. where three (3) or more Elected Members have submitted a written request to the CEO for the application to be referred to Council for determination ("call-in"); or</li> <li>b. for applications which in the opinion of the Chief Community Planner or Manager Development Services are major or should be considered by Council, or may have the potential to impact upon the community;</li> </ul> <p>2. Subject to condition 1, this delegation may be exercised in relation to:</p> <ul style="list-style-type: none"> <li>a. The approval or refusal of an application for new residential dwellings, or works associated with or incidental to residential dwellings; or</li> <li>b. Applications where one or more objections are received and the delegated Officer has determined that the objections : <ul style="list-style-type: none"> <li>i. cannot be upheld as the development or the specific variations that were the subject of consultation satisfy relevant objectives or design principles; or</li> <li>ii. are not planning considerations: or</li> <li>iii. do not relate to the matters that were the subject of consultation; or</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>iv. have or can be addressed through amended plans or conditions;</li> <li>c. The approval or refusal of applications for signs, or the refusal of 'X' (prohibited) uses; or</li> <li>d. The approval or refusal of applications for minor additions/alterations to the development types listed in clauses b and e; or</li> <li>e. Applications for an amendment to a development approval which seek to extend the period of time within which the development is to substantially commence; or</li> <li>f. Amendments to DAP applications where the applicant has requested the application to be determined by the Town provided that the exceptions listed above do not apply; or</li> <li>g. Parking shortfalls, subject to function 1. g. In exercising this discretion, Council Officers are to have regard to the following matters in determining the acceptability of the parking provided : <ul style="list-style-type: none"> <li>i. The extent of the shortfall;</li> <li>ii. Where provided, a parking needs/demand assessment prepared by the applicant, providing specific details of the nature of the use, hours of operation, number of staff, likely patronage etc;</li> <li>iii. Whether the development delivers a good urban design outcome or public benefit eg. Improved street activation; retention of mature on-site trees; retention of a building of heritage importance;</li> <li>iv. Whether the development is within 400m of a high frequency bus route or train station;</li> <li>v. Whether the development is within 400m of a public car park;</li> <li>vi. Written justification from the applicant in support of the proposed car parking provision;</li> <li>vii. Demonstrated availability of on-street parking;</li> <li>viii. The provision of end-of-trip facilities;</li> <li>ix. The reciprocal use of car bays between uses on the same site where the demand for parking will not coincide;</li> </ul> </li> </ul>
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	<p style="text-align: center;">x. Any other matters considered relevant.</p> <p>h. Applications where under Local Planning Policy 23 'Parking' the on-site car parking provision is at Council's discretion as there is no prescribed parking requirement for the development proposed. In considering the adequacy of the parking provision, Council Officers are to have regard to the same criteria listed in condition g.</p>				
Compliance Links:		<i>Planning and Development Act 2005</i>			
Record Keeping:		Exercise of authority to be recorded in TRIM.			
<b>Version</b>	<b>Approved, Amended, Rescinded</b>	<b>Date</b>	<b>Authority</b>	<b>Resolution Number</b>	<b>Key Changes/Notes</b>
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	16/7/2019	Council	134/2019	Item 11.2