Shire of Wyndham-East Kimberley Delegations Register (including Council appointed authorised persons & officers)

Version: V13.2

REVIEW

Reviewed by	Date approved	References
Council	15 Apr 2025	V13.0 Review Adopted by Council Decision Number: 15/04/2025 - 119177, Item 1.2.2.
Chief Executive Officer	19 Feb 2026	V13.1 Amendment to 1.2.26 Sub Delegates and conditions approved by CEO Decision Number: 19/02/2026 - CEO078
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INTRODUCTION

Introduction

This register contains instruments related to:

- delegation; and
- the appointment of authorised persons.

The application of these powers permits the efficient, effective and timely delivery of services in accordance with legislation that is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

Delegation is a formal means of empowering one entity to perform functions and duties thatare otherwise reserved in legislation for another entity. Delegation is a tool used in government atall levels to enable the efficient and effective delivery of services whileensuring clarity regarding who is permitted to perform specific discretionaryfunctions.

The appointment of authorised persons is a similar but distinct concept. Legislation occasionally enables adecision-making body or source of authority to appoint persons to perform specific tasks on their behalf. In this case, the authorising entity does not have the power themselves to perform the task and can only authorise others to do so. Legislative provisions related to enforcement often employ the appointment of authorised persons.

Local government exercises many of its functions through a combination of delegated powers and authorisations. This includes functions under the LocalGovernment Act 1995 (the Act) but also legislation related to planning, dogs, cats, health, building, bush fire prevention and management and food safety.

Definitions

The terms used throughout this register are defined below:

Delegate is the person (named by position title or office) or entity 'appointed' by the delegator, to act in place of the delegator for the purpose of exercising anexpress power or duty.

Delegation is the process, prescribed in legislation, for assigning authority to exercise an express power or duty from the delegate to another person (named by position title or office) or an entity (the Delegate).

Delegator is the person (named by position title or office) or entity in which the written law vests an Express Power or Duty whom delegates that Express Power or Duty.

Express Power or **Duty** means a power or duty written (expressly) in legislation.

Express Power to Delegate is a power (procedure) written (expressly) in legislation that enables the devolution of an Express Power or Duty from a Delegator to a Delegate.

Head of Power means legislation, which contains an express power to delegate and/or an express power or duty.

Instrument ofDelegation is the written form of a delegation. Legislation requires delegation be provided in writing. The instrument of delegation communicates the delegation from the Delegator to the Delegate.

Sub-delegate means the person (named by position or title or office) or entity to which a Delegate has sub-delegated a power or duty, which has been delegated to that Delegate by the Delegator.

Authorisations are the written form that conveys an authorisation to an Authorised person.

Conditions are descriptions of when the delegation / authorisation can / cannot be used or the time frame for which the delegation / authorisation is valid.

Special Requirements are Additional requirements imposed by legislation.

Foundation for the Delegation

Section 59 of the *Interpretation Act 1984* prescribes the framework for how delegated authority must be structured in Western Australian law:

1. The written law (Head of Power) must include an Express Power to Delegate, which specifically enables a person (the Delegator) to make a delegation.

2. In that same written law, there must be an Express Power or Duty conferred or imposed on the Delegator and it must be capable of being delegated. This means that the power or duty proposed for delegation must be written in the same law as the Express Power to Delegate; and that written law must not prohibit the power or Duty from being delegated or contain limitations or conditions, which the proposed delegation exceeds.

3. The power to delegate cannot be delegated.

4. Delegations must be in writing (the instrument of delegation).

5. Delegations must be advised to the Delegate in writing.

The requirements for delegation prescribed in the *Interpretation Act 1984*, apply to all delegations under Western Australian Law, including the Act and all other Acts under which Local Government has duties and powers.

Review of Delegations

Section 5.46 of the Act requires that a review of the delegations made under the Act occurs at least once every financial year. In line with good governance principles, it is important that delegations and authorisations are reviewed regularly to ensure currency. The Shire reviews this register and instruments contained annually.

Standard Conditions of Delegations

All delegations are subject to the following Standard Conditions:

1. In exercising delegation all Officers or Committees to whom authority has been delegated, shall comply with any laws and regulations in force, and the requirements of any Shire of Wyndham East Kimberley local laws, Council policies and resolutions of Council.

2. In exercising delegation all Officers or Committees to whom authority has been delegated shall exercise the delegation in accordance with any budget authority where applicable.

3. In accordance with Section 5.71 of the Act and the Shire of Wyndham East Kimberley's Code of Conduct, If an employee has been delegated a power or duty relating to a matter in which the employee has an interest, that employee must not exercise the power or discharge the duty and must in the case of the CEO, disclose to the Shire President the nature of the interest, and in the case of any other employee, must disclose to the CEO the nature of the interest. The Act contains severe penalties for failure to comply.

Records of Actions and Decisions

It is a statutory requirement to maintain a record of each decision made under delegated authority. Documents relating to delegated authority decisions shall as a minimum, record:

- Date the decision was exercised;
- Name of the officer/committee exercising the decision;
- Description of how the person exercised the power or discharged the duty, including where appropriate, any directions to staff to carry out work associated with the decision unless those directions are included in policies, corporate guidelines or the delegation register;
- Notation of the people or class of people directly affected by the decision (other than Council or committee members or employees of the Shire).

The above requirements shall be incorporated into the Shire's record keeping system.

Matters Which Cannot Be Delegated

The following are decisions that cannot be delegated by Council to the Chief Executive Officer as per section 5.43 of the Act.

- Any power or duty that requires a decision of an absolute majority of the Council;
- Accepting a tender which exceeds an amount determined by the local government;
- Appointing an auditor;
- Acquiring or disposing of any property valued at an amount determined by the local government;
- Any of the local government's powers under section 5.98, 5.98A, 5.99A, 5.99 and 5.100 of the Act (*these relate to fees, expenses and allowances for Elected Members*);
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in section 9.5;
- The power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government
- Any power or duty that requires the approval of the Governor or Minister; or
- Any other duty or power that may be prescribed.

Furthermore, the following regulations prescribe powers and duties which cannot be delegated to the Chief Executive Officer:

- Regulation 18G of the *Local Government (Administration) Regulations 1996* prohibits the delegation to a CEO of the powers and duties under:

a. Sections 7.12A(2), 7.12A(3)(a) and 7.12A(4) of the *Local Government Act 1995* (relating to meetings with auditors); and
b. Regulations 18C and 18D (relating to the selection and appointment of Chief Executive Officer's and reviews of their performance)

- Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a Chief Executive Officer) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

Delegations by the Chief Executive Officer to an Employee

Section 5.44(1) of the Actallows for the Chief Executive Officer to delegate any of the powers to another employee other than the power of delegation. This must be done in writing as per section 5.44(2). The Act also allows for the Chief Executive Officer toplace conditions on any delegations if desired under section 5.44(4).

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year as per section 5.46(1) and (2) ofthe Act. If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority isexercised as per section 5.46(3) of the Act.

The record is to containthe following information:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty under Regulation 19 of *Local Government (Administration) Regulations 1996*.

Business units responsible for a work process are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the Chief Executive Officer where applicable, once approved through a signed authority by the Chief Executive Officer.

A person to whom a power isdelegated under the Act is considered to be a 'designated employee' undersection 5.74(1) of the Act and is required to complete a primary and annual return each year.

There is no power for aperson other than the Chief Executive Officer to delegate a power as stated insection 5.44(1) of the Act.

Officers must refer torelevant legislation prior to making any decisions under delegated authority.

Acting Through Another Person

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

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing –

1. *local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or*
2. *a Chief Executive Officer from performing any of his or her functions by acting through another person.*

The key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. Thus, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to “act through” another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

Authorised Persons & Officers

Under certain legislation,Council is not able to delegate the responsibility for appointing authorisedpersons to the Chief Executive Officer. In these instances, appointment ofauthorised persons must be approved directly by Council. Although these authorisationsdo not have delegated authority, they are included in this register for ease ofreference and review.

Legislation can empower theappointment of authorised persons and officers to perform certain tasks. The appointment of an authorised person istypically, but not always, used in legislation to appoint classes of personsfor the purposes of enforcing legislation. An authorisation is not a delegation and has its own set of requirementsthat are specified in the relevant head of power. These can include, but are not always, therequirement to be issued a certificate or identification card.

Authorised officers must beaware of their powers and responsibilities related to the exercising of theirduties. These powers andresponsibilities are summarised in the compliance link for each respectiveauthorisation.

DELEGATIONS

01. LOCAL GOVERNMENT ACT 1995 DELEGATIONS

Delegation	**1.1.1. Audit and Risk Committee**
Category	01. LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express power or duty delegated	*Local Government Act 1995*: s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Function	1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: a. examine the report of the Auditor and determine matters that require action to be taken by the Shire of Wyndham East Kimberley; and b. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 3. Authority to review and endorse the Shire of Wyndham East Kimberley's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Delegates	Audit, Risk and Improvement Committee
Conditions	This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be directed to the Council.
Express power to subdelegate	Nil. Sub-delegation is prohibited by s.7.1B.
Statutory framework	Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees
Policy	MOR-2000 Audit and Risk Committee Terms of Reference
Record keeping	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

01.2. COUNCIL TO CEO

Delegation	**1.2.1. Authorise a Persons to Perform Specified Functions under the Local Government Act 1995**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties tothe CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.24 Authorising persons under thisSubdivision s.3.31(2) General Procedure for enteringproperty s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may betaken s.9.24(1)(c) and (2)(b) Prosecutions,commencing *Local Government (Miscellaneous Provisions) Act 1960:* s.449 Pounds, establishing; poundkeepers and rangers, appointing
Function	1. Authority to authorise persons for the purposes of Part 3, Division 3, Subdivision 2 – Certain provisions about land - to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24] 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)] 3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. 4. Authority to authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws made under the Local Government Act 1995 [s.9.24(1)(c) and (2)(b)]. 5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)]. 6. Authority to appoint fit and proper persons as poundkeepers or rangers [Misc.Prov.s.449].
Delegates	Chief Executive Officer
Conditions	a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions. c. Authorisations areto be provided in writing by issuing a Certificate of Authorisation.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees.

Subdelegates	Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	*LL-3005 Dogs Local Law 2003* *LL-3008 Activities in Thoroughfares and PublicPlaces Trading Local Law 2005*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley records system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.2. Performing Functions Outside the District**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.20(1) Performing functions outside district
Function	Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Delegates	Chief Executive Officer
Conditions	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision. b. Where the above condition is not met, the matter must be referred for Council decision. c. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation Register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Operating Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	POL-1011 Risk and Opportunity Management
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley records system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.3. Compensation - Damage Incurred when Performing Executive Functions**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.22(1) Compensation s.3.23 Arbitration
Function	1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Delegates	Chief Executive Officer
Conditions	a. Delegation is limited to settlements which do not exceed a material value of $2,000. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and commentary section of this Delegation register. c. Council shall be informed of the details whenever this delegation is exercised.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Operating Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley records system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.4. Powers of Entry**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties tothe CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function	1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Delegates	Chief Executive Officer
Conditions	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. b. When exercising authority to authorise persons under s.3.31(2): • A register of Authorisations is to be maintained as a Local Government Record. • Only persons who are appropriately qualified and trained may be appointed as Authorised persons. • Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Operating Officer Manager Engineering and Assets Manager Planning and Regulatory Services Regulatory Services Officer Senior Building Surveyor Senior Environmental Health Officer Senior Planning Officer Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.

Statutory framework	Delegates are designated employees unders.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995*: Authorise person – refer s.3.31(2)] Part 3, Division 3, Subdivision 3 – prescribesstatutory processes for Powers of Entry s.3.34(2) Entry in an emergency
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley records system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.5. Declare Vehicle is Abandoned Vehicle Wreck**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.40A(4) Abandoned vehicle wreck may be taken
Function	Declare that an impounded vehicle is anabandoned vehicle wreck [s.3.40A(4)].
Delegates	Chief Executive Officer
Conditions	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision. b. Standard Conditions of Delegationsas outlined in the Definitions, Introduction and Commentary section of this Delegation register. **NOTE:** declared abandoned vehicle wreck may only beremoved and impounded by a person duly authorised under s.3.40A(1). Authorityto appoint authorised person for this purpose may be delegated refer DelegatedAuthority 1.2.1 Authorise Persons to Perform Specified Functions.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley records system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.6. Confiscated or Uncollected Goods**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties tothe CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods,disposal of s.3.48 Impounding expenses, recovery of
Function	1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	Chief Executive Officer
Conditions	a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than $20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register. **NOTE:** declared abandoned vehicle wreck may only be removed and impounded by aperson duly authorised under s.3.40A(1). Authority to appoint authorised personfor this purpose may be delegated - refer Delegated Authority 1.2.1 AuthorisePersons to Perform Specified Functions.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995*: Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to thesale of goods under s.3.47 as if they were property referred to in that section.
Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley records system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.7. Disposal of Sick or Injured Animals**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties tothe CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Function	1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	Chief Executive Officer
Conditions	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *LL-3005 Dogs Local Law 2003*
Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley records system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
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Delegation	**1.2.8 Close Thoroughfares to Vehicles**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties tothe CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.50 Closing certain thoroughfares tovehicles s.3.50A Partial closure of thoroughfare forrepairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Function	1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 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 [s3.51].
Delegates	Chief Executive Officer
Conditions	a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] (relevant to the Townsite). c. Limited to temporary road closures only. Permanent closure of roads must be determined by Council and subject to compliance with Land Administration Act 1987, s.58. d. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and dutiesto other employeesLocalGovernment Act 1995: s.5.44 CEO may delegate some powers and dutiesto other employees

Subdelegates	Chief Operating Officer Manager Engineering and Assets Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Land Administration Act 1987* *LL-3008 Activities in Thoroughfares and Public Places Trading Local Law 2005*
Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley records system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.9. Control Reserves and Certain Unvested Facilities**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function	1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Wyndham East Kimberley that the Shire of Wyndham East Kimberley could do under s.5 of the Parks and Reserves Act 1895. [s.3.54 (1)].
Delegates	Chief Executive Officer
Conditions	a. Limited to matters where the financial implications do not exceed a relevant andcurrent budget allocation and which do not create a financial liability in future budgets. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	*LL-3004 Property Local Law* *POL-3004 Alcohol Management* *LPP15 Signage*
Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley records system.
Date adopted	15 April 2025

Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.10. Obstruction of Footpaths and Thoroughfares**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties tothe CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996*: r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1cl. 3(1)(a) r.7A Obstruction of public thoroughfare byfallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Function	1. Authority to determine, by written notice served on a person who is carrying outplastering, painting or decorating operations (the work) over or near afootpath 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: a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5 (2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse toprovide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallenfrom the land or from anything on the land, which is obstructing a publicthoroughfare [ULP r.7A]. 5. Authority to requirean owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Delegates	Chief Executive Officer
Conditions	1. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996.* 2. Permission may only be granted where, the proponent has: i. Whereappropriate, obtained written permission from each owner of adjoining oradjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponentdoes not satisfactorily make good public assets damaged by the obstruction atthe completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protectionof public safety and amenity. 3. Standard Conditions ofDelegations as outlined in the Definitions, Introduction and Commentary sectionof this Delegation register.

Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Operating Officer Manager Engineering and Assets Manager Operations Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare *Local Government (Uniform Local Provisions) Regulations 1996* Penalties under the Uniform Local Provisions Regulations are administered in accordancewith Part 9, Division 2 of the *Local Government Act 1995* *LL-3008 Activities in Thoroughfares and Public Places Trading Local Law 2005*
Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley records system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
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Delegation	**1.2.11. Gates Across Public Thoroughfares**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996*: r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function	1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9 (6)].
Delegates	Chief Executive Officer
Conditions	1. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996.* 2. Each approval provided must be recorded in the Shire of Wyndham East Kimberley's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8. 3. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Operating Officer Manager Engineering and Assets Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Uniform Local Provisions) Regulations 1996*– prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* *LL-3008 Activities in Thoroughfares and Public Places Trading Local Law 2005*
Record keeping	Allactions performed under delegation are: 1.Registered through Attain software or the applicable Shire register; and / or 2.Registered in the Shire of Wyndham East Kimberley's records managementsystem.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.12. Public Thoroughfare – Dangerous Excavations**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996:* r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function	1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Delegates	Chief Executive Officer
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Engineering and Assets
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine andManage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares. *Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures Penaltiesunder the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* *LL-3007 Activities in Thoroughfares and Public Places Trading LocalLaw 2005*
Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
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Last reviewed	15 April 2025

Delegation	**1.2.13. Crossing – Construction, Repair and Removal**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996*: r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function	1. Authority to approve or refuse to approve, applications for the construction of acrossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2. Authority to determine the specifications for construction of crossings to thesatisfaction of the *Local Government* [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person toconstruct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the costof doing so as a debt due from the person [ULP r.13(2)].
Delegates	Chief Executive Officer
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Engineering and Assets
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Uniform Local Provisions) Regulations 1996*– prescribe applicable statutory procedures Penalties under the Uniform Local ProvisionsRegulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* Refer also Delegation 1.4.7 relating to *LL-3008 Activities in Thoroughfares and Public Places Trading Local Law 2005*

Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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Delegation	**1.2.14. Private Works on, over or under Public Places**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: r.17 Private works on, over, or under public places – Sch.9.1 cl.
Function	1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is *local government* property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULPr.17(5)].
Delegates	Chief Executive Officer
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996.* b. Permission may only be granted where, the proponent has i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Engineering and Assets
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.

Statutory framework	Delegates are designated employees under s.5.74 and are required toprovide Primary and Annual Returns. *Local Government (Uniform Local Provisions) Regulations 1996*– prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places Penalties under the Uniform Local Provisions Regulations areadministered in accordance with Part 9, Division 2 of the *Local Government Act 1995* *LL-3008 Activities in Thoroughfares and Public Places Trading Local Law 2005*
Policy	POL-4001 Private Works POL-4002 Private Works and Developments onRoad Verges and Shire Managed Land Fees and Charges Schedule
Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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Delegation	**1.2.15. Expressions of Interest for Goods and Services**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996*: r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptabletenderer
Function	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Delegates	Chief Executive Officer
Conditions	a. Expressions of Interest may only becalled where there is an adopted budget for the proposed goods or services. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer Senior Procurement and Contracts Advisor
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation
Statutory framework	Delegates are designated employees unders.5.74 and are required to provide Primary and Annual Returns. *Local Government (Functions and General) Regulations1996* –prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit
Policy	POL-2005 Purchasing
Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.

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Delegation	**1.2.16. Tenders for Goods and Services – Call Tenders**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	L*ocal Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996*: r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Function	1. Authority to call tenders [F&Gr.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&Gr.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&Gr.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14 (5)].
Delegates	Chief Executive Officer
Conditions	a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where : i. the proposed goods or services are required to fulfil a routine contract related tothe day to day operations of the *Local Government;* or ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. the tender specification includes a provision that the tender will only be awardedsubject to the budget adoption by the Council or the outcome of a successful grant funding application. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer Senior Procurement and Contracts Advisor

Subdelegate conditions	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. b. Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit
Policy	POL-2004 Purchasing POL-2011 Regional Price Preference POL-2012 Pre-Qualified Supplier Panel
Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.17. Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996*: r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejectingand accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Function	1. Authorityto determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authorityto seek clarification from tenderers in relation to information contained intheir tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the $500,000 detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) &(7)]. 6. Authority to determine whether variations in goods and services required are minorvariations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tendereris unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract and does not exceed $500,000 [F&Gr.21A(a)]. 9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Delegates	Chief Executive Officer

Conditions	a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised –consider process contract implications. b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: i. The total consideration under the resulting contract is $500,000 or less; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). c. A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers where invited to supply. d. A decision to vary a tendered contract after entry into the contract [F&G r.21A(a)] must comply with the Shire's POL-2002 Purchasing policy and must include evidence that the variation isnecessary and does not change the scope of the contract. e. A decision to renew or extend the contract must only occur where the originalcontract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term. f. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer Senior Procurement and Contracts Advisor
Subdelegate conditions	1. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. 2. Conditions on thedelegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit
Policy	POL-2004 Purchasing
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174

Last reviewed	15 April 2025

Delegation	**1.2.18. Tenders for Goods and Services - Exempt Procurement**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996*: r.11(2) When tenders have to be publicly invited (exemptions)
Function	1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)].
Delegates	Chief Executive Officer
Conditions	a. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences: i. Adetailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and v. The expense is included in the adopted Annual Budget. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer Senior Procurement and Contracts Advisor
Subdelegate conditions	1. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. 2. Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit
Policy	POL-2004 Purchasing

Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.19. Panels of Pre-Qualified Suppliers for Goods and Services**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government (Functions and General) Regulation 1996*: r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers r.24AJ(1) Contracts with pre-qualified suppliers
Function	1. Authority to determine that a there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&Gr.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation[F&G r.24AD(6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by anapplicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5). 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Delegates	Chief Executive Officer
Conditions	a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is $500,000 or less and the expense is included in the adopted Annual Budget. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.

Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer Senior Procurement and Contracts Advisor
Subdelegate conditions	Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit
Policy	POL-2004 Purchasing POL-2011 Regional Price Preference POL-2012 Pre-Qualified Supplier Panel
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.20. Application of Regional Price Preference Policy**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government (Functions and General) Regulations 1996*: r.24G Adopted regional price preference policy, effect of
Function	Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer Senior Procurement and Contracts Advisor
Subdelegate conditions	1. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. 2. Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	POL-2004 Purchasing POL-2011 Regional Price Preference POL-2012 Pre-Qualified Supplier Panel
Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.21. Renewal or Extension of Contracts during a State of Emergency**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* Regulation 11 'When tenders have to be publicly invited' Tender exemption under sub regulation 11(2)(ja)
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: • contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds $250 000, and • contracts formed through a public tender.
Delegates	Chief Executive Officer
Conditions	a. The authority to apply the renewal or extension option may be exercised where oneor more of the following principles applies: b. This authority may only be exercised where the total consideration for the renewalor extension is $500,000 or less. c. Contracts may only be renewed or extended where there is an adopted andavailable budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advanceby the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c). d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy. e. This authority may only be exercised where the total consideration under theresulting contract is $250,000 or less. f. The CEO cannot sub-delegate this authority. g. As outlined in the Definitions, Introduction and Commentary sectionof this Delegation register.
Express power to subdelegate	Not applicable

Statutory framework	*Local Government (Functions and General) Regulations 1996* WALGA Subscription Service – Procurement Toolkit
Policy	POL-2004 Purchasing POL-2011 Regional Price Preference POL-2012 Pre-Qualified Supplier Panel
Record keeping	Allactions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.22. Procurement of Goods or Services required to address a State of Emergency**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996*: Regulation 11 'When tenders have to be publicly invited' Tender exemption under sub regulation 11(2)(aa) Associated definition under sub regulation 11(3)
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: 1. Determine that particular goods or services with a purchasing value >$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3) (b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Delegates	Chief Executive Officer
Conditions	a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register. f. The CEO cannot sub-delegate this authority.
Statutory framework	*Local Government (Functions and General) Regulations 1996* WALGA Subscription Service – Procurement Toolkit

Policy	POL-2004 Purchasing POL-2011 Regional Price Preference POL-2012 Pre-Qualified Supplier Panel
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.23. Disposing of Property**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.58(2) & (3) Disposing of Property *Local Government (Functions and General) Regulations 1996*: R.30 Dispositions of property excluded from Act s.3.58
Function	1. Authority to dispose of property to: (a) the highest bidder at public auction[s.3.58(2)(a)]. (b) the person who at public tender called bythe local government makes what is considered by the delegate to be, the mostacceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] 2. Authority to dispose of property byprivate treaty only in accordance with section 3.58(3) and prior to thedisposal, to consider any submissions received following the giving of publicnotice [s.3.58(3)]. 3. Authority to dispose of property, thatis prescribed as exempt from the provisions of s.3.58: (a) disposal of land to an adjoining owner,where the market value is less than $5000 and the delegate has determinedthat the land would not be of benefit to anyone other than the adjoiningowner. [F&G.r.30(2)(a)] (b) disposal of land, by lease, to anemployee of the local government for use as the employee's residence[F&G.r.30(2)(d)]. (c) disposal of land, by lease, for a periodof less than 2 years during all or any of which time the lease does not givethe lessee the exclusive use of the land. [F&G..r.30(20 (e)]. (d) disposal of land, by lease, of aresidential property to a person for residential purposes[F&G.r.30(2)(f)]. (e) disposal of property (other than land /buildings), where the property is disposed within 6 months after it has beenunsuccessfully put out to auction, public tender or private treaty viaStatewide public notice [F&G.r.(2A)]. (f) disposal of property, other than land /buildings, where the market value is determined as less than $20,000 [F&Gr.30(3)(a)]. (g) disposal of property, other than land /buildings, where the entire consideration received for the disposal is usedto purchase other property AND the total value of the other property is notmore, or worth more, than $75,000 [F&G.r.30(3)(b)].
Delegates	Chief Executive Officer

Conditions	a. 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. b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a value of less than $10,000. c. When determining the method of disposal: • Where a public auction is determined as the method of disposal: o Reserve price has been set by independent valuation. o 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. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, 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. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: o Negotiate the sale of the property up to a -10% variance on the valuation; and o Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. • A disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government. • A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in context of disposals to other employees of the Local Government. • Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes. d. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer Chief Operating Officer Director Infrastructure & Strategic Projects
Subdelegate conditions	This sub-delegation is restricted to the disposal of items where the book value does not exceed $10,000. Disposal of items via sale is subject to prior approval by the CEO. Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995 – s.3.58 Disposal of Property* *Local Government (Functions and General) Regulations 1995* – r.30Dispositions of property excluded from Act s. 3.58 *Land Administration Act 1987*– where Ministerialapproval is required before Crown Land may be disposed of.

Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.24. Acquisition of Interest in Land by Lease or other Short Term Instrument**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.59 Commercial enterprises by local governments *Local Government (Functions and General) Regulations 1996*: r.8A Amount prescribed for major land transactions; exempt land transactions prescribed r.8 Exempt land transactions prescribed
Function	1. Authority to acquire an interest in land (includes buildings), by lease or other short term instrument ONLY, where the total value of the consideration and anything done by the Shire of Wyndham East Kimberley is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)]. 2. Authority to acquire an interest in land by lease or other short term instrument ONLY through an exempt land transaction [s.3.59(1), r.8(1)]: a. without intending to produce a profit to the Local Government; and b. without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.
Delegates	Chief Executive Officer
Conditions	a. Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than 5 years. b. Delegation is limited to acquisitions that are necessary to achieve an objective determined by Council resolution, including objectives identified in the adopted Corporate Business Plan, a Policy or Strategy and for which an associated budget allocation has been included, and is available, in the Annual Budget. NOTE - Examples of acquisitions necessary to achieve an approved objective may include; hire a venue for a community event or short term lease of storage space for equipment while a refurbishment is completed. c. Where the acquisition total consideration value is greater than $250,000 the value is to be verified by at least one written valuation obtained from a suitably licensed valuer not more than 3-months prior to the execution of the associated acquisition contract. d. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of $500,000 or less. e. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s.9.49A. f. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.

Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* s.3.59 Commercial enterprises by local Government s.9.49A Execution of documents s.6.2 Annual Budget *Corporate Business Plan* as adopted by Council *Local Government (Functions and General) Regulations 1995* – Regulations 8A and 8 *Residential Tenancy Act 1987* *Commercial Tenancy (Retail Shops) Agreements Act 1985*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.25. Payments from the Municipal or Trust Funds**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government (Financial Management) Regulations1996*: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function	Authority to make payments from the municipal or trust funds [FM.r.12(1)(a)].
Delegates	Chief Executive Officer
Conditions	a. Authority to make payments is subject to annual budget limitations. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Financial Officer Chief Operating Officer Executive Manager Airports Executive Manager Human Resources and Safety Manager Community Development Manager Engineering and Assets Manager Finance Manager Operations Senior Procurement and Contracts Advisor
Subdelegate conditions	1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO or Chief Operating Officer. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval. 4. Conditions on the delegation also apply to sub-delegation.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *Local Government (Financial Management)Regulations 1996* - refer specifically r.13 Payments frommunicipal fund or trust fund by CEO, CEO's duties as to etc. *Local Government (Audit) Regulations1996* *Department of Local Government, Industry Regulation and Safety* - *Use of Credit Cards* *Department of Local Government, Industry Regulation and Safety:* *Accounting Manual*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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Delegation	**1.2.26. Defer, Grant Discounts, Waive or Write Off Debts**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.12 Power to defer, grant discounts, waive or write off debts
Function	1. Waive a debt which is owed to the Shire of Wyndham East Kimberley [s.6.12(1)(b)]. 2. Grant a concession in relation to moneywhich is owed to the Shire of Wyndham East Kimberley [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of Wyndham EastKimberley [s.6.12(1)(c)]
Delegates	Chief Executive Officer
Conditions	1. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Wyndham East Kimberley. i. Limited to individual debts valued below $2000. ii. Write off of debts greater than these values must be referred for Council decision. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation Register
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer Manager Finance

Subdelegate conditions	1. The sub-delegate may waive fees and charges that fall within their own directorate or area of operational responsibility 2. The sub-delegate may waive fees or charges administered by another directorate, provided the relevant Line Manager, provides a written request outlining: - the fee or charge proposed to be waived; - the justification and grounds for the waiver; and - the financial impact. The sub-delegate must not approve the waiver unless all the above requirements have been satisfied. 3. A waiver may only be granted where it is to: a. rectify a service failure attributable to the Shire of Wyndham East Kimberley, limited to a cumulative value of less than $2,000 per customer within a financial year; or b. assist a not-for-profit community group or charitable entity to deliver a service, social or cultural outcome within the district. 4. The sub-delegate must comply with POL-3015 Waiver of Fees and Charges for Community Groups and Not-For-Profit Organisations. 5. Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Collection of Rates Debts – refer Delegations: 1.2.27 Write Off Debts (Rates and Service Charges) 1.2.28 Determination of Non-Rateable Land 1.2.29 Agreement as to Payment of Rates and Service Charges 1.2.31 Recovery of Rates or Service Charges 1.2.32 Recovery of Rates Debts – Require Lessee to Pay Rent 1.2.33 Recovery of RatesDebts – Actions to Take Possession of the Land
Policy	POL-2007 Rates and Charges Debt Collection POL-2009 Sundry Debt Collection POL-2016 Financial Hardship - Rates and Sundry Debtors
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Amendments			
Date	**Type**	**Amendment**	**References**
19 Feb 2026	Amended delegation	Amendment to Sub Delegate/s & conditions approved by CEO	Decision Number: 19/02/2026 - CEO078

Delegation	**1.2.27. Power to Invest and Manage Investments**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.14 Power to invest *Local Government (Financial Management) Regulations 1996*: r.19 Investments, control procedures for
Function	1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Delegates	Chief Executive Officer
Conditions	a. All investment activity must comply withthe Financial Management Regulation 19C and Council Policy POL-2003 Investments. b. A report detailing the investmentportfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematicallydocumented and retained in accordance with the Record Keeping Plan and mustinclude references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administrativelyreviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once withinevery 3 financial years. [Audit r.17] e. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer Manager Finance
Subdelegate conditions	1. A decision to invest must be jointly confirmed by two Delegates. 2. Conditions on the delegation also apply to sub-delegation.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Financial Management) Regulations 1996* – r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) r 19 - Investments, control procedures for *Local Government Act 1995* Section 6.14 – Power to invest *Trustees Act 1962* Part III - Investments
Record keeping	All actions performed under delegation are: 1.Registered through Attain software or the applicable Shire register; and / or 2.Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.28. Rate Record Amendment**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.39(2)(b) Rate record
Function	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the currentfinancial year [s.6.39(2)(b)].
Delegates	Chief Executive Officer
Conditions	a. Delegates must comply with therequirements of s.6.40 of the Act. b. Standard Conditions ofDelegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	8 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.29. Agreement as to Payment of Rates and Service Charges**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.49 Agreement as to payment of rates and service charges
Function	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Delegates	Chief Executive Officer
Conditions	1. Decisions under this delegation mustcomply with POL-2007 Rates and Charges Debt Collection & POL-2016 Financial Hardship - Rates and Sundry Debtors. 2. Agreements must be in writing and, subject to the POL-2007 Rates and Charges Debt Collection & POL-2016 Financial Hardship - Rates and Sundry Debtors, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. 3. Standard Conditions of Delegations as outline Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer Manager Finance
Subdelegate conditions	1. Manager Finance to consult with CEO or Chief Operating Officer prior to agreement. 2. Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	POL-2007 Rates and Charges Debt Collection POL-2016 Financial Hardship - Rates and Sundry Debtors
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	8 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174

Last reviewed	15 April 2025

Delegation	**1.2.30. Determine Due Date for Rates or Service Charges**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers orduties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.6.50(2) Rates or service charges due and payable
Function	Authority to determine the date on which rates or service charges become due and payable to the Shire of Wyndham East Kimberley [s.6.50].
Delegates	Chief Executive Officer
Conditions	a. Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget. NOTE - Financial Management Reg.64 specifies that instalment due dates are to be determined when adopting the annual budget. b. Decisions under this delegation are limited to determining due date and instalment due dates applicable to interim rating only. c. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.31. Recovery of Rates or Service Charges**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Function	1. Authority to recover rates or servicecharges, as well as costs of proceedings for the recovery, in a court ofcompetent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) acaveat to preclude dealings in respect of land where payment of rates orservice charges imposed on that land is in arrears [s.6.64(3)].
Delegates	Chief Executive Officer
Conditions	a. Decisions under this delegation must comply with POL-2007 Rates and Charges Debt Collection & POL-2016 FinancialHardship - Rates and Sundry Debtors. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Financial Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. POL-2007 Rates and Charges Debt Collection POL-2016 Financial Hardship - Rates and Sundry Debtors
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.32. Recovery of Rates Debts – Require Lessee to Pay Rent**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.60 Local Government may require lessee to pay rent
Function	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 Shire of Wyndham East Kimberley [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)]
Delegates	Chief Executive Officer
Conditions	a. Decisions under this delegation must comply with POL-2007 Rates and Charges Debt Collection & POL-2016 Financial Hardship - Rates and Sundry Debtors. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* –refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.
Policy	POL-2007 Rates and Charges Debt Collection POL-2016 Financial Hardship - Rates and Sundry Debtors
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174

Last reviewed	15 April 2025

Delegation	**1.2.33. Recovery of Rates Debts - Actions to Take Possession of the Land**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.6.64(1) Actions to be taken s,6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Function	1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: a. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or b. cause the land to be transferred to the Shire of Wyndham East Kimberley [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Delegates	Chief Executive Officer
Conditions	a. Decisions under this delegation must comply with Council Policy POL-2007 Rates and Charges Debt Collection & POL-2016 Financial Hardship - Rates and Sundry Debtors. 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 / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the Local Government Act 1995 d. Council shall be notified when Officers commence actions to take possession of land that will be sold via public auction. e. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* –Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation. *Local Government (Financial Management)Regulations 1996*– regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.
Policy	POL-2007 Rates and Charges Debt Collection POL-2016 Financial Hardship - Rates and Sundry Debtors
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.34. Rate Record – Objections**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.6.76 Grounds of objection
Function	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76 (4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Delegates	Chief Executive Officer
Conditions	1. 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. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Financial Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.2.35. Extend Time for Lodging an Objection**
Category	01.2. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.9.5 Objection may be lodged
Function	1. Authority to extend the time for a person to make an objection regarding a relevant prescribed decision of the Local Government [s.9.5(2)].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Financial Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may bereferred for review by the State Administration Tribunal
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

01.3. CEO TO EMPLOYEES

Delegation	**1.3.1. Determine if an Emergency for Emergency Powers of Entry**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government Act 1995:* s.3.34(2) Entry in emergency
Function	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
Delegates	Chief Operating Officer Director Infrastructure & Strategic Projects Manager Engineering and Assets
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.3.2. Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996*: r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Function	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9: 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b). 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
Delegates	Chief Operating Officer Manager Engineering and Assets Manager Operations Manager Planning and Regulatory Services
Conditions	a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 199*6. c. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil

Statutory framework	This delegated authority is effective only in alignment with Delegated Authority 1.2.9 Obstructions of Footpaths and Thoroughfares. Delegates are designated employeesunder s.5.74 and are required to provide Primary and Annual Returns. *LocalGovernment (Uniform Local Provisions) Regulations 1996* Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* *LL-3008 Activities in Thoroughfares and Public Places Trading Local Law 2005*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.3.3. Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996*: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Function	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12: 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
Delegates	Director Infrastructure & Strategic Projects Manager Engineering and Assets
Conditions	1. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. 2. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 3. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil
Statutory framework	Delegatesare designated employees under s.5.74 and are required to provide Primary and Annual Returns. Thisdelegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. *Local Government (Uniform Local Provisions) Regulations 1996* Penaltiesunder the Uniform Local Provisions Regulations are administered in accordancewith Part 9, Division 2 of the *Local Government Act 1995*. *LL-3008 Activities in Thoroughfares and Public Places Trading Local Law 2005*

Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.3.4. Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Express power or duty delegated	*Local Government (Uniform LocalProvisions) Regulations 1996:* r.17(5)(b) and r.17(6)(c) Private works on,over, or under public places — Sch. 9.1 cl. 8
Function	1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
Delegates	Chief Operating Officer Manager Engineering and Assets Manager Operations Manager Planning and Regulatory Services
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. This delegated authority iseffective only in alignment with Delegated Authority 1.2.14 Private Works on,over or under Public Places
Policy	POL-4001 Private Works POL-4002 Private Works and Developments on Road Verges and Shire Managed Land
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.3.5. Appoint Persons (other than employees) to Open Tenders**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government (Functions and General) Regulations 1996*: r.16(3) Receiving and opening tenders, procedurefor
Function	Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attendthen tender opening [F&G r.16(3)].
Delegates	Chief Financial Officer Senior Procurement and Contracts Advisor
Conditions	a. When exercising authority to authorise persons under F&G.r.16(3): - A register of Authorisations is to be maintained as a Local Government Record. - Only persons who are appropriately qualified and trained may be authorised for this purpose. - Authorisations are to be provided in writing by issuing a Certificate of Authorisation. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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Delegation	**1.3.6. Electoral Enrolment Eligibility Claims and Electoral Roll**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995:* s.5.44CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government Act 1995:* s.4.32(4),(5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34Accuracy of enrolment details to be maintained s.4.35Decision that eligibility to enrol under s.4.30 has ended s.4.37New roll for each election *Local Government (Elections)Regulations 1995:* r.11(1a)Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4)Register - s.4.32(6)
Function	1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13 (2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
Delegates	Chief Financial Officer Governance Officer

Conditions	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7) b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Industry Regulation and Safety: Returning Officer Manual.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.3.7. Destruction of Electoral Papers**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government (Elections) Regulations 1996:* r.82(4) Keeping election papers – s4.84(a)
Function	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
Delegates	Chief Financial Officer Governance Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Industry Regulation and Safety: Returning Officer Manual
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.3.8. Acknowledge Primary and Annual Returns**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Express power or duty delegated	*Local Government Act 1995:* s.5.77Acknowledging receipt of returns
Function	Authority to, on receipt of a Primary or Annual Return under s.5.75 or 5.76, give the person who submitted the Return written acknowledgement of having received the Return.
Delegates	Governance Officer
Conditions	1. Before issuing a written acknowledgement, the Executive Officer to the CEO is to review the content of the Return declaration and consider any probity risks which may be evident from the disclosures in context of the disclosing employee's job role. a. Where any probity risk is identified the Executive Officer to the CEO is to implement appropriate actions in regard to that employee's duties to mitigate the identified risk. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* s.5.88 Register of Financial Interests Department of Local Government, Industry Regulation and Safety, Operational Guideline – Primary and Annual Returns.
Policy	DIR-1022 Code of Conduct for Employees
Record keeping	The original Primary or Annual Return and the acknowledgement is to be retained in the Register of Financial Interests kept in accordance with s.5.88 of the *Local Government Act 1995*.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.3.9. Appoint Authorised Persons**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Express power or duty delegated	*Local Government Act 1995:* s.9.10 Appointment of authorised persons [s.9.10(2)]
Function	Authority to appoint persons or classes of persons as authorised persons [s.9.10(2)] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations: a. *Local Government Act 1995* and its subsidiary legislation, including Local Government Act Regulations, the *Local Government (Miscellaneous Provisions) Act 1960* and Local Laws made under the *Local Government Act 1995*. b. *Caravan Parks and Camping Grounds Act 1995*; c. *Cat Act 2011*; d. *Cemeteries Act 1986*; e. *Control of Vehicles (Off-road Areas) Act 1978*; f. *Dog Act 1976*: g. *Graffiti Vandalism Act 2016* – refer s.15; and h. any other legislation prescribed for the purposes of s.9.10 of the Local Government Act 1995.
Delegates	Chief Operating Officer
Conditions	a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. c. A person to be appointed as authorised officer in accordance with Regulation 70(2) of the *Building Regulations 2012* and section 6(b) of the *Criminal Procedure Act 2004* MUST first be appointed as an authorised person for the purposes of section 9.16 of the *Local Government Act 1995*. d. CEO to be informed when use of delegation is performed. e. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record keeping	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.

Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.3.10. Information to be Available to the Public**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government (Administration) Regulations 1996:* r.29BCopies of certain information not to be provided (Act s.5.96) *Local Government Act 1995:* s.5.95(1)(b) & (3)(b) Limits on right toinspect local government information
Function	1. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 2. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)].
Delegates	Chief Financial Officer Chief Operating Officer Coordinator Customer Service and Records Governance Officer Manager Community Development Manager Planning and Regulatory Services
Conditions	1. This delegation may only be exercised within the scope of the delegate's official duties and responsibilities. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.3.11. Financial Management Systems and Procedures**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government (Financial Management) Regulations 1996:* r.5 CEO's Duties as to financial management
Function	Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: I. Collection of money owed to the Shire of Wyndham East Kimberley; II. Safe custody and security of money collected or held by the Shire of Wyndham East Kimberley; III. Maintenance and security of all financial records, including payroll, stock control and costing records; IV. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; V. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; VI. Making of payments in accordance with Delegated Authority 1.2.25; VII. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
Delegates	Chief Financial Officer Manager Finance
Conditions	a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17] c. When exercising authority to authorise persons under FM.r.5 to incur liabilities: - A register of Authorisations is to be maintained as a Local Government Record. - Only persons who are appropriately qualified and trained may be authorised for this purpose. - Authorisations are to be provided in writing by issuing a Certificate of Authorisation. d. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 Local Government (Financial Management)Regulations 1996 Local Government (Audit) Regulations1996 Department of Local Government, Industry Regulation and Safety: Operational Guideline No.11 – Use of Corporate Credit Cards
Policy	POL-2003 Investments POL-2004 Purchasing POL-2006F ees and Charges Pricing POL-2007 Rates and Charges Debt Collection POL-2008 Corporate Credit Cards POL-2010 Self-Supporting Loans POL-4010 Asset Management
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
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Delegation	**1.3.12. Audit – CEO Review of Systems and Procedures**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government (Audit) Regulations 1996:* r.17 CEO to review certain systems and procedures
Function	Authorityto conduct the review of the appropriateness and effectiveness of the Shire of Wyndham East Kimberley's systems and procedures in relation to: i. risk management; and ii. internal controls; and iii. ilegislative compliance [r.17(1)].
Delegates	Chief Financial Officer
Conditions	1. Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil
Statutory framework	Delegatesare designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government (Audit) Regulations1996.*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
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Last reviewed	15 April 2025

Delegation	**1.3.13. Infringement Notices**
Category	01.3. CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government Act 1995:* s.9.13(6)(b)Onus of proof in vehicle offences may be shifted s.9.19Extension of Time s.9.20Withdrawal of Notice *Building Regulations 2012:* Regulation 70(1A), (1), (2) Approved officersand authorised officers
Function	1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
Delegates	Chief Operating Officer Manager Planning and Regulatory Services Senior Building Surveyor
Conditions	1. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. 2. Delegation for Dog Act, Cat Act & Local Laws Infringement Notices are limited to the following listed positions ONLY: - Director Planning and Community Development - Manager Planning and Regulatory Services 3. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a precondition for appointment as an "Approved Officer" in accordance with Building Regulation 70(1) for the purposes of the *Criminal Procedure Act 2004* section 6(a) and *Building Act 2011* Infringement Notices: - Manager Planning and Regulatory Services - Senior Building Surveyor NOTE: **Delegates must also be appointed as an "Approved Officer"** – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10. 4. This delegation may only be exercised within the scope of the delegate's official duties and responsibilities. 5. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.

Express power to subdelegate	Nil
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

01.4. LOCAL LAW DELEGATIONS TO THE CEO

Delegation	**1.4.1. Extractive Industries Local Law**
Category	01.4. LOCAL LAW DELEGATIONS TO THE CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	All the powers conferred in *LL-3000 Extractive Industries Local Law*.
Function	All the powers conferred on the local government in *LL-3000 Extractive Industries Local Law* to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Operating Officer Manager Engineering and Assets Manager Planning and Regulatory Services
Subdelegate conditions	1. Conditions on the delegation also apply to sub-delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the *Local Government Act 1995*.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *LL-3000 Extractive Industries Local Law 2003*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.4.2. Fencing Local Law**
Category	01.4. LOCAL LAW DELEGATIONS TO THE CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	All the powers conferred in *LL-3001 Fencing Local Law*.
Function	All the powers conferred on the local government in *LL-3001 Fencing Local Law* to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Operating Officer Manager Engineering and Assets Manager Planning and Regulatory Services Ranger Senior Building Surveyor Senior Planning Officer Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	1. Conditions on the delegation also apply to sub-delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the *Local Government Act 1995*.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *LL-3001 Fencing Local Law 2017*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174

Last reviewed	15 April 2025

Delegation	**1.4.3. Health (Food) Local Law**
Category	01.4. LOCAL LAW DELEGATIONS TO THE CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	All the powers conferred in *LL-3002 Health (Food) Local Law*.
Function	All the powers conferred on the local government in *LL-3002 Health (Food) Local Law* to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Operating Officer Environmental Health Officer Manager Planning and Regulatory Services Regulatory Services Officer Senior Environmental Health Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the *Local Government Act 1995*.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *LL-3002 Health (Food) Local Law 2009*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.4.4. Health Local Laws**
Category	01.4. LOCAL LAW DELEGATIONS TO THE CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	All the powers conferred in *LL-3003 Health Local Law*.
Function	All the powers conferred on the local government in *LL-3003 Health Local Law* to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Operating Officer Environmental Health Officer Manager Planning and Regulatory Services Regulatory Services Officer Senior Environmental Health Officer
Subdelegate conditions	1. Conditions on the delegation also apply to sub-delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the *Local Government Act 1995*.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *LL-3003 Health Local Law 2003*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.4.5. Property Local Law**
Category	01.4. LOCAL LAW DELEGATIONS TO THE CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	All the powers conferred in *LL-3004 Property Local Law*
Function	All the powers conferred on the local government in *LL-3004 Property Local Law* to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Operating Officer Coordinator Airport Operations and Compliance Environmental Health Officer Executive Manager Airports Leading Hand Landfill Manager Engineering and Assets Manager Operations Manager Planning and Regulatory Services Ranger Regulatory Services Officer Senior Building Surveyor Senior Environmental Health Officer Senior Planning Officer Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	1. Conditions on the delegation also apply to sub-delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the *Local Government Act 1995*.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *LL-3004 Property Local Law 2003*

Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.4.6. Dogs Local Law**
Category	01.4. LOCAL LAW DELEGATIONS TO THE CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	All the powers conferred in *LL-3005 Dog Local Law*.
Function	All the powers conferred on the local government in the *LL-3005 Dog Local Law* to determine applications, issue and apply conditions to approvals, consents, permits,licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	1. Conditions on the delegation also apply to sub-delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the *Local Government Act 1995*.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *LL-3005 Dogs Local Law 2003*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.4.7. Activities in Thoroughfares and Public Places and Trading Local Law**
Category	01.4. LOCAL LAW DELEGATIONS TO THE CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	All the powers conferred in *LL-4000 Activities in Thoroughfares and Public Places Trading Local Law.*
Function	All the powers conferred on the local government in *LL-4000 Activities in Thoroughfares and Public Places Trading Local Law* to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertakeenforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Operating Officer Manager Engineering and Assets Manager Planning and Regulatory Services Ranger Regulatory Services Officer Senior Building Surveyor Senior Planning Officer Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	1. Conditions on the delegation also apply to sub-delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the *Local Government Act 1995.*
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *LL-4000 Activities in Thoroughfares and Public Places Trading Local Law 2005.*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174

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Delegation	**1.4.8. Bush Fire Brigade Local Law**
Category	01.4. LOCAL LAW DELEGATIONS TO THE CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	All the powers conferred in *LL-3006 Bush Fire Brigade Local Law*
Function	All the powers conferred on the local government in the Bush Fire Brigade Local Law to determine applications, issue and apply conditions to approvals, consents,permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Regulatory Services Officer Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	1. Conditions on the delegation also apply to sub-delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the *Local Government Act 1995*.
Statutory framework	Delegates aredesignated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *LL-3006 Bush Fire Brigade Local Law 2017*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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Last reviewed	15 April 2025

Delegation	**1.4.9. Cemeteries Local Law**
Category	01.4. LOCAL LAW DELEGATIONS TO THE CEO
Delegator	Local Government
Express power or duty delegated	All the powers conferred in *LL-4000 Cemeteries Local Law*.
Function	All the powers conferred on the local government in the Cemeteries Local Law to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Administration Officer Operations Chief Operating Officer Manager Operations Manager Planning and Regulatory Services Ranger Senior Administration Officer Infrastructure
Subdelegate conditions	1. Conditions on the delegation also apply to sub-delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the *Local Government Act 1995*.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *LL-4000 Cemeteries Local Law 2003*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**1.4.10. Parking and Parking Facilities Local Law**
Category	01.4. LOCAL LAW DELEGATIONS TO THE CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	All the powers conferred in the *LL-3007 Parking and Parking Facilities Local Law*.
Function	All the powers conferred on the local government in the Parking and Parking Facilities Local Law to determine applications, issue and apply conditions to approvals,consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	1. Conditions on the delegation also apply to sub-delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the *Local Government Act 1995*.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* *LL-3007 Parking and Parking Facilities Local Law 2003*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

02.1. COUNCIL TO CEO

Delegation	**2.1.1. Grant a Building Permit**
Category	02.1. COUNCIL TO CEO
Delegator	Permit Authorty (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1)& (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1)and (3) Impose Conditions on Permit *Building Regulations 2012:* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person(s.35(c))
Function	1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authoritiesand local governments (powers of sub-delegation limited to CEO)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Regulatory Services Officer Senior Building Surveyor
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.

Statutory framework	*Building Act 2011* s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor *Building Regulations 2012* – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT *Building Services (Registration Act) 2011* – Section 7 *Home Building Contracts Act 1991* – Part 3A, Division 2 – Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage Act 2018*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**2.1.2. Demolition Permits**
Category	02.1. COUNCIL TO CEO
Delegator	Permit Authorty (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1)& (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit *Building Regulations 2012:* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Building Act 2011, s.127 Delegation: special permit authorities and local governments*
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Regulatory Services Officer Senior Building Surveyor
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.

Statutory framework	*Building Act 2011* s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit *Building Services (Complaint Resolution and Administration) Act 2011* –– Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage Act 2018*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**2.1.3. Occupancy Permits or Building Approval Certificates**
Category	02.1. COUNCIL TO CEO
Delegator	Permit Authorty (Local Government)
Express power to delegate	*Building Act 2011* s.127(1)& (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1)and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration *Building Regulations 2012* r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Function	1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Regulatory Services Officer Senior Planning Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.

Statutory framework	*Building Act 2011* s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approvalcertificate s.121 Occupancy permits andbuilding approval certificates – application for review by SAT *Building Services (Complaint Resolution and Administration) Act 2011* –Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage Act 2018*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**2.1.4. Designate Employees as Authorised Persons**
Category	02.1. COUNCIL TO CEO
Delegator	Permit Authorty (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1)& (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Function	1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Delegates	Chief Executive Officer
Conditions	a. Decisions under this delegated authority must be consistent with r.5 of the Building Regulations 2012. NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Reg. 70. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Chief Operating Officer
Subdelegate conditions	1. Conditions on the delegation also apply to sub-delegation. 2. CEO to be informed when use of delegation is performed.
Statutory framework	*Building Act 2011:* s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**2.1.5. Designate Contractors as Authorised Persons (Inspectors)**
Category	02.1. COUNCIL TO CEO
Delegator	Permit Authorty (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1)& (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person *Building Regulations 2012:* r.4A Authorised persons
Function	1. Authority to designate a person contracted, or employed by an entity contracted, by the Shire of Wyndham East Kimberley as an authorised person [s.96(3) & r.4A(2)] for the purposes of monitoring whether Part 8 provisions are being complied with. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Delegates	Chief Executive Officer
Conditions	1. Designation of authorised persons under this delegation is limited to performing Authorised Person functions under s.93(2)(d). 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Chief Operating Officer
Subdelegate conditions	1. Conditions on the delegation also apply to sub-delegation. 2. CEO to be informed when use of delegation is performed.
Statutory framework	Building Act 2011: s.97 each designated authorised person must have an identity card. r.4B Identity cards
Record keeping	All actions performed under delegation are: • Registered through Attain software or the applicable Shire register; and / or • Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174

Last reviewed	15 April 2025

Delegation	**2.1.6. Building Orders**
Category	02.1. COUNCIL TO CEO
Delegator	Permit Authorty (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1)& (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that itremains in effect s.118(2) and (3) Permit authority may giveeffect to building order if non-compliance
Function	1. Authority to make Building Orders in relation to: a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authoritiesand local governments (powers of sub-delegation limited to CEO)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Senior Building Surveyor
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.

Statutory framework	*Building Act 2011:* Section111 Notice of proposed building order other than building order (emergency) Section112 Content of building order Section113 Limitation on effect of building order Section114 Service of building order Part 9 Review - s.122Building orders – application for review by SAT
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**2.1.7. Inspection and Copies of Building Records**
Category	02.1. COUNCIL TO CEO
Delegator	Permit Authorty (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1)& (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.131(2) Inspection, copies of building records
Function	Authority to determine an application from aninterested person to inspect and copy a building record [s.131(2)].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authoritiesand local governments (powers of sub-delegation limited to CEO)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Regulatory Services Officer Senior Building Surveyor
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Building Act 2011* - s.146 Confidentiality
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**2.1.8. Authorise persons to commence proceedings**
Category	02.1. COUNCIL TO CEO
Delegator	Permit Authorty (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.133(1) A permit authority may commence a prosecution for an offence against this Act
Function	Authority to authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegate conditions	Conditionson the delegation also apply to sub-delegation.
Statutory framework	*Building Act 2011* - s.146 Confidentiality
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**2.1.9. Referrals and Issuing Certificates**
Category	02.1. COUNCIL TO CEO
Delegator	Permit Authorty (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.145A Local Government functions
Function	1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Wyndham East Kimberley's District [s.145A(2)].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Senior Building Surveyor
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**2.1.10. Private Pool Barrier – Alternative and Performance Solutions**
Category	02.1. COUNCIL TO CEO
Delegator	Permit Authorty (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1)& (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011* s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit *BuildingRegulations 2012* r.23 Application to extend time duringwhich permit has effect (s.32) r.24 Extension of time during whichpermit has effect (s.32(3)) r.26 Approval of new responsible person(s.35(c))
Function	1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Building Act 2011* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Regulatory Services Officer Senior Building Surveyor
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.

Statutory framework	*Building Act 2011* s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit *Building Services (Complaint Resolution and Administration) Act 2011*- Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage Act 2018*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
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Delegation	**2.1.11. Smoke Alarms – Alternative Solutions**
Category	02.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1)& (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Regulations 2012:* r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function	1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	Chief Executive Officer
Conditions	1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Subdelegates	Manager Planning and Regulatory Services Senior Building Surveyor
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation. In undertaking Function 2 of the Delegation, the sub-delegate must be appropriately qualified pursuant to r.5 of the *Building Regulations 2012* and must hold the appropriate registration in accordance with the *Building Services (Registration) Regulations 2011.*
Statutory framework	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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Delegation	**2.1.12. Appoint approved officers and authorised officers**
Category	02.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Regulations 2012:* r.70 Approved officers and authorised officers
Function	1. Authority to appoint an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(1) and (1A). *NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".* 2. Authority to appoint an authorised officer for the purposes of s.6(b) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(2). *NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).*
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Statutory framework	*Building Regulations 2012:* r 70(3) each authorised officer must be issued acertificate of appointment.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER

Delegation	**3.1.1. Make Request to FES Commissioner – Control of Fire**
Category	03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.13(4) Duties and powers of bush fire liaison officers
Function	Authority to request on behalf of the Shire of Wyndham East Kimberley that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fireoperations [s.13(4)].
Delegates	Chief Executive Officer Chief Operating Officer Senior Ranger and Emergency Services Coordinator
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* *LL-4001 Bush Fire Brigade Local Law 2017*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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Delegation	**3.1.2. Prohibited Burning Times – Vary**
Category	03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express power or duty delegated	*Bush Fires Act 1954:* s.17(7) Prohibited burning times may be declared by Minister *Bush Fire Regulations 1954:* r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised *CALM Act* officer [s.17(7)].
Delegates	Deputy Chief Bush Fire Control Officer Shire President
Conditions	a. Decisions under s,17(7) must be undertake jointly by both the President and the Deputy Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* *BushFire Regulations 1954*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**3.1.3. Prohibited Burning Times – Control Activities**
Category	03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land *Bush Fire Regulations 1954:* r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function	1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by Shire of Wyndham East Kimberley or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	Chief Executive Officer Chief Operating Officer Senior Ranger and Emergency Services Coordinator
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)

Statutory framework	*Bush Fires Act 1954* *Bush Fire Regulations 1954*
Policy	POL-1011 Risk and Opportunity Management
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**3.1.4. Restricted Burning Times – Vary and Control Activities**
Category	03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.18(5),(11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land *Bush Fire Regulations 1954:* r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times

Function	1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 9. Authority to recover the cost of measures taken by the Shire of Wyndham East Kimberley or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	Chief Executive Officer Chief Operating Officer Senior Ranger and Emergency Services Coordinator
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* *Bush Fire Regulations 1954*
Policy	POL-1011 Risk and Opportunity Management

Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
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Delegation	**3.1.5. Control of Operations Likely to Create Bush Fire Danger**
Category	03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.27D Requirements for carriage and deposit of incendiary material *Bush Fires Regulations 1954:* r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Function	1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C (3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3) 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.
Delegates	Chief Executive Officer Chief Operating Officer Senior Ranger and Emergency Services Coordinator
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* *Bush Fire Regulations 1954*
Policy	POL-1011 Risk and Opportunity Management
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025

Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**3.1.6. Burning Garden Refuse / Open Air Fires**
Category	03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 *Bush Fires Regulations 1954:* r.27(3) Permit, issue of
Function	1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised *CALM Act* officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Delegates	Chief Executive Officer Chief Operating Officer Ranger Senior Ranger and Emergency Services Coordinator
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)

Statutory framework	*Bush Fires Act 1954* *Bush Fire Regulations 1954*
Policy	POL-1011 Risk and Opportunity Management
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
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Last reviewed	15 April 2025

Delegation	**3.1.7. Firebreaks**
Category	03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.33 Local government may require occupier of land to plough or clear fire-breaks
Function	1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring: a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. d. determine that these matters have been acted upon to the satisfaction of the Shire of Wyndham East Kimberley 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Delegates	Bushfire Risk Mitigation Coordinator Chief Executive Officer Chief Operating Officer Ranger Senior Ranger and Emergency Services Coordinator
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954*
Policy	POL-4013 Firebreaks POL-1011 Risk and Opportunity Management
Record keeping	All actions performed under delegationare: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174

Last reviewed	15 April 2025

Delegation	**3.1.8. Appoint Bush Fire Control Officer/s and Fire Weather Officer**
Category	03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.38 Local Government may appoint bush fire control officer
Function	1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Wyndham East Kimberley [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Delegates	Chief Executive Officer Senior Ranger and Emergency Services Coordinator
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**3.1.9. Control and Extinguishment of Bush Fire**
Category	03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.46 Bushfire control officer or forest officer may postpone lighting fire
Function	1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised *CALM Act* office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Delegates	Chief Executive Officer Ranger Senior Ranger and Emergency Services Coordinator
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* *LL-4001 Bush Fire Brigade Local Law 2017*
Policy	POL-1011 Risk and Opportunity Management
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**3.1.10. Recovery of Expenses Incurred through Contraventions of this Act**
Category	03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.58 General penalty and recovery of expenses incurred
Function	Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empoweredor required the Shire of Wyndham East Kimberley or those on behalf of the Shire of Wyndham East Kimberley to do [s.58].
Delegates	Chief Executive Officer Chief Operating Officer Senior Ranger and Emergency Services Coordinator
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954*
Policy	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**3.1.11. Prosecution of Offences**
Category	03.1. COUNCIL TO CEO, MAYOR AND BUSH FIRE CONTROL OFFICER
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.59(3) Prosecution of offences
Express power or duty delegated	*Bush Fires Act 1954:* s.59 Prosecution of offences s.59A(2) Alternative procedure – infringementnotices
Function	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Delegates	Chief Executive Officer Chief Operating Officer Ranger Senior Ranger and Emergency Services Coordinator
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954:* s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

04.1. COUNCIL TO CEO

Delegation	**4.1.1. Cat Registrations**
Category	04.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags *Cat Regulations 2012:* Schedule 3, cl.1(4) Fees Payable
Function	1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Wyndham East Kimberley's District [Regs. Sch. 3 cl.1(4)].
Delegates	Chief Executive Officer
Conditions	1. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Coordinator Customer Service and Records Coordinator Finance Customer Service and Records Officer Executive Assistant Corporate Services Finance Officer Manager Finance Ranger Senior Ranger and Emergency Services Coordinator

Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Cat Act 2011* *Cat Regulations 2012* r.11Application for registration (s.8(2)), prescribes the Form of applications forregistration. r.12Period of registration (s.9(7)) r.11Changes in registration r.14Registration certificate (s.11(1)(b)) r.15Registration tags (s.76(2)) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the *Cat Act 2011*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**4.1.2. Cat Control Notices**
Category	04.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.26 Cat control notice may be given to cat owner
Function	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Wyndham East Kimberley's District [s.26].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Cat Regulations 2012* - r.20 Cat control notice [s.23(3)], prescribesthe Form of the notice
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records managementsystem.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**4.1.3. Approval to Breed Cats**
Category	04.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Function	1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Delegates	Chief Executive Officer
Conditions	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Cat Regulations 2012:* r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder(s.39(1))

Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
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Delegation	**4.1.4. Recovery of Costs – Destruction of Cats**
Category	04.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.49(3) Authorised person may cause cat to be destroyed
Function	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditionson the delegation also apply to sub-delegation.
Statutory framework	*Cat Act 2011*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
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Delegation	**4.1.5. Authorise a person to perform Specified functions under the Cat Act 2011**
Category	04.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.73 Prosecutions
Function	Authority to authorise a person to commence aprosecution for an offence against the *Cat Act 2011* [s.73(1)(b) & (2)(b)
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Cat Act 2011*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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Delegation	**4.1.6. Applications to Keep Additional Cats**
Category	04.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat (Uniform Local Provisions) Regulations 2013:* r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function	1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Delegates	Chief Executive Officer
Conditions	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the *Cat (Uniform Local Provisions) Regulations 2013*. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Cat Act 2011* *Cat (Uniform Local Provisions) Regulations 2013*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025

Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**4.1.7. Reduce or Waiver Registration Fee**
Category	04.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Regulations 2012:* Schedule 3 Fees clause 1(4)
Function	Authorityto reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) inrespect to any individual cat.
Delegates	Chief Executive Officer
Conditions	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the *Local Government Act 1995.* b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Cat Act 2011* *Cat Regulations 2012*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

04.2. ACT DELEGATIONS - CEO TO EMPLOYEES

Delegation	**4.2.1. Infringement Notices – Extensions and Withdrawals**
Category	04.2. ACT DELEGATIONS - CEO TO EMPLOYEES
Delegator	Chief Executive Officer
Express power to delegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Express power or duty delegated	*Cat Act 2011:* s.64 Extension of time s.65 Withdrawal of notice
Function	1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Delegates	Chief Operating Officer Manager Planning and Regulatory Services
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil.
Statutory framework	*Cat Regulations 2012:* r.28 Withdrawal of infringement notice (s.65(1))
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

05.1. DOG ACT DELEGATIONS COUNCIL TO CEO

Delegation	**5.1.1. Appoint Registration Officer**
Category	05.1. DOG ACT DELEGATIONS COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers andduties
Express power or duty delegated	*Dog Act 1976:* s.3 Terms Used (Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act)
Function	Authority to authorise a personfor the purposes of performing the prescribed office of Registration Officer under the *Dog Act 1976* [s.3].
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. A register of Authorisations is to be maintained as a Local Government Record. c. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. d. Authorisations are to be provided in writing by issuing a Certificate of Authorisation. e. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Chief Financial Officer Chief Operating Officer Coordinator Customer Service and Records Manager Planning and Regulatory Services
Subdelegate conditions	Conditionson the delegation also apply to sub-delegation.
Statutory framework	*Dog Act 1976*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174

Last reviewed	15 April 2025

Delegation	**5.1.2. Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons**
Category	05.1. DOG ACT DELEGATIONS COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.10A Payments to veterinary surgeons towards costs of sterilisation
Function	1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of $200 [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Delegates	Chief Executive Officer
Conditions	1. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powersand duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Dog Act 1976*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**5.1.3. Refuse or Cancel Registration**
Category	05.1. DOG ACT DELEGATIONS COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2)If no application for registration made s.17(4) and (6) Refusal or cancellation ofregistration
Function	1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: i. 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 Cat Act 2011 or the Animal Welfare Act 2002; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Wyndham East Kimberley District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator

Subdelegate conditions	Conditions on the delegation also apply tosub-delegation.
Statutory framework	*Dog Act 1976* s.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 – s.16A, s.17(4) and (6)
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**5.1.4. Grant Exemption as to Number of Dogs Kept at Premises**
Category	05.1. DOG ACT DELEGATIONS COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.26(3) Limitation as to numbers
Function	1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)].
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Decisions under this delegation must comply with the relevant provisions of the Dog Act 1976 and the Shire of Wyndham East Kimberley's Dogs Local Law, including: - Consider and be satisfied that for any particular premises the provisions of the Dog Act 1976 relating to kennel establishments need not be applied in the circumstances [s.26(3)]. - Apply the provisions of s.26(4). c. Conditions that must be applied to an approved exemption, include: - Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO. - Registrations for each dog subject of the approved exemption must be current and maintained. - An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog. d. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powersand duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Note– Decisions under this delegation may be referred for review by the State Administration Tribunal *LL-3005 Dogs Local Law 2003*

Record keeping	All actions performed under delegationare: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**5.1.5. Kennel Establishments**
Category	05.1. DOG ACT DELEGATIONS COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AADelegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.27 Licensing of approved kennel establishments
Function	Authority to grant, refuse to grant or cancel akennel licence [s.27(4) and (6)].
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the Shire of Wyndham East Kimberley's Dogs Local Law. c. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powersand duties (NOTE – sub-delegation only permitted where delegation to the CEOexpressly authorises sub-delegation)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditionson the delegation also apply to sub-delegation.
Statutory framework	Note – Decisions under this delegationmay be referred for review by the State Administration Tribunal *LL-3005 Dogs Local Law 2003*
Record keeping	All actions performed under delegationare: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**5.1.6. Recovery of Moneys Due Under this Act**
Category	05.1. DOG ACT DELEGATIONS COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.29(5) Power to seize dogs
Function	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powersand duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**5.1.7. Dispose of or Sell Dogs Liable to be Destroyed**
Category	05.1. DOG ACT DELEGATIONS COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.29(11) Power to seize dogs
Function	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund. c. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powersand duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Dog Act 1976*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**5.1.8. Declare Dangerous Dog**
Category	05.1. DOG ACT DELEGATIONS COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Function	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powersand duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Council Adoption: 15/04/2025- 119174
Record keeping	All actions performed under delegationare: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**5.1.9. Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke**
Category	05.1. DOG ACT DELEGATIONS COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) and (2) Local government may revoke declaration or proposal to destroy
Function	1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Delegates	Chief Executive Officer
Conditions	1. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powersand duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal –See s.33H(5) of the *Dog Act 1976*.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025

Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**5.1.10. Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice**
Category	05.1. DOG ACT DELEGATIONS COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.33H(5) Local government may revoke declaration or proposal to destroy
Function	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: a. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed.
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Note – Decisions under this delegation may be referred for review by the State AdministrationTribunal
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**5.1.11. Determine Recoverable Expenses for Dangerous Dog Declaration**
Category	05.1. DOG ACT DELEGATIONS COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.33M(1)(a) Local Government expenses to berecoverable
Function	Authority to determine the reasonable charge tobe paid by an owner at the time of payment of the registration fee under s.15,up to the maximum amount prescribed, having regard to expenses incurred by theLocal Government in making inquiries, investigations and inspections concerningthe behaviour of a dog declared to be dangerous [s.33H(5)].
Delegates	Chief Executive Officer
Conditions	1. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powersand duties (NOTE – sub-delegation only permitted where delegation to the CEOexpressly authorises sub-delegation)
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply tosub-delegation.
Statutory framework	Note – Decisions under thisdelegation may be referred for review by the State Administration Tribunal
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

06.1. COUNCIL TO CEO

Delegation	**6.1.1. Determine Compensation**
Category	06.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Function	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Delegates	Chief Executive Officer Chief Operating Officer
Conditions	1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. 2. Compensation under this delegation may only be determined upon documented losses up to a maximum of $2000. Compensation requests above this value are to be reported to Council. 3. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL– *Food Regulations 2009* do not provide for sub-delegation.
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174

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Delegation	**6.1.2. Prohibition Orders and Certificates of Clearance**
Category	06.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Function	1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Delegates	Chief Executive Officer Chief Operating Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – *Food Regulations 2009* do not provide for sub-delegation.
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
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Delegation	**6.1.3. Food Business Registrations**
Category	06.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118 Functionsof enforcement agencies and delegation (2)(b)Enforcement agency may delegate a function conferred on it (3)Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expresslyprovided in regulations
Express power or duty delegated	*Food Act 2008:* s.110(1)and (5) Registration of food business s.112 Variation of conditions or cancellation ofregistration of food businesses
Function	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Delegates	Chief Executive Officer Chief Operating Officer Environmental Health Officer Manager Planning and Regulatory Services Senior Environmental Health Officer
Conditions	1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: - Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA - Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 - WA Priority Classification System - Verification of Food Safety Program Guideline 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – *Food Regulations 2009* do not provide forsub-delegation.
Statutory framework	Note – Decisions under this delegation may bereferred for review by the State Administration Tribunal
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
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Delegation	**6.1.4. Appoint Authorised Officers and Designated Officers**
Category	06.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Function	1. Authority to appoint a person to be an authorised officer for the purposes of the *Food Act 2008* [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the *Public Health Act 2016*, to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7).
Delegates	Chief Executive Officer Chief Operating Officer
Conditions	1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: - Appointment of Authorised Officers as Meat Inspectors - Appointment of Authorised Officers - Appointment of Authorised Officers – Designated Officers only - Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – *Food Regulations 2009* do not provide for sub-delegation.
Statutory framework	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025

Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**6.1.5. Debt Recovery and Prosecutions**
Category	06.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Function	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3). 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Delegates	Chief Executive Officer Chief Operating Officer Manager Planning and Regulatory Services Senior Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Function 2 may only be exercised with the prior approval of the Chief Executive Officer. c. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – *Food Regulations 2009* do not provide for sub-delegation.
Statutory framework	*Food Act 2008*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**6.1.6. Food Businesses List – Public Access**
Category	06.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008 and Food Regulations 2009:* r.51 Enforcement agency may make list of food businesses publicly available
Function	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Delegates	Chief Executive Officer Chief Operating Officer Manager Planning and Regulatory Services Regulatory Services Officer Senior Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	NIL – *Food Regulations 2009* do not provide for sub-delegation.
Statutory framework	*Food Act 2008* *Food Regulations 2009*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

07.1. COUNCIL TO CEO

Delegation	**7.1.1. Give Notice Requiring Obliteration of Graffiti**
Category	07.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express power or duty delegated	*Graffiti Vandalism Act 2016:* s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Function	1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government
Subdelegates	Chief Operating Officer Manager Operations Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal *Graffiti Vandalism Act 2016*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174

Last reviewed	15 April 2025

Delegation	**7.1.2. Notices – Deal with Objections and Give Effect to Notices**
Category	07.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express power or duty delegated	*Graffiti Vandalism Act 2016:* s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Function	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Delegates	Chief Executive Officer
Conditions	a. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government
Subdelegates	Chief Operating Officer Manager Operations Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal *Graffiti Vandalism Act 2016*
Policy	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025

Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**7.1.3. Obliterate Graffiti on Private Property**
Category	07.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express power or duty delegated	*Graffiti Vandalism Act 2016:* s.25(1) Local government graffiti powers on landnot local government property
Function	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Delegates	Chief Executive Officer
Conditions	1. Subject to exercising Powers of Entry. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government
Subdelegates	Manager Operations
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Graffiti Vandalism Act 2016*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**7.1.4. Powers of Entry**
Category	07.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government
Express power or duty delegated	*Graffiti Vandalism Act 2016:* s.28 Notice of entry s.29 Entry under warrant
Function	1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government
Subdelegates	Chief Operating Officer Manager Operations Manager Planning and Regulatory Services Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	*Graffiti Vandalism Act 2016*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

08.1. COUNCIL TO CEO

Delegation	**8.1.1. Appoint Authorised Officer or Approved Officer (Asbestos Regs)**
Category	08.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Health (Asbestos) Regulations 1992:* r.15D(7) Infringement Notices
Express power or duty delegated	*Health (Asbestos) Regulations 1992:* r.15D(5) Infringement Notices
Function	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2 [r.15D(5)].
Delegates	Chief Executive Officer
Conditions	1. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D (6)]. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil – the *Health(Asbestos) Regulations 1992* do not provide a power to sub-delegate.
Statutory framework	*Criminal Procedure Act 2004* - Part 2
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**8.1.2. Enforcement Agency Reports to the Chief Health Officer**
Category	08.1. COUNCIL TO CEO
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* s.22 Reports by and about enforcement agencies
Function	1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Wyndham East Kimberley [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**8.1.3. Designate Authorised Officers**
Category	08.1. COUNCIL TO CEO
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* s.24(1) and (3) Designation of authorised officers
Function	1. Authority to designate a person or class of persons as authorised officers for the purposes of: i. The *Public Health Act 2016* or other specified Act ii. Specified provisions of the *Public Health Act 2016* or other specified Act iii. Provisions of the *Public Health Act 2016* or another specified Act, other than the specified provisions of that Act. Including: a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Delegates	Chief Executive Officer
Conditions	1. Subject to each person so appointed being; • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. 2. A Register (list) of authorised officers is to be maintained in accordance with s.27. 3. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority *Criminal Investigation Act 2006*, Parts 6 and 13 – refer s.245 of the *Public Health Act 2016* *The Criminal Code, Chapter XXVI* – refer s.252 of the *Public Health Act 2016*

Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**8.1.4. Give Enforcement Orders and Issue Clearance Certificates**
Category	08.1. COUNCIL TO CEO
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* s.216 Issue of Enforcement Orders s.218 Extension of period of compliance with enforcement order s.223 Certificate of clearance to be given in certain circumstances s.224 Request for assessment
Function	Authority to: 1. Give an enforcement order in accordance [s.216]. 2. Extend the period for compliance specified in the order [s.218]. 3. Give a certificate of clearance (in the Department of Health approved form) where an assessment report of an authorised officer finds the enforcement order has been complied with and there is no longer a serious public health risk to be prevented or mitigated [s.223]. 4. Where requested under s.224, cause an assessment by another authorised officer to be made for the purposes of s.233 (clearance certificate) and give notice of a decision to not give a clearance certificate after assessment [s.224(2)].
Delegates	Senior Environmental Health Officer
Conditions	a. Content of enforcement order must comply with s.217 provisions. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority s.217 Contents of enforcement order *Criminal Investigation Act 2006*, Parts 6 and 13 – refer s.245 of the Public Health Act 2016 *The Criminal Code*, Chapter XXVI – refer s.252 of the Public Health Act 2016

Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**8.1.5. Enforcement Orders - Implement and Recover Costs**
Category	08.1. COUNCIL TO CEO
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* s.219 Enforcement agency may implement enforcement order s.221 Recovery of costs incurred by or on behalf of enforcement agency
Function	1. Authority to take any action reasonably necessary to implement sufficient compliance with an enforcement order that has not been complied with [s.219(2)]. 2. Authority to sign a certificate stating the amount of any costs and the manner in which they were incurred as evidence of the matters certified [s.221(2)].
Delegates	Chief Executive Officer
Conditions	a. Costs incurred in taking action under s.219 are to be recovered, including recovery in a court of competent jurisdiction [s.221(1)]. b. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil– Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	*Public Health Act 2016* s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of otherwritten laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority s.220 Application of *Criminal and Found Property Disposal Act 2006* *Criminal Investigation Act 2006*, Parts 6 and 13 – refer s.245 of the *Public Health Act 2016* *The Criminal Code*, Chapter XXVI – refer s.252 of the *Public Health Act 2016*
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174

Last reviewed	15 April 2025

Delegation	**8.1.6. Dealing with Seized Items**
Category	08.1. COUNCIL TO CEO
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* s.260 Return of seized item s.262 Cost of destruction or disposal of forfeited items s.263 Return of forfeited items s.264 Compensation
Function	1. Authority to determine if no contravention of the *Public Health Act 2016* has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and 263]. 2. Authority to recover the cost of destruction or disposal of forfeited items [s.262]. 3. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Delegates	Chief Executive Officer
Conditions	1. Compensation is limited to a maximum value of $2000, with any proposal for compensation above this value to be referred for Council's determination. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of anenforcement agency to be further delegated [s.21(4)].
Statutory framework	*Public Health Act 2016* s.20 Conditions onperformance of functions by enforcement agencies. Note – Decisions about compensation may bereferred for review by the State Administration Tribunal [s.265]
Policy	Council Adoption: 15/04/2025- 119174
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**8.1.7. Appoint Designated Officer – Information Sharing**
Category	08.1. COUNCIL TO CEO
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
Express power to delegate	*Public Health Act 2016:* s.21Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016:* s.299 Information Sharing
Function	1. Authority, to appoint Designated Officer/s for the purposes of s.299 [s.299(1)].
Delegates	Chief Executive Officer
Conditions	1. Appointments must be consistent with requirements outlined in the Chief Health Officer's Information Sharing Guideline, prepared in accordance with s.300. 2. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	Nil – Unless a Regulation enacted under the*Public Health Act 2016*, specifically authorises a delegated power or duty of anenforcement agency to be further delegated [s.21(4)].
Statutory framework	*Public Health Act 2016* s.300 Guidelines relatingto information sharing. Note – Decisions under this delegation may bereferred for review by the State Administration Tribunal
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

09.1. COUNCIL TO CEO

Delegation	**9.1.1. Statutory Planning**
Category	09.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 - Deemed provisions for local planning Schemes - Part 10 - Enforcement and administration Clause 82 -Delegations by local government
Express power or duty delegated	*Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 – Deemed provisions for local planning schemes *Planning and Development (Development Assessment Panels) Regulations 2011* Section 12 – Responsible authority must report to DAP
Function	***Planning and Development Act 2005; Planning and Development (Local Planning Schemes) Regulations 2015; Planning and Development (Development Assessment Panels) Regulations 2011 and Local Planning Scheme No. 9.*** Toperform the functions of Council in respect of the following matters: • Exercise all powers and discharge all duties under *Local Planning Scheme 9* • Exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* • Make recommendations to the Western Australian Planning Commission and other statutory authorities in respect of subdivision and development applications and associated matters • Endorse deposited plans after the conditions of subdivision/amalgamation approval for which the Council is responsible have been fulfilled • Issue or refuse to issue a certificate under Section 40 of the *Liquor Control Act 1988* • Authorise Responsible Authority Reports to the Development Assessment Panel pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulations 2011*
Delegates	Chief Executive Officer
Conditions	Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 - Deemed provisions for local planning schemes - Part 10 - Enforcement and administration Clause 82 - Local government CEO may delegate powers

Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Planning Officer Senior Planning Officer
Subdelegate conditions	1. All those functions delegated to the CEO with the exception of taking any action to prosecute against owners and occupiers of properties. 2. Conditions on the delegation also apply to sub-delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Planning & Development Act 2005* Section 142 – Consultation requirements as to proposed subdivision *Planning & Development (Development Assessment Panels) Regulations 2011* *Liquor Control Act 1988* Section 40 - Certificate of planning authority is to whether use of premises complies with planning laws *Building Act 2011* *Heritage of Western Australia Act 1990* *Planning and Development (Local Planning Schemes) Regulations 2015* *Planning and Development Regulations 2009* *State Planning Policy 3.1* - Residential Design Codes
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.
Date adopted	15 April 2025
Adoption references	Council Item 12.2.2 Resolution: 15/04/2025 - 119174
Last reviewed	15 April 2025

Delegation	**9.1.2. Illegal Development**
Category	09.1. COUNCIL TO CEO
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Planning and Development Act 2005:* Section 214(2), (3) and (5)
Function	1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Delegates	Chief Executive Officer
Conditions	a. Standard Conditions of Delegations as outlined in the Definitions, Introduction and Commentary section of this Delegation register.
Express power to subdelegate	*Local Government Act 1995:* s.5.44CEO may delegate some powers and duties to other employees
Subdelegates	Chief Operating Officer Manager Planning and Regulatory Services Planning Officer Regulatory Services Officer Senior Planning Officer
Subdelegate conditions	Conditions on the delegation also apply to sub-delegation.
Statutory framework	Part 13 of the *Planning and Development Act 2005* Delegates are designated employees under s.5.74and are required to provide Primary and Annual Returns.
Record keeping	All actions performed under delegation are: 1. Registered through Attain software or the applicable Shire register; and / or 2. Registered in the Shire of Wyndham East Kimberley's records management system.

Date adopted	15 April 2025
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Last reviewed	15 April 2025

AMENDMENTS

Delegation	Date	Type	Amendment	References
1.2.26. Defer, Grant Discounts, Waive or Write Off Debts	19 Feb 2026	Amended delegation	Amendment to Sub Delegate/s & conditions approved by CEO	Decision Number: 19/02/2026 - CEO078