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INTRODUCTION

Introduction

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

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

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

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

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

"Nothing in this Division is to read as preventing –

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

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

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

Delegations and authorisations under other Legislation

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

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

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

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

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

DELEGATIONS

Delegation	DA-01 Right to Inspect Confidential Information
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 5.42 Delegation of some powers and duties to CEO Local Government Act 199 Section 5.95.Limits on right to inspect local government information
Function	The Council delegates its authority and power to the Chief Executive Officer to determine whether information prescribed as confidential may be made available for inspection under section 5.95(7) of the Local Government Act 1995. Subject to: (a) Compliance with Regulations 29A and 29B of the Local Government (Administration) Regulations.
Delegates	Chief Executive Officer
Conditions	(a) Compliance with Regulations 29A and 29B of the Local Government (Administration) Regulations. Subject to: 1. That copies of information are available to persons who are entitled to request the information under Division 7, Part 5 of the Act and; 2. That the price at which the copies are sold does not exceed the cost of providing the copies.
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Corporate Services
Subdelegate conditions	Local Government Act 1995 Section 5.42 and Section 5.95.
Statutory framework	Local Government Act 1995 Section 5.42 Delegation of some powers and duties to CEO Local Government Act 199 Section 5.95.Limits on right to inspect local government information
Date adopted	27 October 2020 August 2019
Adoption references	27 October 2020 August 2019
Last reviewed	27 August 2018 August 2019

Delegation	DA-02 Authority to Sign and Certify Documents and Affix the Common Seal
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 9.49A Execution of Documents and 9.31 (terms used)

<p>Function</p>	<p>The Council delegates its authority and power to the Shire President and the Chief Executive Officer to execute documents and affix the Common Seal thereto, where such documents result from the following transactions:</p> <ol style="list-style-type: none"> 1. Where land is disposed of pursuant to Section 3.58 of the Local Government Act 1995 (As Amended). 2. Where land is acquired pursuant to Section 3.55 and 3.59 of the Local Government Act 1995 (As Amended). 3. In respect of leases of land and licence to occupy municipal property where approved by the Council. 4. In respect of leases for the purchase of plant and equipment approved by the Council. 5. In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals. 6. In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that the Council's interests have been satisfied. 7. In respect of agreements required for funding of Council works and services considered with the resolution of the Council or requiring renewal of the agreement for funding currently provided. 8. In respect of the final adoption of local laws by the Council. 9. Where land is disposed of pursuant to Section 3.58 of the Local Government Act 1995 (As Amended). 10. Where land is acquired pursuant to Section 3.55 and 3.59 of the Local Government Act 1995 (As Amended). 11. Restrictive Covenants – under s.129BA of the Transfer of Land Act 1893 and any discharge or modifications of covenants; 12. Lodgement, modification and withdrawal of Caveats; 13. Lodgement, modification and withdrawal of Memorials; 14. Leases where Council has previously resolved to enter into including renewals, extensions or modifications of leases; 15. Deeds of Agreement, Development Contribution Deeds and Deeds of Release; 16. Licences; 17. Covenants and any discharge or modification of covenants; 18. Easements and the surrender or modification of easements; 19. Notifications on title and withdrawal or modification of notifications; 20. Rights of Carriageway agreements and withdrawal or modification of Rights of Carriageway agreements; 21. Reciprocal Access agreements and withdrawal or modification of Reciprocal Access agreements; 22. Management Statements and withdrawal or modification of Management Statements; 23. General Legal and Service Agreements; 24. Transfer of land documents where Council has previously resolved to either purchase or dispose of land or land is being transferred to the Shire for a public purpose; 25. Debenture documents for loans which Council has resolved to raise; <p>Delegations Register 2018/19 8 of 64</p> <ol style="list-style-type: none"> 26. New Funding or Contracts of Agreement between the Council and State or Commonwealth Governments or Private Organisations for programs to which Council has previously adopted, or additions to existing programs, which in the view of the Chief Executive Officer are in accordance with the original intent of the adopted program; 27. Local Planning Scheme Amendments; 28. Any other documents stating that the Common Seal of the Shire of Wyndham East Kimberley is to be affixed or arising from conditions of subdivision, survey strata, strata title or development approvals or provisions of a Structure Plan or Detailed Area Plan. <p>Subject to-</p> <ol style="list-style-type: none"> (a) Council being notified via a report to be submitted to each Council Meeting in relation to the execution of documents and affixing of the Common Seal, subsequent to the Common Seal being utilised.
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Delegates	Chief Executive Officer
Statutory framework	Local Government Act 1995 Section 5.42 Section 9.49A and 9.31
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-03 Acting Chief Executive Officer
Delegator	Council
Express power to delegate	Local Government Act Section 5.42
Express power or duty delegated	Local Government Act 1995 Sections 5.36 Local Government Employees Section 5.39 Contracts for CEO and Senior Employees
Function	The Council delegates its authority and power to the Chief Executive Officer to appoint one of the Shire of Wyndham East Kimberley's Directors to perform the role of Acting Chief Executive Officer during any periods of approved leave of absence or absence from the Shire for periods up to one month. Periods in excess of one month will be referred to Council for consideration. In making this delegation the Council has determined that the Shire's Directors are suitably qualified to perform the role of Acting Chief Executive Officer. The Shire's Directors are, Director Corporate Services, Director Infrastructure and Director Planning & Community Development.
Delegates	Chief Executive Officer
Statutory framework	Local Government Act 1995, Sections 5.36 and 5.39
Date adopted	27 August 2019
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-04 Representing Local Government in Court
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 9.29 Representing Local Government in Court
Function	<p>The Council delegates its authority and power to the Chief Executive Officer to appoint persons pursuant to section 9.29 of the Local Government Act 1995, to represent the Shire of Wyndham East Kimberley generally in proceedings in the court of petty sessions and Local Court.</p> <p>Definitions proceedings means —</p> <p>(a) proceedings in the Magistrates Court, the Children’s Court or the State Administrative Tribunal; or</p> <p>(b) proceedings in respect of a claim against a person who takes the benefit of an Act for the relief of bankrupt debtors.</p> <p>(2) In proceedings a person who is —</p> <p>(a) the CEO; or</p> <p>(b) an employee of the local government appointed in writing signed by the CEO to represent the local government generally or in a particular case, may represent the local government in all respects as though the person were the local government.</p> <p>(3) The person representing the local government in the proceedings is entitled to be reimbursed by the local government for any money paid or required to be paid by the person as a result of representing the local government in the proceedings.</p>
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	<p>Director Corporate Services Director Infrastructure Director Planning and Community Development Manager Planning and Regulatory Services Ranger Senior Building Surveyor Senior Planning Officer Senior Ranger and Emergency Services Coordinator</p>
Statutory framework	<p>Local Government Act 1995 Section 5.42 Section 5.44 Section 9.29</p>
Date adopted	27 August 2019 <u>October 2020</u>

Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-05 Authority to Initiate Proceedings
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 9.24 Prosecutions, commencing
Function	The Council delegates its authority and power to the Chief Executive Officer to commence a prosecution for an offence against this Act or under a Local Law under Section 9.24 of the Local Government Act 1995.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act Section 5.44
Subdelegates	Director Corporate Services Director Infrastructure Director Planning and Community Development Manager Planning and Regulatory Services
Statutory framework	Local Government Act 1995 Section 5.42 Section 5.44 Section 9.24
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-06 State Administrative Tribunal- Response to Applications for Review
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 and State Administrative Tribunal Act 2004
Function	<p>1. The Council delegates its authority and power to the Chief Executive Officer to respond to applications for review, lodged with the State Administrative Tribunal, including preparation of statements by respondent, liaison with the State Administrative Tribunal and representation of the Council at review hearings, where a decision made by the Council, or a condition or conditions associated with that decision, is substantively in accordance with the Responsible Officer's recommendation.</p> <p>2. Council delegates its authority and power to the Chief Executive Officer to engage independent professional advice, including legal advice, where a decision made by the Council, or a condition or conditions associated with that decision, is substantially different from the Responsible Officer's recommendation.</p>
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Corporate Services Director Infrastructure Director Planning and Community Development Manager Planning and Regulatory Services
Statutory framework	Local Government Act 1995 State Administration Tribunal Act 2004
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-07 Provision of Goods and Services
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	<p>Local Government Act 1995:</p> <p>Sections 5.42 Delegation of Some Powers and Duties</p> <p>Local Government Functions and General</p> <p>Regulations 1996,:</p> <p>Regulations 11, 14(2a), 18(4) & (5), 20, 20(1), 20(2), 21(1), 23(3), 24AD, 24AH(3) & (5), 24(AJ)</p>

<p>Function</p>	<p>The Council delegates its authority and power to the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1. Publicly invite tenders or pre-qualified supplier panel applications before the local government enters into a contract(s) for the supply of goods and services; 2. Publicly invite expressions of interest before entering into the tender process; 3. Publicly invite tenders where considered beneficial, in lieu of seeking quotations or purchases under the \$1<u>2</u>50,000 threshold (excluding GST); 4. Where appropriate, pursue a tender exempt provision for goods and/or services exceeding the \$1<u>2</u>50,000 threshold (excluding GST); 5. Determine in writing, before tenders or pre-qualified supplier panel applications are publicly invited, the criteria for deciding which tender / application should be accepted; 6. Decline any expression of interest, tender, application or tender exempt consideration; 7. Consider any expressions of interests, tenders, pre-qualified supplier panel applications or tender exempt considerations that have not been rejected and decide which, if any, are from persons who it thinks could satisfactorily supply the goods or services and execute-authorise the associated contract up to a value of \$500,000 (excluding GST) provided that appropriate provision has been made in the Council's budget and the contract value does not exceed the Council's budget by more than the applicable Regional Price Preference consideration; 8. Execute-Authorise a contract for goods or services with a prequalified supplier who is part of a panel of pre-qualified supplier panel up to a value of \$500,000 (excluding GST); 9. Make minor variations to a specification for goods and/or services before it enters into a contract with the chosen tenderer. NOTE: Minor variations to a specification for goods and/or services shall be variations that are less than 10% of the value of the chosen tender and do not alter the scope of the total goods and/or services that tenderers were publicly invited to supply; and 10. Select the next most appropriate tender if the chosen tenderer is unable or unwilling to enter into a contract to supply the variation requirement or the CEO and the tenderer cannot agree on the variation requirement. Provided that appropriate provision is made with reference to Council Policy CP/FIN- 3204 Purchasing. <p>Condition- The CEO must ensure safe custody of expression of interest, tender, and pre-qualified supplier panel applications documents submitted.</p>
<p>Delegates</p>	<p>Chief Executive Officer</p>
<p>Conditions</p>	<p>Condition- The CEO must ensure safe custody of expression of interest, tender, and pre-qualified supplier panel applications documents submitted.</p>
<p>Express power to subdelegate</p>	<p>Local Government Act 5.44</p>

Subdelegates	Director Corporate Services Director Infrastructure Director Planning and Community Development Manager Assets and Engineering Operations Manager Community Development Manager Planning and Regulatory Services Senior Procurement and Contracts Officer Manager Finance and Customer Service
Subdelegate conditions	Excluding Sections 7, 8 & 9
Statutory framework	Local Government Act 1995 Sections 5.42 and 5.43 (b), 3.57(1), Local Government Functions and General Regulations 1996, Regulations 11, 14(2a), 18(4) & (5), 20, 20(1), 20(2), 21(1), 23(3), 24AD, 24AH(3) & (5), 24(AJ)
Policy	CP-FIN 3204 Purchasing Policy
Date adopted	27 August 2019 October 2020
Adoption references	27 August 2019 October 2020
Last reviewed	27 August 2018 August 2019

Delegation	DA-08 Disposal of Property
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 3.58 Disposing of Property and Local Government (Functions and General) Regulations 1996, Regulation 30
Function	<p>The Council delegates its authority and power to the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1. Dispose of property by public tender or public auction where the individual value of the property disposal is greater than \$10,000 (Excluding GST) but less than \$100,000 (Excluding GST) per item or land valued at an amount not exceeding \$500,000(Excluding GST), provided that appropriate provision is made in the Council's Adopted Budget. 2. Dispose of property by other means than public tender or public auction, if before agreeing to dispose of the property, local public notice is given of the proposed disposition and submissions are considered, or if the market value is less than \$20,000 (Excluding GST). 3. Dispose of property by other means than public tender or public auction where the entire consideration received by the local government for the disposition is used to purchase other like for like property, and where the total consideration for the other property is not more, or worth more, than \$75 000(Excluding GST). 4. Dispose, gift or donate property with a maximum written down value of \$1,000(Excluding GST). <p>In this delegation: Dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not. Property includes the whole or any part of the interest of a local government in property, but does not include money.</p>
Delegates	Chief Executive Officer
Statutory framework	Local Government Act 1995 Section 3.58 and Local Government (Functions and General) Regulations 1996, Regulation 30
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-09 Private Works
Delegator	Council
Express power to delegate	Local Government Act 1995, Section 5.42
Express power or duty delegated	Local Government Act 1995, Section 5.42 Delegation of Some powers and Duties to the CEO and 5.43(b) Limits on Delegation to CEO
Function	The Council delegates its authority and power to the Chief Executive Officer to enter into commercial arrangements under which the Shire is to provide works or services, subject to Council Policy CP/OPS-3650 Private Works and that the value of each arrangement must not exceed the amount determined by the Council for the purposes of section 5.43(b) of the Local Government Act 1995.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Infrastructure
Statutory framework	Local Government Act 1995, Section 5.42 and 5.43(b)
Policy	CP-OPS 3650 Private Works CP-OPS 3651 Private Works and Developments of Road Verges and Shire Maintained Land
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-10 Expenses of Elected Members and Staff
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Sections 5.98, 5.101, 5.102 & 5.42
Function	<p>That Council delegates its authority and power to the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1. Approve expenses which are to be reimbursed to elected members, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement (subject to section 5.98(3)); 2. Approve reimbursement, either generally or in a particular case, to an elected member of an expense; 3. Reimburse an employee for an expense that was incurred in relation to a Shire matter; and 4. Make a cash advance to a person for an expense which can be reimbursed.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	<p>Director Corporate Services Director Infrastructure Director Planning and Community Development</p>
Statutory framework	Local Government Act 1995 Sections 5.98, 5.101, 5.102 & 5.42
Policy	CP-CNC 3141 Elected Member Allowances and Entitlements
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

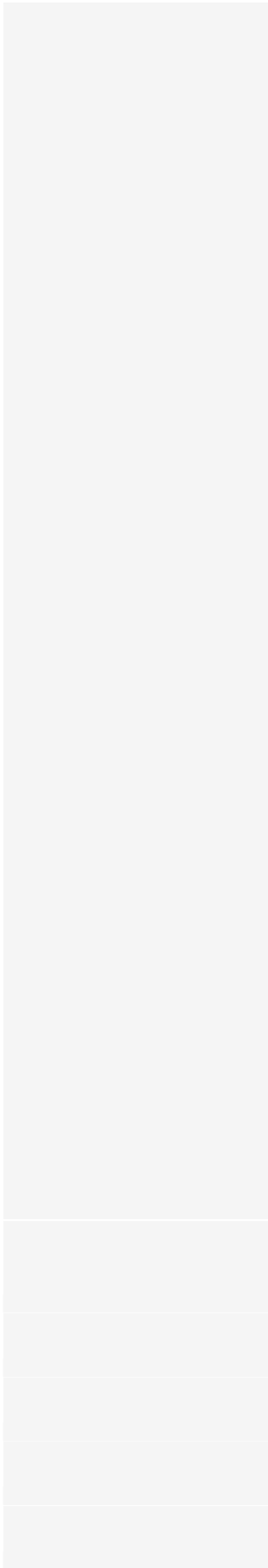
Delegation	DA-11 Waive, Grant Concessions or Write Off Debts
Delegator	Council
Express power to delegate	Local Government Act 5.42
Express power or duty delegated	<p>Local Government Act 1995 Section 6.12 (1)(b) and (c) Power to defer, grant discounts, waive or write off debts</p> <p>In this delegation:</p> <p>Waive means to provide a special concession to a person or organisation that extinguishes a debt that would have been owed to the Shire. A waiver may be provided prior to, or subsequent to the date that the debt is incurred.</p> <p>Write Off occurs following the realisation that the asset can no longer be converted into cash (eg. a bad debt), can provide no further use to the Shire, or has no market value.</p>
Function	<p>The Council delegates its authority and power to the Chief Executive to:</p> <ol style="list-style-type: none"> 1. Waive or grant concessions in relation to sundry debts owed to the Shire (other than rates and services charges) 2. Write off money owed to the Shire 3. Determine the conditions to be applied to waive, grant a concession or write off money owed to the Shire
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a) Limited to individual debts not exceeding \$2000 b) Write-off rates and service charges not exceeding \$200 c) Report to the Audit (Finance and Risk) Committee on the exercise of this delegation
Express power to subdelegate	Local Government Act 5.44
Subdelegates	Director Corporate Services
Subdelegate conditions	<ol style="list-style-type: none"> a) Limited to individual debts not exceeding \$2,000 b) Write-off rates and service charges not exceeding \$200 c) Report to the Audit (Finance and Risk) Committee on the exercise of this delegation
Statutory framework	Local Government Act 1995, Section 6.12(1)(b) and (c)
Policy	CP FIN-3211 Fees and Charges Pricing Policy
Date adopted	27 August 2019 <u>October 2020</u>

Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-12 Payments from the Municipal Fund and Trust Fund
Delegator	Council
Express power to delegate	Local Government Act 1995 5.42
Express power or duty delegated	Local Government (Financial Management) Regulations 1996, Regulations 5, 11, 12, 12(1)(a) and 13
Function	<p>The Council delegates its authority and power to the Chief Executive Officer to-</p> <p>1 Sign and issue purchase orders to incur liabilities from the Municipal Fund or the Trust Fund on behalf of the Shire,</p> <p>Subject to-</p> <p>(a) Compliance with Council Policy CP/FIN-3204 Purchasing; and</p> <p>(b) Purchase orders only being issued for items of expenditure detailed within the adopted annual budget provision and the purchase does not exceed the Council's budget by more than the applicable Regional Price Preference consideration, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the president in an emergency</p> <p>2 Authorise and make payments by cheque, direct debit or electronic funds transfer (EFT) from the Municipal Fund or the Trust Fund,</p> <p>Subject to-</p> <p>(a) The payment(s) only being for items of expenditure detailed within the adopted annual budget, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the president in an emergency; and</p> <p>(b) The Chief Executive Officer signing payments made by cheque, or authorising payments made by EFT; and</p> <p>(c) Compliance with the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996.</p>
Delegates	Chief Executive Officer
Express power to subdelegate	Section 5.44

<p>Subdelegates</p>	<p> Airport Operations Coordinator Airport Support Officer Asset Officer - Buildings Asset Officer - Housing Business Support Officer - Corporate Services Business Support Officer - Planning and Community Development Communications and Marketing Officer Community Development Officer Coordinator Airport Operations and Compliance Coordinator Financial Operations Coordinator Records and Customer Service Coordinator Recreation and Leisure Coordinator Kununurra Leisure Centre Depot Administration Officer Director Corporate Services Director Infrastructure Director Planning and Community Development Executive Officer to the CEO Financial Accountant Financial Accountant Human Resources Officer ICT Officer ICT Systems Officer Infrastructure Property Officer Infrastructure Support Officer Infrastructure Technical Officer Manager Airports Manager Assets and Engineering Operations Manager Community Development Manager Community Services Manager Finance and Customer Service Manager Human Resources Manager ICT and Records Customer Service Manager Operations Manager Assets and Operations Manager Planning and Regulatory Services Manager Waste Marketing and Communications Officer RangerRanger Safety and Wellbeing Officer Senior Economic Development Officer Senior Environmental Health Officer Senior Governance and Risk Officer Senior Library Officer Senior Procurement and Contracts Officer Senior Projects Officer Senior Ranger and Emergency Services Coordinator Supervisor Operations Team Leader Kununurra Leisure Centre </p>
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<p>Subdelegate conditions</p>	<p>The Chief Executive Officer delegates the functions of Part 2 as outlined above to: Director Corporate Services Director Planning and Community Development Director Infrastructure Manager Finance and Customer Service Financial Accountant Coordinator Financial Management Coordinator Financial Operationse</p> <p>Spending Allocations are detailed in the Payments from the Municipal Account Schedule:</p> <p>Department GovernanceOffice of the Chief Executive Officer Senior Governance and Risk Officer \$10,000 Executive Officer to the CEO \$10,000 Communications and Marketing and Communications Officer \$5,000 Senior Economic Development Officer \$10,000 Manager Human Resources \$10,000 Human Resources Officer \$10,000 Safety and Wellbeing Officer \$10,000</p>
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	<p>Directorate Planning and Community Development Director Planning and Community Development \$150,000 Manager Community Development \$50,000 Manager Planning and Regulatory Services \$50,000 Coordinator Recreation and Leisure \$10,000 Coordinator Kununurra Leisure Centre \$10,000 Kununurra Leisure Centre Team Leader \$10,000 Community Development Officer \$10,000 Senior Projects Officer \$10,000 Senior Library Officer \$10,000 Senior Environmental Health Officer \$10,000 Business Support Officer - Planning and Community Development \$10,000</p> <p>Directorate Corporate Services Director Corporate Services \$150,000 Manager ICT and Customer Service Records \$50,000 Coordinator Financial Operations \$20,000 Manager Human Resources \$10,000 Human Resources Officer \$10,000 Financial Accountant \$10,000 Manager Finance and Customer Service \$50,000 Coordinator Finance \$10,000 Financial Accountant \$10,000 Coordinator Financial Management \$10,000 Coordinator Records Management and Customer Services \$10,000-ICT Systems Officer \$10,000 ICT Officer \$10,000 Senior Procurement and Contracts Officer \$10,000 Business Support Officer – Corporate Services \$10,000 Safety and Well Being Officer \$10,000</p> <p>Directorate Infrastructure Director Infrastructure \$150,000 Manager East Kimberley Regional AirportAirports \$50,000 Manager Assets and Capital Works \$50,000 Manager OperationsManager Assets and Operations \$50,000 Manager Waste \$50,000 Asset Officer – Building \$10,000 Asset Officer – Housing \$10,000 Works Supervisor Operations \$10,000 Infrastructure Technical Officer \$10,000 Infrastructure Support Officer \$10,000 Airport Operations and Compliance Coordinator \$10,000 Airport Operations Coordinator \$10,000 Depot Administration Officer \$10,000 Senior Ranger & Emergency Services Coordinator \$5,000 Ranger \$5,000 Airport Support Officer \$5,000</p>
Statutory framework	Local Government (Financial Management) Regulations 1996, Regulations 5, 11, 12, 12(1)(a) and 13
Policy	CP-FIN 3204 Purchasing Policy
Date adopted	27 August 2019 October 2020
Adoption references	27 August 2019 October 2020
Last reviewed	27 August 2018 August 2019

Amendments			
Approved	Type	Amendment	References
27 Aug 2019	Amended delegation	Amended Position Title – Manager ICT Customer Service	27 August 2019
27 Aug 2019	Amended delegation	Amendment to Sub-delegation Asset Officer	27 Aug 2019
27 Aug 2019	Amended delegation	Amended Sub-delegation Manager Waste Spending Authorisation	27 August 2019
28 Aug 2019	Amended delegation	Amended to include sub-delegation for Airport Operations and Compliance Coordinator 26 November 2019	28 August 2019

Delegation	DA-13 Rate Book
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 5 and 6
Function	<p>The Council delegates its authority and power to the Chief Executive Officer to perform the following functions:</p> <ol style="list-style-type: none"> 1. Extend the time for making an objection to the rate record for a period of time as it sees fit in accordance with section 6.76(4) of the Local Government Act 1995; and 2. Consider any objection to the rate record and may either disallow it or allow it, wholly or in part. 3. After making a decision on the objection, is to promptly serve upon the person whom the objection was made, written notice of the decision and a statement of reasons for that decision.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act Section 5.44
Subdelegates	Coordinator Financial Operations Director Corporate Services
Statutory framework	Local Government Act 1995 Section 5 and 6
Policy	CP-FIN 3200 Strategic Rate Book
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-14 Rates and Services Charges (Including Fees and Charges) Payment Agreements
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 5 and 6
Function	The Council delegates its authority and power to the Chief Executive Officer to perform the following functions: 1. Enter into an agreement under section 6.49 of the Local Government Act 1995 for the payment of a rate or service charge; subject to the requirements of Council Policy CP/FIN-3212 Rates and Charges Debt Collection.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1955 Section 5.44
Subdelegates	Coordinator Financial Operations Director Corporate Services Manager Finance and Customer Service Coordinator Finance
Statutory framework	Local Government Act 1995 Section 5 and 6
Policy	CP/FIN-3212 Rates and Charges Debt Collection.
Date adopted	27 August 2019 October 2020
Adoption references	27 August 2019 October 2020
Last reviewed	27 August 2018 August 2019

Delegation	DA-15 Investments
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 5.42 and Local Government (Financial Management) Regulations 1996, Regulation 19
Function	<p>That Council delegates its authority and power to the Chief Executive Officer:</p> <p>1. To invest any monies held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose; and determine to invest these monies in accordance with Council Policy CP/FIN-3203 Investment;</p> <p>2. To establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of:</p> <p>(a) the nature and location of all investments, and</p> <p>(b) Transactions related to each investment.</p>
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Coordinator Financial Operations Director Corporate Services Director Infrastructure Director Planning and Community Development Financial Accountant Manager Finance and Customer Service Financial Accountant Coordinator Finance
Statutory framework	Local Government Act 1995 Section 5.42 and Local Government (Financial Management) Regulations 1996, Regulation 19
Policy	CP/FIN-3203 Investment
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-16 Expenditure Before Adoption of the Budget
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 5 Administration and 6 Financial Management
Function	The Council delegates its authority and power to the Chief Executive Officer to authorise operating expenditure and appropriate capital expenditure that is to be carried over from the previous Annual Budget from the municipal fund prior to the adoption of the annual budget.
Delegates	Chief Executive Officer
Conditions	The CEO must include the expenditure in the draft budget to be presented to the Council
Express power to subdelegate	Local Government Act 1995 Section 5.44

<p>Subdelegates</p>	<p> Airport Operations Coordinator Airport Support Officer Asset Officer – Buildings Asset Officer - Housing Business Support Officer - Corporate Services Business Support Officer - Planning and Community Development Communications and Marketing Officer Community Development Officer Coordinator Airport Operations and Compliance Coordinator Financial Operations Coordinator Records and Customer Service Coordinator Recreation and Leisure Customer Service Officer Coordinator Kununurra Leisure Centre Depot Administration Officer Director Corporate Services Director Infrastructure Director Planning and Community Development Executive Officer to the CEO Financial Accountant Financial Accountant Human Resources Officer ICT Officer ICT Systems Officer Infrastructure – Property – Officer Infrastructure Support Officer Infrastructure Technical Officer Manager Airports Manager Assets and EngineeringManager Assets and Operations -Manager Community Development Manager Community Services Manager Finance and Customer Service Manager Human Resources Manager ICT and Customer ServiceRecords Manager OperationsManager Assets and Operations Manager Planning and Regulatory Services Manager Waste Marketing and Communications Officer Ranger Safety and Wellbeing Officer Senior Economic Development Officer Senior Environmental Health Officer Senior Finance Officer Senior Governance and Risk Officer Senior Planning Officer Senior Procurement and Contracts Officer Senior Projects Officer Senior Ranger and Emergency Services _Coordinator Supervisor Operations Team Leader Kununurra Leisure Centre </p>
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<p>Subdelegate conditions</p>	<p>The Chief Executive Officer delegates the functions of Part 1 as outlined above with limitations on the amount of expenditure to:</p> <p>Department Office of the CEO Governance Senior Governance and Risk Officer \$10,000 Executive Officer to the CEO Assistant \$10,000 Communications and Marketing and Communications Officer \$5,000 Senior Economic Development Officer \$10,000 Manager Human Resources \$10,000 Human Resources Officer \$10,000 Safety and Wellbeing Officer \$10,000</p> <p>Directorate Planning and Community Development Director Planning and Community Development \$150,000 Manager Community Development \$50,000 Manager Planning and Regulatory Services \$50,000 Coordinator Recreation and Leisure \$10,000 Kununurra Leisure Centre Team Leader \$10,000-Community Development Officer \$10,000 Senior Projects Officer \$10,000 Senior Integrated Planning and Reporting Officer \$10,000 Senior Library Officer \$10,000 Senior Environmental Health Officer Business Support Officer - Planning and Community Development \$10,000</p> <p>Directorate Corporate Services Director Corporate Services \$150,000 Manager ICT and Records Customer Service \$50,000 Manager Finance and Customer Service \$50,000 Coordinator Financial Operations \$210,000 Manger Human Resources \$10,000 Human Resources Officer \$10,000 Financial Accountant \$10,000 Coordinator Financial Management \$10,000 Coordinator Management and Customer Services \$10,000 ICT Systems Officer \$10,000 ICT Officer \$10,000 Senior Procurement and Contracts Officer \$10,000 Business Support Officer \$10,000 Safety and Well Being Officer \$10,000</p> <p>Directorate Infrastructure Director Infrastructure \$150,000 Manager East Kimberley Regional Airports \$50,000 Manager Assets and Engineering Manager Assets and Operations \$50,000 Manager Operations \$50,000 Manager Waste \$50,000 Property Officer – Building \$10,000 Property Officer – Housing \$10,000 Supervisor Operations \$10,000 Infrastructure Technical Officer \$10,000 Project Development Engineer \$10,000 Infrastructure Support Officer \$10,000 Airport Operations and Compliance Coordinator \$10,000 Airport Operations Coordinator \$10,000 Depot Administration Officer \$10,000 Senior Ranger & Emergency Services Coordinator \$5,000 Ranger \$5,000 Airport Support Officer \$5,000</p>
<p>Statutory framework</p>	<p>Local Government Act 1995 Section 5 and 6</p>
<p>Policy</p>	<p>CP FIN-3204 Purchasing Policy</p>

Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 Aug 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Amendments			
Approved	Type	Amendment	References
27 Aug 2019	Amended delegation	Update to Position Title Sub-Delegations	27 August 2019
27 Aug 2019	Amended delegation	Sub-delegation added Manager of Waste	27 Aug 2019
28 Aug 2019	Amended delegation	Amended Financial Sub-Delegations	28 August 2019

Delegation	DA-17 Contract Variations
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995, Section 5.42
Function	<p>The Council delegates its authority and power to the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1. Approve individual contract variations up to a value of \$150,000 (excluding GST), on the condition the variation is necessary for the goods or services to be provided and does not alter the scope of the contract. 2. Approve contract variations up to \$500,000 (excluding GST) that are a renewal or extension to the term of a contract, for contracts that contain a provision for an option to renew or extend its term.
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. The funds required to meet the cost of the variation is within the amount set aside in the budget adopted by Council. 2. For the purposes of this delegation a contract is defined as a legally binding agreement between the Shire and another Party for the supply of goods and/or services. 3. The Chief Executive Officer is to ensure that documented procedures are established and agreed in writing, prior to entering into a contract with regard to variations. 4. The Chief Executive Officer is to ensure that proposed variations to contracts are agreed in writing, prior to commencement. 5. All variations that are material in terms of the Shire's materiality guidelines will be reported to Council.
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	<p>Director Corporate Services Director Infrastructure Director Planning and Community Development Manager Assets and Engineering <u>Manager Assets and Operations</u></p>
Subdelegate conditions	Excluding Part 2
Statutory framework	Local Government Act 1995, Section 5.42
Policy	CP FIN-3204 Purchasing Policy
Date adopted	27 August 2019 <u>October 2020</u>

Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-18 Recovery of Debts
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995, Part 6 Financial Management
Function	<p>The Council delegates its authority and power to the Chief Executive Officer to determine if -</p> <p>1. Court action should be taken to recover an unpaid rate or service charge that is due and payable,</p> <p>Subject to-</p> <p>(a) Recovery action having been taken in accordance with Council Policy CP/FIN-3212 Rates and Charges Debt Collection.</p>
Delegates	Chief Executive Officer
Express power to subdelegate	Section 5.44
Subdelegates	<p>Coordinator Financial Operations Director Corporate Services</p> <p>Manager Finance and Customer Service</p> <p>Coordinator Finance</p> <p>-Financial Accountant Rates Officer</p>
Statutory framework	Local Government Act 1995, Part 6 Financial Management
Policy	CP/FIN-3212 Rates and Charges Debt Collection
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-19 Sale of Impounded or Confiscated Vehicles, Animals or Goods
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 3.47(1), (2), (2a), 3.47A (1), 3.48, 3.58
Function	The Council delegates its authority and power to the Chief Executive Officer to: <ol style="list-style-type: none"> 1. Sell or otherwise dispose of any confiscated or impounded goods 2. Destroy an impounded animal where it is determined to be too ill or injured to treat 3. Where an offender is convicted, recover from the offender expenses incurred for removing, impounding and disposing confiscated or impounded goods.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Infrastructure Manager Assets and Operations Waste Senior Ranger and Emergency Services Coordinator
Date adopted	27 August 2019 October 2020
Adoption references	27/ 08/2019 <u>October 2020</u>
Last reviewed	27 August 2018 August 2019

Amendments			
Approved	Type	Amendment	References
27 Aug 2019	Amended delegation	Amendment Sub-Delegation Manager Waste	27/08/2019

Delegation	DA-20 Enforcement and Infringement Notices
Delegator	Council
Express power to delegate	Government Act 1995 Section 5.42 Local
Express power or duty delegated	Local Government Act 1995, Part 9, Division 2, Subdivision 1 and 2
Function	<p>1. Powers and duties set out in the Local Government Act 1995 in respect of-</p> <p>(a) Section 3.25(1) – Notices requiring certain things to be done by owner or occupier of land.</p> <p>(b) Section 3.27 – Things local government can do on land that is not local government property.</p> <p>(c) Section 3.31 – Entering property.</p> <p>(d) Section 3.39 – Power to remove and impound.</p> <p>(e) Section 3.40A (1) – Abandoned vehicle wreck may be taken.</p> <p>(f) Section 9.11 – Persons found committing breach of Act to give name on demand.</p> <p>(g) Section 9.13 – Onus of proof in vehicle offences may be shifted.</p> <p>(h) Section 9.16 – Giving a Notice.</p> <p>(i) Section 9.17 – Content of Notice.</p> <p>(j) Section 9.19 – Extension of Time.</p> <p>(k) Section 9.20 – Withdrawal of Notice.</p> <p>(l) Section 9.24(1), (2) – Enforcement and legal proceedings – Commencing prosecutions – Offence against the Act or Shire’s Local Laws.</p> <p>(m) Section 9.29(2) – Enforcement and legal proceedings – Representing local government in court.</p> <p>2. Duties and functions set out in the Shire’s local laws.</p>
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44

Subdelegates	<p>Airport Operations Coordinator Director Corporate Services Director Infrastructure Director Planning and Community Development Infrastructure Technical Officer Manager Airports Manager Planning and Regulatory Services Ranger Senior Building Surveyor Senior Environmental Health Officer Senior Planning Officer Senior Ranger and Emergency Services Coordinator Team Leader Airport Services</p>
Subdelegate conditions	<p>Senior Ranger & Emergency Services Coordinator (excluding 1.(k) and (l) Ranger – excluding 1. (k) and (l) Airport Manager – 1(g), 1(h) and 2 ONLY Team EKRA Operations & Compliance Co-ordinator– 1(g), 1(h) and 2 ONLY Business Support Officer Technical – 1(g), 1(h) and 2 ONLY Planning Officer -1(g), 1(h) and 2 ONLY</p>
Policy	<p>Local Laws Activities In Thoroughfares 2005 Bush Fire Brigade Local Law 2017 Cemeteries Local Law 2003 Dogs Local Law 2003 Extractive Industries Local Law 200 Fencing Local Law 2017 Health (Food) Local Law 2009 Health Local Laws 2003 Meeting Procedures Local Law 2016 Parking and Parking Facilities Local Law 2003 Property Local Law 2003 Repeal Local Law 2003</p>
Date adopted	27 August 2019 October 2020
Adoption references	27 August 2019 October 2020
Last reviewed	27 August 2018 August 2019

Delegation	DA-21 Certain things that can be done in Respect to Land
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Subdivision 2 — Certain provisions about land 3.24 Authorising persons under this Subdivision 3.25 Notices requiring certain things to be done by owner or occupier of land 3.26 Additional powers when notices given 3.27 Particular things local governments can do on land that is not local government property 3.31 General procedure for entering property 3.34 Entry in emergency 3.36 Opening fences
Function	The Council delegates its authority and power to the Chief Executive Officer to appoint Authorised Persons in accordance with Section 3.24 and 3.25 of the Act for the purposes of exercising those powers as defined in Sub Division 2 ‘Certain Provisions About Land’ of the Local Government Act 1995 and as prescribed in Schedule 3.1 ‘Powers under notices to owners or occupiers of land’.
Delegates	Chief Executive Officer
Conditions	Schedule 3.1 – Things a notice may require to be done 1. Prevent water from dripping or running from a building on the land onto any other land. 2. Place in a prominent position on the land a number to indicate the address. 3. Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause. 4. (1) Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law — (a) is suitably enclosed to separate it from the public place; and (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place. (2) The notice cannot be given to an occupier who is not an owner. 5. (1) Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly. (2) In this item — unsightly, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality. (3) The notice cannot be given to an occupier who is not an owner. 5A. (1) Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.

	<p>(2) In this item — disused material includes disused motor vehicles, old motor vehicle bodies and old machinery.</p> <p>5B. Ensure that graffiti that is — (a) applied with the consent of the owner or occupier; and (b) visible from a public place; and (c) considered by the local government to be unsightly or offensive, is obliterated in a manner acceptable to the local government.</p> <p>6. Take specified measures for preventing or minimising the movement of sand, silt, clay or rocks on or from the land if, in the opinion of the local government, that movement would be likely to adversely affect other land.</p> <p>7. Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.</p> <p>8. Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government’s control or management and adjoins the land where the tree is situated.</p> <p>9. Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.</p> <p>10. Take specified measures for preventing or minimizing — (a) danger to the public; or (b) damage to property, which might result from cyclonic activity.</p> <p>11. Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.</p> <p>12. Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.</p> <p>13. Take specific measures to prevent — (a) artificial light being emitted from the land; or (b) natural or artificial light being reflected from something on the land, creating a nuisance.</p> <p>14. (1) Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised. (2) In this item — private thoroughfare has the same meaning as in Schedule 9.1 clause 7(1). [Division 1 amended in Gazette 29 Apr 1997 p. 2144; amended by No. 49 of 2004 s. 72; No. 17 of 2009 s. 46.]</p>
<p>Express power to subdelegate</p>	<p>Local Government Act 1995 Section 5.44</p>
<p>Subdelegates</p>	<p>Director Corporate Services Director Infrastructure Manager Planning and Regulatory Services Ranger Senior Building Surveyor Senior Environmental Health Officer Senior Planning Officer Senior Ranger and Emergency Services Coordinator</p>

Subdelegate conditions	<p>In addition, authority is delegated to:</p> <ol style="list-style-type: none"> 1. do anything considered necessary to achieve the purpose for which the notice was given in order to make a person comply with the notice; 2. undertake works that are not carried out by the owner or occupier and recover the costs as a debt; 3. go onto private land in circumstances prescribed in Schedule 3.2 and carry out works, even without the consent of the owner; 4. authorise a person to enter land, premises or thing without consent, after notice has been given, unless the owner or occupier has objected to the entry; 5. enter land in an emergency without notice or consent; and 6. make an opening in a fence to do works on property subject to providing the owner or occupier with 3 day's written notice. <p>Senior Ranger & Emergency Services Coordinator – 5A, 4B, 8, 9, 10, 11, 12 and 14 Only</p> <p>Ranger – 5A, 4B, 8, 9, 10, 11, 12 and 14 Only</p>
Statutory framework	Local Government Act 1995 Sections 3.24, 3.25, 3.26, 3.27, 3.31, 3.34, 3.36 & 5.42
Policy	<p>CP HTH-3761 Licensing of Overflow Sites in Caravan Parks and Camping Grounds CP HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds CP PMG-3781 Leasing of Council Managed Owned Land-Commercial CP PMG-3780 Leasing of Council Managed Reserve Land - Community CP PMG-3782 Property Street Numbering Policy CP PMG-3783 Communication Antennae CP LPP-3827 Trading in Public Places - Mobile Food Vehicle (MFV) LPP 1 Lakeside Residential Development Guidelines Policy LPP 2 Compliance & Enforcement Policy LPP 3 Weaber Plain LIA Design Guidelines LPP 5 Sea Shipping Containers LPP 6 Caretakers Dwelling in Light Industrial Areas LPP 7 Relocated and Transportable Buildings LPP 11 Transient Accommodation LPP 12 Temporary Workers Accommodation Camp LPP 15 Signage</p>
Date adopted	27 October November 202019
Adoption references	27 October November 202019: Amended Sub-delegation to include Senior Planning Officer
Last reviewed	27 August 2018 August 2019

Delegation	DA-22 Powers of Entry
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Sections 3.32 Notice of Entry 3.33 Entry Under Warrant 3.34 Entry in Emergency 3.36 Opening Fences
Function	The Council delegates its authority and power to the Chief Executive Officer pursuant to Section 5.42 and 5.43 of the Local Government Act 1995 to: <ol style="list-style-type: none"> 1. Authorise entry onto land to fulfil any statutory function that the local government has under the Local Government Act 1995 2. Give a Notice of Entry 3. Seek and execute an entry under warrant 4. Execute an entry in an emergency 5. Give notice and execute the opening of a fence.
Delegates	Chief Executive Officer
Conditions	(a) A warrant to enter may only be sought after the employee has a sworn affidavit setting out circumstances that gave rise to the need for a warrant (unless and emergency)
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Infrastructure Director Planning and Community Development Environmental Health Officer Manager Assets and Operations Engineering Manager Operations Manager Planning and Regulatory Services Ranger Regulatory Services Technical Officer Senior Building Surveyor Senior Environmental Health Officer Senior Planning Officer Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	(a) A warrant to enter may only be sought after the employee has a sworn affidavit setting out circumstances that gave rise to the need for a warrant (unless and emergency)
Statutory framework	Local Government Act 1995 Sections 3.32, 3.33, 3.34, 3.36
Date adopted	276 October November 2020 19
Adoption references	276 October November 2020 19 : Amended Sub-delegation to include Senior Planning Officer
Last reviewed	27 August 2018 August 2019

Amendments			
Approved	Type	Amendment	References
26 Nov 2019	Amended delegation	26 November 2011: Amended Sub-delegation to include Senior Planning Officer	26 November 2011: Amended Sub-delegation to include Senior Planning Officer

Delegation	DA-23 Public Thoroughfares
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Sections 3.50 Closing certain Thoroughfares to Vehicles 3.51 Affected Owners to be notified of certain proposals
Function	The Council delegates its authority and power to the Chief Executive Officer to: <ol style="list-style-type: none"> 1. close a thoroughfare wholly or partially, for a period not exceeding 4 weeks; 2. provide public notice of intentions and reasons for, and invite and consider submissions prior to ordering the closure of a thoroughfare, wholly or partially, to vehicles for a period exceeding 4 weeks' and 3. give notice of proposal and invite and consider submissions before – <ol style="list-style-type: none"> (a) Fixing or altering the level of, or the realignment of, a public thoroughfare; or (b) Draining water from a public thoroughfare or other public place onto adjoining land. 4. To revoke an order to close a thoroughfare subject to the provisions of Section 3.50(6) of the Local Government Act 1995. Any proposal to close a thoroughfare for any period exceeding 3 months must be referred to Council for determination.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act Section 5.44
Subdelegates	Director Infrastructure Manager Assets and Operations Engineering Senior Ranger and Emergency Services Coordinator
Statutory framework	Local Government Act 1995 Sections 3.50, 3.51 & 5.42
Policy	Activities In Thoroughfares 2005 Local Law
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-24 Gates Across Public Thoroughfare
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 9
Express power or duty delegated	Local Government Act 1995 Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 9
Function	<p>The Council delegates its authority and power to the Chief Executive Officer to-</p> <ol style="list-style-type: none"> 1. Grant permission to a person to have a gate or other device across a public thoroughfare under the care, control and management of the Shire, and impose conditions in respect to the permission, Subject to- (a) The requirements of Regulation 9 of the Local Government (Uniform Provisions) Regulations 1996; and (b) A register of gates and other devices being kept in accordance with Clause 9(8) of the Local Government (Uniform Provisions) Regulations 1996. 2. Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above. 3. Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above. 4. Recover the cost of anything done under (3) above as a debt due from the person who failed to comply with the notice issued subject to notification being given to Council prior to legal action commencing.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Infrastructure Manager Assets and Operations Engineering
Policy	CP OPS-3649 Maintenance of Shire Assets CP OPS-3650 Private Works
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-25 Dangerous Excavation in or Near Public Thoroughfare
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 11 Dangerous excavation in or near public thoroughfare — Sch. 9.1 cl. 6
Function	The Council delegates its authority and power to the Chief Executive Officer to exercise each of the functions under regulation 11 of the Local Government (Uniform Local Provisions) Regulations 1996, including the powers – 1. to fill in or fence an excavation; 2. to give a written request to an owner or occupier to fill in or securely fence the excavation; and 3. to determine applications for permission to make, or make and leave, an excavation in a public thoroughfare or land adjoining a public thoroughfare or land adjoining a public thoroughfare.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Infrastructure Manager Assets and Operations Engineering Manager Operations Manager Waste
Statutory framework	Local Government Act 1995 Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 11
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 Aug-2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Amendments			
Approved	Type	Amendment	References
27-Aug-2019	Amended delegation	Amended Subdelegation Manager Waste	27-Aug-2019

Delegation	DA-26 Crossovers
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996 Regulation 12 Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2) and: Regulation 13 Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)
Function	The Council delegates its authority and power to the Chief Executive Officer to- 1. Approve or refuse an application from an owner of land, to construct a crossover giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, and impose conditions in respect to the approval, Subject to- (a) The requirements of Regulation 14(2) of the Local Government (Uniform Provisions) Regulations 1996. 2. Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above. 3. Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above. 4. Issue a notice under Regulation 13(1) of the Local Government (Uniform Provisions) Regulations 1996 to the owner or occupier of private land to construct or repair a crossover from a public thoroughfare to the land, or a private thoroughfare serving the land Subject to- (a) The requirements of Regulation 14(2) of the Local Government (Uniform Provisions) Regulations 1996. Recover the cost of anything done under (3) and (4) above as a debt due from the person who failed to comply with the notice issued (b) Notification being given to Council prior to legal action commencing.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Infrastructure Director Planning and Community Development Manager Assets and Operations Engineering Manager Community Development Manager Planning and Regulatory Services
Statutory framework	Local Government Act 1995 Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 12 and 13
Policy	CP OPS-3653 Vehicle Crossover Subsidy

Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-27 Permission to Deposit Materials on, or Excavate Adjacent to a Street
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996 Regulation 6 Obstruction of public thoroughfare by things placed and left — Sch. 9.1 cl. 3(1)(a)
Function	The Council delegates its authority and power to the Chief Executive Officer to exercise each of the functions under regulation 6 of the Local Government (Uniform Local Provisions) Regulations 1996, including the power to determine applications for permission to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Infrastructure
Statutory framework	Local Government Act 1995, Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 6
Policy	CP OPS 3656 Construction Security Deposits CP OPS-3649 Maintenance of Shire Assets CP OPS-3650 Private Works CP OPS-3651 Private Works and Developments on Road Verges and Shire Managed Land CP OPS 3655 Road Development
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-28 Events on Roads
Delegator	Council
Express power to delegate	Local Government Act 1995, Section 5.42
Express power or duty delegated	Local Government Act 1995, Section 5.42
Function	<p>The Council delegates its authority and power to give, or refuse to give, the Shire's approval under regulation 4 of the Road Traffic (Events on Roads) Regulations 1991 in relation to the temporary closure of a road for the purpose of conducting an event.</p> <p>Note- In exercising this function, delegates may be required to comply with the requirements of sections 3.50 of the Local Government Act 1995.</p>
Delegates	Chief Executive Officer
Conditions	In exercising this function, delegates may be required to comply with the requirements of sections 3.50 of the Local Government Act 1995.
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Infrastructure
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-29 Road Trains and Extra Mass Permits
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 5.42 Delegation of some powers and duties to CEO
Function	The Council delegates its authority and power to the Chief Executive Officer to determine any application to use road trains and for extra mass permits on any local road within the district, recommending approval or refusal, with or without conditions, for referral to Main Roads WA. Taking regard to any Council policy on the issue that may be established from time to time.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Infrastructure Manager Assets and Operations Engineering
Statutory framework	Local Government Act 1995 Section 5.42
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-30 Temporary Road Closures
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 5.42 Delegation of some powers and duties to CEO Subdivision 5 - Local Government Act 1995: s3.50 Closing certain thoroughfares to vehicles s3.50(a) Partial closure of thoroughfares for repairs or maintenance s3.51 Affected owners to be notified of certain proposals s3.52 Public access to be maintained and plans kept
Function	1. The Council delegates its authority and power to the Chief Executive Officer temporarily close roads for repairs and maintenance in accordance with Subdivision 5 (Certain provisions about thoroughfares) of the Local Government Act 1995. 2. The Council delegates its authority and power to the Chief Executive Officer temporarily close unsealed roads to avoid traffic damage to the roads when required according to road conditions and weather conditions in accordance with Subdivision 5 (Certain provisions about thoroughfares) of the Local Government Act 1995.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Infrastructure Manager Assets and Operations Engineering
Statutory framework	Subdivision 5 - Local Government Act 1995: s3.50 Closing certain thoroughfares to vehicles s3.50(a) Partial closure of thoroughfares for repairs or maintenance s3.51 Affected owners to be notified of certain proposals s3.52 Public access to be maintained and plans kept
Policy	CP OPS 3655 Road Development
Date adopted	27 August 2019 October 2020
Adoption references	27 August 2019 October 2020
Last reviewed	27 August 2018 August 2019

Delegation	DA-31 Traffic Regulatory Signs
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995 Section 5.42 Delegation of some powers and duties to CEO
Function	The Council delegates its authority and power to the Chief Executive Officer to install appropriate traffic regulatory signs at such places as considered necessary
Delegates	Chief Executive Officer
Conditions	In exercising this function approval from Main Roads and other statutory bodies is to be gained where relevant. All signs are to be in accordance with relevant legislation, guidelines and standards.
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Infrastructure Manager Assets and Operations Engineering
Statutory framework	Local Government Act 1995 Section 5.42
Policy	CP OPS 3658 Roadside Advertising Signage
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-32 Appointment of Authorised Persons Local Laws
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Local Government Act 1995, Section 3.24 Authorising persons under this Subdivision 3.25 Notices Requiring Certain Things to be Done 3.26, Additional Powers when Notice is Given 3.27, Particular things Local Governments can do on land that is not local government property 3.39 Power to remove and impound 9.10 Appointment of Authorised Persons
Function	The Council delegates its authority and power to the Chief Executive Officer to appoint persons or classes of persons pursuant to Section 5.42 and 5.43 of the Local Government Act 1995 to be authorised for the purpose of fulfilling prescribed functions within the Local Government Act 1995 and the administration of the Shire's Local Laws.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Corporate Services Director Infrastructure Director Planning and Community Development Environmental Health Officer Manager Assets and Engineering Manager Assets and Operations Manager Planning and Regulatory Services Manager Waste Ranger Regulatory Services Technical Officer Senior Building Surveyor Senior Environmental Health Officer Senior Planning Officer Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	For the purpose of this delegation Sub Delegates are Authorised Officers Enforcement and Infringement notices must comply with DA -20 enforcement's and Infringement Notices
Statutory framework	Local Government Act 1995, Section 3.24, 3.25, 3.26, 3.27, 3.39, 9.10

Policy	Activities In Thoroughfares 2005 Bush Fire Brigade Local Law 2017 Cemeteries Local Law 2003 Dogs Local Law 2003 Extractive Industries Local Law 2003 Fencing Local Law 2017 Health (Food) Local Law 2009 Health Local Laws 2003 Meeting Procedures Local Law 2016 Parking and Parking Facilities Local Law 2003 Property Local Law 2003 November 26, 2013 Repeal Local Law 2003
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 Aug 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Amendments			
Approved	Type	Amendment	References
27 Aug 2019	Amended delegation	Sub-Delegation Amendment Manager Waste	27 Aug 2019
26 Nov 2019	Amended delegation	26 November 2019: Amended Sub-delegation to include Senior Planning Officer	Delegation Adopted 28 August 2019

Delegation	DA-33 Planning and Development (Local Planning Schemes) Regulations 2015
Delegator	Council
Express power to delegate	Planning and Development (Local Planning Scheme) Regulations 2015
Express power or duty delegated	Planning and Development (Local Planning Scheme) Regulations 2015 pursuant to Schedule 2, Part 10 Division 2
Function	<p>The Council delegates its authority and power pursuant to Schedule 2, Part 10 Division 2 to:</p> <ol style="list-style-type: none"> 1. Determine applications for planning approval, including applications, involving; <ol style="list-style-type: none"> a. the variation of Local Planning Scheme provisions, Local Planning Policy or provisions of the Residential Design Codes; and b. the exercise of discretion under the Local Planning Scheme, Local Planning Policy or the Residential Design Codes; and c. unauthorised existing developments. 2. Advertise an application for development approval. 3. Refusal of all development applications where; <ol style="list-style-type: none"> a. the proposed use is not permitted by the Local Planning Scheme; or b. the development does not comply with the non-discretionary provisions of the Residential Design Codes or; c. additional information required is not provided within 21 days of the request. 4. Amend or revoke a development approval. 5. Grant an extension of development approval for up to two (2) years. 6. Make recommendations to the WA Planning Commission on: <ol style="list-style-type: none"> a. Applications for subdivision or amalgamation of land; b. Minor variations to approved subdivisions; c. Clearance of conditions of subdivision approval 7. At all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Local Planning Scheme are being served. 8. Issue and serve notices, and take any other enforcement action, against a person who is suspected of committing an offence under the Local Planning Scheme.
Delegates	Chief Executive Officer
Subdelegates	Director Planning and Community Development Manager Planning and Regulatory Services Regulatory Services Technical Officer Senior Planning Officer

Policy	LPP 1 Lakeside Residential Development Guidelines Policy LPP 2 Compliance & Enforcement Policy LPP 3 Weaber Plain LIA Design Guidelines LPP 5 Sea Shipping Containers LPP 6 Caretakers Dwelling in Light Industrial Areas LPP 7 Relocated and Transportable Buildings LPP 11 Transient Accommodation LPP 12 Temporary Workers Accommodation Camp LPP 15 Signage
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-34 Strata Titles- Issue of Local Authority Certificate
Delegator	Council
Express power to delegate	Strata Titles Act 1985 – Section 9 (3), 10 (2) and 24 (2)
Express power or duty delegated	Strata Titles Act 1985 – Section 9 (3), 10 (2) and 24 (2)
Function	The Council delegates its authority and power to the Chief Executive Officer to issue or refuse a local authority certificate pursuant to Section 9 (3) and 10(2) of the Strata Titles Act 1985 and make preliminary determinations pursuant to Section 24 (2) of the Act. Subject to the following conditions: (a) Applicant being advised of the objection and/or appeal rights
Delegates	Chief Executive Officer
Express power to subdelegate	The Council delegates its authority and power to the Chief Executive Officer to issue or refuse a local authority certificate pursuant to Section 9 (3) and 10(2) of the Strata Titles Act 1985 and make preliminary determinations pursuant to Section 24 (2) of the Act. Subject to the following conditions: (a) Applicant being advised of the objection and/or appeal rights
Subdelegates	Director Planning and Community Development Manager Planning and Regulatory Services Senior Building Surveyor Senior Planning Officer
Subdelegate conditions	Strata Titles Act 1985 – Section 9 (3), 10 (2) and 24 (2)
Statutory framework	Strata Titles Act 1985 – Section 9 (3), 10 (2) and 24 (2)
Date adopted	28 August 2019 <u>October 2020</u>
Adoption references	Delegation Adopted 28 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Amendments			
Approved	Type	Amendment	References
28-Aug-2019	Amended delegation	26-November-2019:- Amended Sub-delegation to include Senior Planning Officer	Delegation Adopted 28-August 2019

Delegation	DA-35 Planning and Development Act 2005 Illegal Development
Delegator	Council
Express power to delegate	Planning and Development Act 2005
Express power or duty delegated	Planning and Development Act 2005 Section 214 Illegal development, responsible authority's powers as to (2), (3) and (5) and Section 215 Illegal development, responsible authority's powers to remove etc.
Function	<p>The Council delegates its authority and power pursuant to Section 5.42 and 5.43 to the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop and not recommence the development or that part of the development that is undertaken in contravention of the Local Planning Scheme 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> a. to remove, pull down, take up, or later the development; and b. to restore the land as nearly as practicable to this condition immediately before the development stated, to the satisfaction of the responsible authority 3. Give a written direction to the person whose duty it is to execute that work where it appears that delay in the execution of the work to be executed under a Local Planning Scheme would prejudice the effective operation of the Local Planning Scheme. 4. Recover expenses under Section 215 of the Planning and Development Act 2005 in a court of competent jurisdiction.
Delegates	Chief Executive Officer
Subdelegates	Director Planning and Community Development Manager Planning and Regulatory Services Regulatory Services Technical Officer Senior Planning Officer
Statutory framework	Planning and Development Act 2005 Section 214(2), (3) and (5) and Section 215
Date adopted	28 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-36 Planning and Development Act 2005- Authorisations
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42 and 5.43
Express power or duty delegated	Planning and Development Act 2005 Section 234 Designated persons, appointment of
Function	The Council delegates its authority and power pursuant to Section 5.42 and 5.43 of the Local Government Act 1995 to the Chief Executive Officer to appoint designated persons for the purposes of the below listed sections of the Planning and Development Act 2005: s228 – Giving of infringement notice s229 – Content of infringement notice s230 – Extending time to pay modified penalty s231 – Withdrawal of penalty
Delegates	Chief Executive Officer
Express power to subdelegate	<u>L</u> ocal Government Act Section 5.43 and Section 5.44
Subdelegates	Director Planning and Community Development Manager Planning and Regulatory Services Regulatory Services Technical Officer Senior Planning Officer
Subdelegate conditions	Director Planning and Community Development Manager Planning & Regulatory Services Planning Officer (Excl. s230; s231) Business Support Officer Technical (<u>except</u> s230; s231)
Statutory framework	Planning and Development Act 2005 Section 234
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-37 Building Act 2011 and Building Regulations 2012 Designate Authorised Person
Delegator	Council
Express power to delegate	Section 27 Building Act 2011
Express power or duty delegated	Building Act 2011 Section 93 Changing building standards, requirements, as to existing buildings (2)(d), 96(3), (5) and (6) and Section 99 Limitation on powers of authorised person
Function	The Council delegates its authority and power to the Chief Executive Officer pursuant to section 27 of the Building Act 2011 to designate an employee as an authorised person under section 96 (3) of the Building Act 2011 in relation to buildings and incidental structures located or proposed to be located in the district of the local government and for the purpose of section 93(2)(d) and 96 (5)(6).
Delegates	Chief Executive Officer
Express power to subdelegate	Section 27 of Building Act 2011
Subdelegates	Director Planning and Community Development Manager Planning and Regulatory Services Regulatory Services Technical Officer Senior Building Surveyor
Subdelegate conditions	For the purpose of this delegation the Sub-Delegate will be the Authorised Officer
Statutory framework	Building Act 2011 Section 93(2)(d), 96(3), (5) and (6) and Section 99
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-38 Building Act 2011 and Building Regulations 2012 - Building Orders
Delegator	Council
Express power to delegate	Section 6(3) of the Building Act 2011
Express power or duty delegated	Building Act 2011, Sections: 88 Finishes of walls close to boundaries 110 Building orders 117 Revocation of building order (1) and (2), 118 Permit authority may give effect to building order if non compliance (2) And (3), 133 Prosecutions (1)
Function	The Council delegates its authority and power pursuant to Section 6(3) of the Building Act 2011 to the Chief Executive Officer to: <ol style="list-style-type: none"> 1. Make building orders in respect of one or more of the following: <ol style="list-style-type: none"> a. particular building work b. particular demolition work c. a particular building or incidental structure, whether completed before or after commencement day 2. Specify the way in which an outward facing side of a particular close wall must be finished 3. Revoke a building order at any time 4. Decide whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect, within 28 days of receiving a notification under section 112(3)(c) and section 117(2) 5. If there is non-compliance with a building order, cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease 6. Take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order 7. Initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.
Delegates	Chief Executive Officer
Express power to subdelegate	Section 6(3) of the Building Act 2011
Subdelegates	Director Planning and Community Development Manager Planning and Regulatory Services Senior Building Surveyor
Statutory framework	Building Act 2011, Section 88, 110, 117(1) and (2), 118(2) And (3), 133(1)
Date adopted	27 August 2019 <u>October 2020</u>

Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-39 Building Act 2011 and Building Regulations 2012- Building and Demolition Permits
Delegator	Council
Express power to delegate	Section 6(3) of the Building Act 2011
Express power or duty delegated	Building Act 2011 Sections 20 Grant of building permit 21 Grant of demolition permit and 27 Conditions imposed by permit authority (1) and (3)
Function	The Council delegates its authority and power pursuant to Section 6(3) of the Building Act 2011 to the Chief Executive Officer to: 1. Grant a building or demolition permit; 2. Refuse a building or demolition permit; and 3. Impose, vary or revoke conditions on a building or demolition permit.
Delegates	Chief Executive Officer
Express power to subdelegate	Section 6(3) of the Building Act 2011
Subdelegates	Director Planning and Community Development Manager Planning and Regulatory Services Senior Building Surveyor
Statutory framework	Building Act 2011 Sections 20, 21 and 27(1) and (3)
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-40 Building Act 2011 Building Regulations 2012- Occupancy and Building
Delegator	Council
Express power to delegate	Section 6(3) of the Building Act 2011
Express power or duty delegated	<p>Building Act 2011, Sections 55 Further information 58 Grant of occupancy permit, building approval certificate 59 Time for granting occupancy permit or building approval certificate 60 Notice of decision not to grant occupancy permit or grant building approval certificate 62 Conditions imposed by permit authority (1), (3), (4) And (5), 65 Extension of period of duration (4) and</p> <p>Building Regulations 2012 Regulation Section 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s. 65) (2) and (5)</p>
Function	<p>The Council delegates its authority and power pursuant to Section 6(3) of the Building Act 2011 to the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1. Require the applicant for an occupancy permit or building approval certificate to provide any document or information that it requires to determine the application and to verify the information by statutory declaration 2. Refuse to consider an application 3. Grant or modify the occupancy permit or grant the building approval certificate 4. Refuse to grant or modify the occupancy permit or grant the building approval certificate (including in the circumstances set in section 58(2) and (3) 5. Record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right to review 6. Impose, add, vary or revoke conditions on an occupancy permit 7. Give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right of review 8. Extend the period in which the occupancy permit or modification or the building approval certificate has effect 9. Refuse to accept an application to extend the time during which an occupancy permit or a building approval certificate has effect 10. Refuse to extend the time during which an occupancy permit or a building approval certificate has effect or extend the permit or certificate for shorter period than requested by the applicant and, if so, record the grounds on which a decision is based and the reason for the decision, and give written notice of the decision together with those grounds and reasons, and the person's right of review.
Delegates	Chief Executive Officer

Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Planning and Community Development Manager Planning and Regulatory Services Senior Building Surveyor
Statutory framework	Building Act 2011, Sections 55, 58, 59, 60, 62(1), (3), (4) And (5), 65(4) and Building Regulations 2012 Regulation 40(2) and (5)
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-41 Bush Fires Act 1954- Variation to Firebreak Orders
Delegator	Council
Express power to delegate	Bush Fires Act 1954
Express power or duty delegated	Bush Fires Act 1954, Section 48 Delegation by local governments
Function	<p>The Council delegates its authority and power to the Chief Executive Officer to perform all the functions and duties of the local government under the Bushfires Act 1954,</p> <p>Subject to-</p> <p>(a) This power and authority cannot be sub-delegated by virtue of Section 48(3) of the Bushfires Act 1954.</p> <p>(b) The exclusion of powers and duties prescribed in the Act including those that require a resolution by the local government.</p> <p>(c) Where the exercise of authority relates to the determination of firebreaks in alternative positions, or alternative action to abate fire hazards, the Chief Executive Officer shall liaise with the Department of Fire and Emergency Services nominated Chief Bushfire Control Officer or Deputy Bushfire Control Officer on each specific variation request.</p>
Delegates	Chief Executive Officer
Express power to subdelegate	This Delegation cannot be Sub-delegated
Statutory framework	Bush Fires Act 1954, Section 48
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-42 Bush Fires Act 1954- Variation to Prohibited Burning Times
Delegator	Council
Express power to delegate	Bush Fires Act 1954
Express power or duty delegated	Bush Fires Act 1954 Section 48
Function	<p>The Council delegates its authority and power to the Chief Executive Officer to-</p> <ol style="list-style-type: none"> 1. Vary the prohibited burning times within the district of the Shire of Wyndham East Kimberley, Subject to- (a) The appropriate notice being given as required by Section 17(8) of the Bushfires Act 1954. 2. Vary the restricted burning times within the district of the Shire of Wyndham East Kimberley, (a) The appropriate notice being given as required by Section 18(5C) of the Bushfires Act 1954.
Delegates	Chief Executive Officer
Statutory framework	Bush Fires Act 1954 Section 48
Policy	CP REM-3620 Fire Breaks
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-43 Food Act 2008- Prohibition Orders, Certificates of Clearance
Delegator	Council
Express power to delegate	Food Act 2008,
Express power or duty delegated	Food Act 2008, Sections 65 Prohibition order(1), 66 Certificate of clearance to be given in certain circumstances 67 Request for re-inspection (4) Pursuant Section 118(2)(b) and (3) of the Food Act 2008
Function	The Council delegates its authority and power pursuant to Section 118(2)(b) and (3) of the Food Act 2008 to the Chief Executive Officer and Director, Community Development to: 1. Serve a Prohibition Order on the proprietor of a food business 2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices 3. Give written notice to the proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection.
Delegates	Chief Executive Officer
Express power to subdelegate	Food Act 2008
Subdelegates	Director Planning and Community Development
Statutory framework	Food Act 2008, Sections 65(1), 66 and 67(4)
Policy	Health (Food) Local Law 2009 November Health Local Laws 2003
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-44 Liquor Control Act 1988
Delegator	Council
Express power to delegate	5.42 of the Local Government Act 1995
Express power or duty delegated	Liquor Control Act 1988, Sections 39 Certificate of local government as to whether premises comply with laws and 40 Certificate of planning authority as to whether use of premises complies with planning laws
Function	The Council delegates its authority and power pursuant to Section 5.42 of the Local Government Act 1995 to the Chief Executive Officer to sign and issue Local Authority Certificates of compliance with respect to requests for Liquor Control Act 1988 Section 39 (Health) and Section 40 (Town Planning) Certificates.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Planning and Community Development
Statutory framework	Liquor Control Act 1988, Sections 39 and 40
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-45 Gaming and Wagering Commission Act 1987- Gaming
Delegator	Council
Express power to delegate	Local Government Act 1995 Section 5.42
Express power or duty delegated	Gaming and Wagering Commission Act 1987, Section 44 Cheating in games etc. to obtain prize etc., offence
Function	The Council delegates its authority and power pursuant to Section 5.42 of the Local Government Act 1995 to the Chief Executive Officer to provide a report certifying that premises conform, or if not conforming in what respect they do not conform in respect of requests for Section 44 of the Gaming and Wagering Commission Act 1987 reports.
Delegates	Chief Executive Officer
Express power to subdelegate	Local Government Act 1995 Section 5.44
Subdelegates	Director Planning and Community Development Manager Planning and Regulatory Services
Statutory framework	Gaming and Wagering Commission Act 1987, Section 44
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-46 Cat Act 2011- Powers, Duties and Functions
Delegator	Council
Express power to delegate	Cat Act 2011, Cat (Uniform Local Provisions) Regulations 2013 and Cat Regulations 2012
Express power or duty delegated	Cat Act 2011 Cat (Uniform Local Provisions) Regulations 2013 and Cat Regulations 2012
Function	<p>The Council delegates its authority and power to the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1) Appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the Cat Act 2011 2) Determine conditions on any authorisation 3) Cancel or vary an authorisation <p>The CEO is delegated Authority to exercise the powers or discharge the duties of the Local Government under the Cat Act 2011, including the power to delegate to any employee the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the provision of this Act.</p>
Delegates	Chief Executive Officer
Express power to subdelegate	Cat Act 2011 Section 48 Authorised Persons
Subdelegates	Business Support Officer - Corporate Services Coordinator Records and Customer Service Customer Service Officer Customer Service Officer - Casual Director Infrastructure Ranger Records Officer Senior Ranger and Emergency Services Coordinator Wyndham Customer Service Officer

Subdelegate conditions	<p>48 . Authorised persons</p> <p>(1) A local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions under this Act.</p> <p>(2) A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of section 62.</p> <p>(3) An authorisation under this section may be made on such conditions as the local government determines, in writing given to the authorised person.</p> <p>(4) The local government may, in writing given to the authorised person, at any time, cancel an authorisation under this section or add, vary or cancel a condition of an authorisation.</p> <p>(5) The local government is to issue to each authorised person appointed under subsection (1) a certificate stating that the person is an authorised person for the purposes of this Act.</p> <p>(6) An authorised person (other than a police officer) must —</p> <p>(a) at all times when performing functions as an authorised officer carry —</p> <p>(i) the certificate issued under subsection (5); or</p> <p>(ii) the certificate of authority issued under the Public Health Act 2016 section 30; and</p> <p>(b) produce for inspection the certificate or certificate of authority at the reasonable request of any person; and</p> <p>(c) in the case of an authorised person appointed under subsection (1), if he or she ceases to be an authorised person, return the certificate issued under subsection (5) to the local government as soon as is practicable.</p> <p>Penalty for an offence under this subsection: a fine of \$5 000. [Section 48 amended: No. 19 of 2016 s. 117.]</p> <p>The Following Sub-Delegates are limited in their delegation, to issue registrations for dog and cat activities in accordance with of that Act ONLY</p> <p>Coordinator Records and Customer Services Manager Finance and Customer Services Customer Service Officer Records Officer Wyndham Customer Services Officer Customer Services Officer – Casual Business Support Officer Corporate Service Infrastructure Support Officer Business Support Officer Planning and Community Development Finance/Payroll Officer</p>
Statutory framework	Cat Act 2011, Cat (Uniform Local Provisions) Regulations 2013 and Cat Regulations 2012
Date adopted	21 October 2019
Adoption references	21/10/2019
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-47 Dog Act 1976- Powers, Duties and Functions
Delegator	Council
Express power to delegate	Dog Act 1976 and Dog Regulations 2013
Express power or duty delegated	Dog Act 1976 and Dog Regulations 2013
Function	<p>The Council delegates its authority and power to the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1) Appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the Dog Act 1976. 2) Appoint persons or classes of persons to be authorised as registration officers. 3) Determine conditions on any authorisation. 4) Cancel or vary an authorisation. <p>The Council delegates its authority and power to the Chief Executive Officer to perform the functions and duties of the local government under the Dog Act 1976 and associated Regulations with conditions referenced therein and to further delegate powers and duties under the Dog act 1976 including the appointment of authorised persons.</p>
Delegates	Chief Executive Officer
Conditions	<p>Dog Act 1976 Section 11 Staff Services</p> <p>(3)A person who is authorised by a local government to exercise any power under this Act shall be furnished with a certificate in the prescribed form evidencing his appointment, and shall produce that certificate on being required so to do by a person in respect of whom he exercises, has exercised, or is about to exercise any such power.</p> <p>Dog Act 1976 Section 29. Power to seize dogs</p> <p>(1) A local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by this Act.</p>
Express power to subdelegate	Dog Act 1976 and Dog Regulations 2013
Subdelegates	<p>Business Support Officer - Corporate Services Coordinator Records and Customer Service Customer Service Officer Director Infrastructure Ranger Records Officer Senior Ranger and Emergency Services Coordinator Wyndham Customer Service Officer</p>

Subdelegate conditions	<p>The Following section requires the express written authorisation of the Chief Executive officer, Director Infrastructure or the Senior Ranger and Emergency Services Coordinator ONLY:</p> <p><i>Dog Act 1976 Section 29</i> <i>(10) Where a dog has been seized and detained, whether or not under this section, and —</i> <i>(a) the dog is not claimed; or</i> <i>(b) the person in whose name the dog is registered declines to resume possession of the dog; or</i> <i>(c) any moneys due in relation to the dog are not paid; or</i> <i>(d) section 33G(6) applies; or</i> <i>(e) an authorised person is satisfied that to deliver up the dog under subsection (8) or (8A) would create circumstances that give rise to an offence against this Act,</i></p> <p><i>an authorised person may cause the dog to be destroyed.</i></p> <p>The Following Sub-Delegates are limited in their delegation, to issue registrations for dog activities in accordance with that Act ONLY The following officers are delegated to the extend that they may issue Registrations only: Team Leader Records Management and Customer Services Manager Finance and Customer Services Customer Service Officer Records Officer Ranger Wyndham Customer Services Officer Wyndham Customer Services Officer—Casual Business Support Officer Corporate Services Infrastructure Support Officer Business Support Officer Planning and Community Development Finance/Payroll Officer</p>
Statutory framework	Dog Act 1976 and Dog Regulations 2013
Policy	Dogs Local Law 2003
Date adopted	27 August 2019 October 2020
Adoption references	27 August 2019 October 2020
Last reviewed	27 August 2018 August 2019

Amendments			
Approved	Type	Amendment	References
27 Aug 2019	Amended delegation	<p>Sub Delegation Conditions amendment</p> <p>The following section requires the express written authorisation of the Chief Executive officer, Director Infrastructure or the Senior Ranger and Emergency Services Coordinator ONLY:</p> <p>Dog Act 1976 Section 29</p> <p>(10) Where a dog has been seized and detained, whether or not under this section, and —</p> <p>(a) the dog is not claimed; or</p> <p>(b) the person in whose name the dog is registered declines to resume possession of the dog; or</p> <p>(c) any moneys due in relation to the dog are not paid; or</p> <p>(d) section 33G(6) applies; or</p> <p>(e) an authorised person is satisfied that to deliver up the dog under subsection (8) or (8A) would create circumstances that give rise to an offence against this Act,</p> <p>an authorised person may cause the dog to be destroyed.</p>	27 August 2019

Delegation	DA-48 Pound Keepers - Appointment of Rangers
Delegator	Council
Express power to delegate	Local Government (Miscellaneous Provisions) Act 1960
Express power or duty delegated	Local Government (Miscellaneous Provisions) Act 1960
Function	The Council delegates its authority and power to the Chief Executive Officer to: 1) Appoint persons or classes of persons to be authorised as rangers for the purpose of being a pound keeper as per the Local Government (Miscellaneous Provisions) Act 1960. 2) Determine conditions on any authorisation 3) Cancel or vary an authorisation
Delegates	Chief Executive Officer
Conditions	Subject to- 1. The local government having the care, control, and management of a public pound shall cause public notice to be given of the appointment or removal of pound keepers and rangers, and a notice so given is prima facie evidence a poundkeeper or ranger has been lawfully appointed or removed, as the case may be.
Express power to subdelegate	Local Government (Miscellaneous Provisions) Act 1960
Subdelegates	Ranger Senior Ranger and Emergency Services Coordinator
Subdelegate conditions	For the purchase of this delegation, The Chief Executive Officer Authorises the above officers as Pound Keepers as per the Local Government (Miscellaneous Provisions) Act 1960
Statutory framework	Local Government (Miscellaneous Provisions) Act 1960
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA- 49 Public Health Act 2016 and Health (Miscellaneous Provisions Act 1911- Appointment of Authorised Officers
Delegator	Council
Express power to delegate	Public Health Act 2016, Section 312 Health (Miscellaneous Provisions) Act 1911
Express power or duty delegated	Public Health Act 2016, Section 312 Environmental health officers to be authorised officers for certain purposes and Health (Miscellaneous Provisions) Act 1911
Function	The Council delegates its authority and power pursuant to Section 21(1)(b)(i) of the Public Health Act 2016 and Section 26 of the Health (Miscellaneous Provisions) Act 1911 to the Chief Executive Officer to appoint authorised officers to exercise and discharge all or any of the powers and functions of the local government.
Delegates	Chief Executive Officer
Conditions	The Chief Executive Officer is to ensure authority is in writing and that a register of Authorised Officers is to be maintained by the Shire of Wyndham East Kimberley.
Subdelegates	<u>Senior Environmental Health Officer</u> Environmental Health Officer
Subdelegate conditions	<p>12 . Environmental health officers to be authorised officers for certain purposes</p> <p>(1) If, immediately before this section comes into operation, a person holds an appointment as an environmental health officer under the Health Act, then, on this section coming into operation, the person is to be taken —</p> <p>(a) to have been designated as an authorised officer under section 24(1) by the local government that appointed the person as an environmental health officer; and</p> <p>b) to have been so designated for the purposes of —</p> <p>(i) Parts 8, 9, 14 and 16; and</p> <p>(ii) the Health Act sections 145(1), 157(2), 173 (paragraph (a) of the definition of authorised person), 181, 183, 184(1), 227(1), 228(1), 234(1), 257, 262(3), 265(1), 267(1)(c), 268 (a), 277(1)(b) and (3), 280(2), 349(1), 351(1), (2) and (5), 352(1) and (2), 358(2) and 375; and</p> <p>(iii) the Dog Act 1976 ; and</p> <p>(iv) the Tobacco Products Control Act 2006 ; and</p> <p>(v) the Food Act 2008 ; and</p> <p>(vi) the Cat Act 2011 .</p> <p>(2) If, under the Health Act section 30(1), the local governments of 2 or more districts have joined in the appointment of a person to whom subsection (1) applies, the person is to be taken to have been designated as an authorised officer, for the purposes referred to in subsection (1)(b), by those local governments acting jointly under section 24(4).</p> <p>(3) This section does not limit or affect the power of a local government, or local governments acting jointly, to revoke or vary the designation, as an authorised officer, of a person to whom subsection (1) applies.</p>

Statutory framework	Public Health Act 2016, Section 312
Policy	Health (Food) Local Law 2009 Health Local Laws 2003
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-50 Food Act 2008- Appointment of Authorised Officers
Delegator	Council
Express power to delegate	Food Act 2008, Part 5, Divisions 1 and 2
Express power or duty delegated	Food Act 2008, Part 5, Divisions 1 and 2
Function	The Council pursuant to Section 122(1) of the Food Act 2008 appoint a person to be an authorised officer for the purposes of the Food Act 2008.
Delegates	Chief Executive Officer Director Planning and Community Development Senior Environmental Health Officer Environmental Health Officer Manager Planning and Regulatory Services
Conditions	<p>122. Appointment of authorised officers</p> <p>(1) An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act if the enforcement agency, having regard to any guidelines issued by the CEO under subsection (2), considers the person has appropriate qualifications and experience to perform the functions of an authorised officer.</p> <p>(2) The CEO may issue guidelines that describe the qualifications and experience that are appropriate for a person to be appointed as an authorised officer.</p> <p>(3) Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency. [Section 122 amended: No. 19 of 2016 s. 147.]</p> <p>123. Certificates of authority</p> <p>(1) An enforcement agency must provide each authorised officer appointed by the agency with a certificate of authority as an authorised officer.</p> <p>(2) The certificate of authority must —</p> <ol style="list-style-type: none"> state that it is issued under this Act; and state the name of the person to whom it is issued and bear a photograph or digital image of that person and the person's signature; and state the date, if any, on which it expires; and specify any conditions or limitations to which the person's authority is subject; <p>and</p> <ol style="list-style-type: none"> bear the signature of the person by whom it is issued and state the capacity in which the person is acting in issuing the certificate. <p>(3) An authorised officer is required to produce the certificate of authority —</p> <ol style="list-style-type: none"> if asked to do so by the proprietor of a food business whose premises are entered by the authorised officer; or if asked to do so by a person whom the authorised officer requires to produce anything or to answer any question. <p>(4) This section is subject to the Public Health Act 2016 section 31. [Section 123 amended: No. 19 of 2016 s. 148.]</p>
Express power to subdelegate	Food Act 2008, Part 5, Divisions 1 and 2
Statutory framework	Food Act 2008, Part 5, Divisions 1 and 2
Date adopted	27 August 2019 October 2020
Adoption references	27 August 2019 October 2020

Last reviewed	27 August 2018 <u>August 2019</u>
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Delegation	DA-51 Food Act 2008 Appointment of Designated Officers - Infringement Notices
Delegator	Council
Express power to delegate	Food Act 2008, Section 126 (13)
Express power or duty delegated	Food Act 2008, Section 126 Infringement notices (13)
Function	<p>The Council pursuant to Section 122(1) of the Food Act 2008 delegates its authority and power to undertake the powers of a ‘designated person’ as prescribed in the Food Act 2008 and regulations. Under the provisions of Section 126(2) of the Food Act 2008, the Council designates the Shire’s “Authorised Officers” to be “designated officers” for the purpose of issuing infringement notices. Under the provisions of Section 126(6) and 126(7) of the Food Act 2008, Council designates the Director of Community Development to be a “designated officer” to extend and revoke infringement notices.</p> <p>Under the provisions of Section 126(3) of the Food Act 2008, Council designates the Chief Executive Officer as the “designated officer” to receive payment from infringement notices.</p>
Delegates	<p>Chief Executive Officer Director Planning and Community Development Senior Environmental Health Officer Environmental Health Officer Manager Planning and Regulatory Services</p>
Express power to subdelegate	Food Act 2008, Section 126(13)
Subdelegate conditions	<p>The Council pursuant to Section 122(1) of the Food Act 2008 delegates its authority and power to undertake the powers of a ‘designated person’ as prescribed in the Food Act 2008 and regulations. Under the provisions of Section 126(2) of the Food Act 2008, the Council designates the Shire’s “Authorised Officers” to be “designated officers” for the purpose of issuing infringement notices. Under the provisions of Section 126(6) and 126(7) of the Food Act 2008, Council designates the Director of Community Development to be a “designated officer” to extend and revoke infringement notices.</p> <p>Under the provisions of Section 126(3) of the Food Act 2008, Council designates the Chief Executive Officer as the “designated officer” to receive payment from infringement notices.</p>
Statutory framework	Food Act 2008, Section 126(13)
Date adopted	27 August 2019 October 2020
Adoption references	27 August 2019 October 2020
Last reviewed	27 August 2018 August 2019

Delegation	DA-52 Caravan Parks and Camping Grounds Act 1995- Infringement Notices
Delegator	Council
Express power to delegate	Caravan Park and Camping Grounds Act 1995, Section 23.
Express power or duty delegated	Caravan Park and Camping Grounds Act 1995, Section 23.
Function	<p>Pursuant to the provisions of Section 23(11) of the Caravan Park and Camping Grounds Act 1995, Council authorizes Environmental Health Officers for the purpose of subsection:</p> <p>(2) Issue an infringement.</p> <p>Pursuant to the provision of Section 23(11) of the Caravan Park and Camping Grounds Act 1995 Council authorizes its Chief Executive Officer and Director Community Development for the purpose of subsections:</p> <p>(3) payment of infringements;</p> <p>(5) extend time for payment of infringement; and</p> <p>(7) withdraw infringement.</p>
Delegates	Chief Executive Officer
Express power to subdelegate	Caravan Park and Camping Grounds Act 1995, Section 23.
Subdelegates	<p>Director Planning and Community Development</p> <p>Environmental Health Officer</p> <p>Manager Planning and Regulatory Services</p> <p>Senior Environmental Health Officer</p>
Subdelegate conditions	<p>Pursuant to the provisions of Section 23(11) of the Caravan Park and Camping Grounds Act 1995, Council authorizes Environmental Health Officers for the purpose of subsection:</p> <p>(2) Issue an infringement.</p> <p>Pursuant to the provision of Section 23(11) of the Caravan Park and Camping Grounds Act 1995 Council authorizes its Chief Executive Officer and Director Community Development for the purpose of subsections:</p> <p>(3) payment of infringements;</p> <p>(5) extend time for payment of infringement; and</p> <p>(7) withdraw infringement.</p>
Statutory framework	Caravan Park and Camping Grounds Act 1995, Section 23.
Date adopted	27 August 2019 October 2020
Adoption references	27 August 2019 October 2020
Last reviewed	27 August 2018 August 2019

Delegation	DA-53 Caravan Parks and Camping Grounds Act 1995 Appointment of Authorised Persons
Delegator	Council
Express power to delegate	Caravan Park and Camping Grounds Act 1995, Caravan Parks and Camping Grounds Regulations 1997, Regulation 6
Express power or duty delegated	Caravan Park and Camping Grounds Act 1995, Caravan Parks and Camping Grounds Regulations 1997, Regulation 6
Function	The Council appoint a person pursuant to Section 17 of the Caravan Parks and Camping Grounds Act 1995 to undertake the powers of an 'authorised person' as prescribed in the Caravan Parks and Camping Grounds Act 1995 and regulations.
Delegates	Chief Executive Officer Environmental Health Officer <u>Senior Environmental Health Officer</u>
Statutory framework	Caravan Park and Camping Grounds Act 1995, Caravan Parks and Camping Grounds Regulations 1997, Regulation 6
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-54 Control of Vehicles (Off- Road Areas) Act - Authorised Officer
Delegator	Council
Express power to delegate	Control of Vehicles (Off-Road Areas) Act 1978, Section 38(3). Control of Vehicles (Off-Road Areas) Regulations 1979
Express power or duty delegated	Control of Vehicles (Off-Road Areas) Act 1978, Section 38(3). Control of Vehicles (Off-Road Areas) Regulations 1979
Function	Council delegates its authority and power to the Director Infrastructure, Senior Ranger & Emergency Services Coordinator and Ranger/s to perform the duties of an authorised officer under the Control of Vehicles (Off-road Areas) Act 1978, for the whole of the district of the Shire of Wyndham East Kimberley, Subject to- 1. The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of person's directly affected by the exercise of the power on the discharge of the duty.
Delegates	Chief Executive Officer Director Infrastructure Senior Ranger and Emergency Services Coordinator
Statutory framework	Control of Vehicles (Off-Road Areas) Act 1978, Section 38(3). Control of Vehicles (Off-Road Areas) Regulations 1979
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-55 Delegations to Committee's - Audit (Finance and Risk) Committee
Delegator	Council
Express power to delegate	Local Government Act 1995, Section 5.18
Express power or duty delegated	Local Government Act 1995, Section 5.18 Register of Delegations to Committees and Section 7.12a Employees and financial institutions to furnish particulars of money received
Function	Pursuant to Section 7.12a of the Local Government Act 1995, the Council provides delegated authority to the Audit (Finance and Risk) Committee to meet annually with the Shire of Wyndham East Kimberley's auditor(s).
Delegates	Audit (Finance and Risk) Committee
Statutory framework	Local Government Act 1995, Section 5.18
Policy	Audit (Finance and Risk) Committee Terms of Reference
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

Delegation	DA-56 Appointment of Authorised Person Cemeteries Act 1986
Delegator	Council
Express power to delegate	Cemeteries Act 1986 Under Sections 10 and 47
Express power or duty delegated	Cemeteries Act 1986
Function	A Board means a cemetery board established under Section 7 or deemed to have been established under this Act an in relation to a cemetery means the Board responsible for the care, control and management of that Cemetery.
Delegates	Chief Executive Officer
Conditions	Cemeteries Act 1986 64. Authorised persons (1) An employee of a Board may be authorised in writing signed by the chairman of the Board to give infringement notices. (2) A Board shall issue to each authorised person a certificate in the prescribed form which he shall produce whenever required to do so by a person to whom he has given, or is about to give, an infringement notice.
Subdelegates	Customer Service Officer Depot Administration Officer Director Infrastructure Manager <u>Assets and Operations</u>
Statutory framework	Cemeteries Act 1986
Policy	Cemeteries Local Law 2003
Date adopted	27 August 2019 <u>October 2020</u>
Adoption references	27 August 2019 <u>October 2020</u>
Last reviewed	27 August 2018 <u>August 2019</u>

AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
DA-12 Payments from the Municipal Fund and Trust Fund	27-Aug-2019	Amended delegation	Amended Position Title – Manager ICT Customer Service	27 August 2019
DA-12 Payments from the Municipal Fund and Trust Fund	27-Aug-2019	Amended delegation	Amendment to Sub-delegation Asset Officer	27-Aug-2019
DA-12 Payments from the Municipal Fund and Trust Fund	27-Aug-2019	Amended delegation	Amended Sub-delegation Manager Waste Spending Authorisation	27 August 2019
DA-12 Payments from the Municipal Fund and Trust Fund	28-Aug-2019	Amended delegation	Amended to include sub-delegation for Airport Operations and Compliance Coordinator 26 November 2019	28 August 2019
DA-16 Expenditure Before Adoption of the Budget	27-Aug-2019	Amended delegation	Update to Position Title Sub Delegations	27 August 2019
DA-16 Expenditure Before Adoption of the Budget	27-Aug-2019	Amended delegation	Sub-delegation added Manager of Waste	27-Aug-2019
DA-16 Expenditure Before Adoption of the Budget	28-Aug-2019	Amended delegation	Amended Financial Sub-Delegations	28 August 2019
DA-19 Sale of Impounded or Confiscated Vehicles, Animals or Goods	27-Aug-2019	Amended delegation	Amendment Sub-Delegation Manager Waste	27/08/2019
DA-22 Powers of Entry	26-Nov-2019	Amended delegation	26 November 2011: Amended Sub-delegation to include Senior Planning Officer	26 November 2011: Amended Sub-delegation to include Senior Planning Officer
DA-25 Dangerous Escavation in or Near Public Thoroughfare	27-Aug-2019	Amended delegation	Amended Subdelegation Manager Waste	27-Aug-2019
DA-32 Appointment of Authorised Persons Local Laws	27-Aug-2019	Amended delegation	Sub-Delegation Amendment Manager Waste	27-Aug-2019

Delegation	Approved or adopted	Type	Amendment	References
DA-32 Appointment of Authorised Persons Local Laws	26 Nov 2019	Amended delegation	26 November 2019: Amended Sub-delegation to include Senior Planning Officer	Delegation Adopted 28 August 2019
DA-34 Strata Titles Issue of Local Authority Certificate	28 Aug 2019	Amended delegation	26 November 2019: Amended Sub-delegation to include Senior Planning Officer	Delegation Adopted 28 August 2019
DA-47 Dog Act 1976- Powers, Duties and Functions	27 Aug 2019	Amended delegation	<p>Sub-Delegation Conditions amendment</p> <p>The following section requires the express written authorisation of the Chief Executive officer, Director Infrastructure or the Senior Ranger and Emergency Services Coordinator ONLY:</p> <p>Dog Act 1976 Section 29 (10) Where a dog has been seized and detained, whether or not under this section, and—</p> <p>(a) the dog is not claimed; or</p> <p>(b) the person in whose name the dog is registered declines to resume possession of the dog; or</p> <p>(c) any moneys due in relation to the dog are not paid; or</p> <p>(d) section 33G(6) applies; or</p> <p>(e) an authorised person is satisfied that to deliver up the dog under subsection (8) or (8A) would create circumstances that give rise to an offence against this Act,</p> <p>an authorised person may cause the dog to be destroyed.</p>	27 August 2019

