



**Register of:
Delegations,
Sub-delegations, Appointments,
and
Authorisations**





Table of Contents

Introduction	5
Delegation No: 1 Annual Electors' Meeting – Setting Dates	10
Delegation No: 2 Appointment of Acting CEO	11
Delegation No: 3 Appointment of Authorised Officers.....	12
Delegation No: 4 Duplication of Services	13
Delegation No: 5 Executing Documents	14
Delegation No: 6 Gifts to Retiring Councillors	15
Delegation No: 7 Local Government Elections.....	16
Delegation No: 8 Private Property – Power of Entry	18
Delegation No: 8A Private Property – Power of Entry – Sub-delegation	22
Delegation No: 9 Tenders and Expressions of Interest	24
Delegation No: 10 Disposal of Property, Plant & Equipment.....	26
Delegation No: 11 Donations, Discounts and Debt Write-offs.....	28
Delegation No: 12 Expenditure in the event of an Emergency	29
Delegation No: 13 Investment of Surplus Funds	30
Delegation No: 14 Legal Representation and Cost Indemnification	31
Delegation No: 15 Payment from Municipal or Trust Funds	32
Delegation No: 15A Payment from Municipal or Trust Funds - Sub-delegation	34
Delegation No: 16 Rates Issues – General Delegation	36
Delegation No: 17 Rates – Recovery where Unpaid	38
Delegation No: 18 Reimbursement of Expenses to Shire President and Councillors	40
Delegation No: 19 Bush Fires Act – General Delegation	41
Delegation No: 20 Bush Fires Act – Prohibited Burning Times.....	42
Delegation No: 21 Bush Fires Act – Variations to Fire Break Orders	43
Delegation No: 22 Cat Act – Duties and Functions.....	44
Delegation No: 22A Cat Act – Duties and Functions - Sub-delegation.....	45
Delegation No: 23 Dog Act – Duties and Functions.....	46
Delegation No: 23A Dog Act – Duties and Functions	47
Delegation No: 24 Graffiti Vandalism Act – General Delegation	48
Delegation No: 24A Graffiti Vandalism Act – Sub-delegation and Appointment Instrument	49
Delegation No: 25 Impounding Abandoned Vehicles and Goods.....	50
Delegation No: 26 Local Laws.....	51





Delegation No: 26A	Local Laws – Sub-Delegations.....	52
Delegation No: 27	Fines, Penalties & Infringement Notices – Appointment of Prosecution Officers.....	53
Delegation No: 28	Health (Miscellaneous Provisions) Act 1911 – Various Functions – Delegation.....	54
Delegation No: 29	Permits for Stall Holder, Trader and/or Outdoor Eating Facilities.....	55
Delegation No: 30	Closure of Streets, Thoroughfares, Control of Reserves and Unvested facilities	56
Delegation No: 30A	Closure of Streets, Thoroughfares, Control of Reserves and Unvested facilities - Sub-Delegation....	58
Delegation No: 31	Roads – Heavy Vehicle Access.....	60
Delegation No: 31A	Roads – Heavy Vehicle Access – Sub-Delegation.....	61
Delegation No: 32	Street Alignment and Related Matters.....	62
Delegation No:33	Building Act & Regulations – Powers, Duties and Functions	63
Delegation No:34 and Survey Strata Plans	Building Act & Regulations – Occupancy Permits and Building Approval Certificates for Strata Plans	65
Delegation No:35	Town Planning Scheme No. 1 – Various duties, powers and functions	67
Delegation No:36	Crown Reserves and Street Names	69
Delegation No: 37	Building Incentives.....	71
Delegation No: 37A	Building Incentives – Sub-Delegation	72
Delegation No: 38	Group Values on Contiguous Land	73
Delegation No: 39	Street Stalls/Appeals	75
Appointment No: 1	General Inspectors – Animal Welfare Act	76
Appointment No: 2	Authorised Persons – Caravan Parks and Camping Grounds Act	77
Appointment No: 3	Enforcement – Caravan Parks and Camping Grounds Act.....	78
Appointment No: 4	Control of Vehicles (Off Road Areas) Act 1978	79
Appointment No: 5	Control of Council Property and Facilities	80
Appointment No: 6	Internal Review Officer – Freedom of Information Act 1992	81
Appointment No: 7	Information Coordinator & Principal Decision Maker– Freedom of Information Act 1992.....	82
Appointment No: 8	Authorised Person – Legal Proceedings, Infringements and Enforcements – Local Government Act	83
Appointment No: 9	Authorised Person – Local Government Act.....	84
Appointment No: 10	Public Health Act 2016 – Appointment of Authorised Officers.....	85
Appointment No: 11	Public Interest Disclosure Officer – Public Interest Disclosure Act 2003	86
Appointment No: 12 Regulation Act 1992	Review Officer and Determination Officer – Rates and Charges (Rebates and Deferments)	87
Appointment No: 13	Authorised Officers – Issue of Infringement Notices, Approved Officer – withdrawal or extension of period, Health (Asbestos) Regulations 1992.	88
Appointment No: 14	Bush Fires Act – Issue of Infringement and Prosecution.....	89
Appointment No: 15	Referral of Proposals – Environmental Protection Act 1986.....	90
Appointment No: 16	Equal Employment Opportunity Management Plans	91





Appointment No: 17	Liquor Control Act 1988 – Issue Certificates, removal of Licences, Application for Extended Trading Permits.....	92
Appointment No: 18	Litter Act 1979 – Authorised Officers	93
Appointment No: 19	Litter Act 1979 – Withdrawal of Infringement Notices	94
Appointment No: 20	Building Act 2011 – General Duties.....	95
Appointment No: 21	Cat Act	96
Appointment No: 22	Dog Act	97
Appointment No: 23	Food Act – General Delegation and Appointment.....	99





Introduction

FORMAT OF REGISTER

This Register includes:

- Delegations from the Council to the Chief Executive Officer, and where appropriate to other employees; and
- Sub delegations from the Chief Executive Officer to other employees

The Register includes the relevant delegation decision followed by a sub delegation decision (where relevant).

As a matter of principle throughout the Register, the Chief Executive Officer is the only employee authorised by the Shire of Woodanilling to commence (or authorise the commencement of) legal proceedings.

TERMINOLOGY AND ACRONYMS

Clause – of the Shire of Woodanilling own Planning Scheme No 1, referenced by ‘cl’, as in cl8.2.1.

Employee – refers to an employee of the Shire of Woodanilling. It should be noted although the Chief Executive Officer may generally only delegate a function or duty to an employee (S5.44 Local Government Act 1995 and others) any ‘person’ may be appointed an Authorised Person (although some Acts, such as the Building Act 2011 and Health Act 1911 require only employees or certain qualified employees to be ‘authorised’ or ‘appointed’). Thus, care needs to be taken to ensure that contractors are not ‘delegated’ functions or duties, although they may be appointed as Authorised Persons.

Regulation – subordinate legislation, referenced by ‘R’, as in R22. *Schedule* – to an Act, referenced as ‘Sch’, as in Sch 3.2.

Section - of an Act, referenced by ‘S’, as in S5.42.

Sub delegation – the terms ‘sub delegate’ and ‘sub delegation’ are used as a style preference, rather than ‘on delegate’ or ‘on delegation’.

DELEGATIONS AND SUB DELEGATIONS

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire’s Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not ‘undermine’ the roles and responsibilities of elected members constituting the Council as the peak local decision making body of the community. Rather it should be seen as freeing up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

The Council (and the Chief Executive Officer in the case of most sub delegations) will only delegate matters where the relevant employees have the appropriate skills and expertise to implement the delegation or sub delegation within the Shire’s decision making frameworks. At the same time the exercise of all delegated and sub delegated authority is subject to complying with relevant Policies of the Shire, which are cross referenced within each Instrument.

An important safeguard is also the principle that nothing prevents the delegating body or person from taking back a delegation or sub delegation or actually making the relevant decision on a particular issue.

This Register describes:





- the 'head of power' for the exercise of delegation to an elected member, employee, Committee or person,
- the 'head of power' for sub delegation (where such authority exists under the relevant legislation),
- the precise authority being delegated, including any limits, restrictions or conditions,
- relevant Shire policies applicable to the execution of the delegation or sub delegation,
- the statutory requirements for the Council to review all delegations, and others to review sub delegations

In general, for all matters, whether made under the Local Government Act 1995, or otherwise, the requirement of the Local Government Act 1995 to review the Register at least once every financial year will be followed, except where delegations under other Acts have different requirements. Where there is no statutory requirement for review, the provisions of the Local Government Act will be applied to ensure uniformity of approach and outcome.

AUTHORISATIONS

This Register includes authorisations under the Local Government Act 1995 and other legislation. In most cases, authorisations are made by the Chief Executive Officer under delegated authority. In some cases authorisations are made by the Council itself because the relevant statute requires.

Some legislation provides for authorisation of Local Government officers to have powers as are necessary in order for them to perform their required duties as a specific function of the local government. These duties are carried out as 'acting through' functions under s5.45(2) of the Local Government Act 1995.

APPOINTMENTS

Consistent with the aim of providing a single resource, this Register includes appointments under various statutes, in some cases such appointments are "as of right" and in others the Council or the Chief Executive Officer has chosen not to make an appointment at the date of adoption of this Register.

LOCAL GOVERNMENT ACT 1995

The majority of delegations and sub delegations described in this Register originate under the Local Government Act 1995 which permits a local government (by absolute majority decision under s5.42(1)) 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 except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority or special majority of the local government,
- accepting a tender which exceeds an amount determined by the local government,
- appointing an auditor,
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government,
- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act,
- borrowing money on behalf of the local government,
- hearing or determining an objection of a kind referred to in s9.5 of the Act,





- the power under S9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government,
- any power or duty that requires the approval of the Minister or the Governor. In addition, there are several other matters which cannot be delegated to the CEO:
 - under r18G of the Local Government (Administration) Regulations s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors,
 - under r18C and 18D which relate to the recruitment and performance management of the Chief Executive Officer
 - under r16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day to day accounts or financial management operations.

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

OTHER LEGISLATION

Legislation other than the Local Government Act 1995, its Regulations and the Shire's Local Laws created under the Act where delegations, authorisations or appointments may occur (and which are relevant to the Shire of Woodanilling) include:

- Animal Welfare Act 2002;
- Australian Citizenship Act 2007;
- Building Act 2011 and Building Regulations 2012
- Bush Fires Act 1954, regulations and local laws created under that Act;
- Cat Act 2011 and regulations;
- Caravan Parks and Camping Grounds Act 1995;
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
- Dog Act 1976 and regulations;
- Equal Employment Opportunity Act 1984;
- Environmental Protection Act 1986;
- Food Act 2008;
- Freedom of Information Act 1992;
- Graffiti Vandalism Act 2016
- Health (Miscellaneous Provisions) Act 1911 regulations and local laws created under that Act;
- Health (Asbestos) Regulations 1992
- Land Administration Act 1997, and regulations;
- Litter Act 1979 and regulations;
- Local Government (Miscellaneous Provisions) Act 1960;
- Parks and Reserves Act 1895;





- Planning and Development Act 2005 including regulations, policies and the Town Planning Scheme;
- Public Interest Disclosure Act 2003
- Public Health Act 2016
- Rates and Charges (Rebates and Deferments) Act 1982;
- Road Traffic Act 1974;
- Strata Titles Act 1985

The Shire of Woodanilling Town Planning Scheme No 1 permits delegation by Council to employees (rather than via the Chief Executive Officer as per the Local Government Act). Accordingly, the process defined by the Town Planning Scheme for delegating authority and duties is utilised.

SUB DELEGATION BY THE CHIEF EXECUTIVE OFFICER

The Local Government Act 1995 allows the Chief Executive Officer to delegate any of the powers delegated to the office of Chief Executive Officer to another employee (s5.44(1)), in writing (s5.44(2)) and may include conditions (s5.44(4)).

REVIEW OF DELEGATIONS

The Register of Delegations relevant to the Chief Executive Officer and other employees will be reviewed at least once every financial year (in accordance with the provisions of s5.46(1), (2)).

As a matter of principle, the Shire of Woodanilling will review all delegations, authorisations and appointments at least once in every financial year, whether under the Local Government Act 1995, or another Act. This is despite the varying requirements for review viz:

- Building Act 2011 - no requirement
- Bush Fires Act 1954 - no requirement
- Cat Act 2011 - annual review requirement
- Dog Act 1976 - annual review requirement
- Food Act 2008 - no requirement
- Graffiti Vandalism Act 2016 - no requirement
- Public Health Act 2016 - no requirement
- Planning and Development Act 2005 - annual review requirement

This will include the Chief Executive Officer reviewing all sub delegations, authorisations and appointments made by him or her.

RECORD OF ACTIONS AND DECISIONS

If a person is exercising a power or duty that has been delegated (including sub delegated), the Local Government Act requires that records be kept whenever the delegated authority is utilised (s5.46(3)).

The record is to contain information on:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and





- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty (r19 Local Government (Administration) Regulations 1996)

Departments responsible for a work process are to ensure that data is captured, and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation.

PRIMARY/ANNUAL RETURNS AND GIFT DISCLOSURES

A person to whom a duty or power is delegated under the Local Government Act 1995 is a 'designated employee' under s5.74(b) of the Act and is required to complete a primary return and an annual return each year. Although these requirements relate only to delegations under the Local Government Act 1995 and not any other Acts, the Council and the CEO have taken the decision to require compliance with those provisions, even where made under other Acts, to ensure all employees are treated equally in such disclosures.

In addition, such designated employees (and by policy decision of the Council and CEO, all other employees with delegated authority under other Acts) have statutory obligations to disclose gifts worth \$200.00 or more, in addition to the standard disclosure provisions relating to gifts and which apply to all employees.

ACTING THROUGH ANOTHER PERSON

The Local Government Act recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire. Section 5.45 (2) of the Act states:

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

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

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

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

For further information, see Department of Local Government and Communities Guideline No 17 - Delegations.



Delegation No: 1

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Cannot be sub-delegated
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s5.27(2)</i>	LEGAL (SUBSIDIARY): <i>s5.42 Local Government Act 1995</i>
Conditions	

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to set the date for the annual electors' meeting.

CONDITIONS/NOTES

Chief Executive Officer must consult the Shire President and reach agreement on the proposed date, or it must be submitted to Council for determination.

A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Delegation No: 2

Appointment of Acting CEO

DATE ADOPTED:	
DATE LAST REVIEWED:	
POLICY REFERENCE:	

DELEGATE:	CEO
SUB-DELEGATED:	Cannot be sub-delegated
SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s5.36(1) (a)</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i> <i>Local Government (Administration) Regulations 1996</i>
Conditions	<i>Chief Executive Officer must inform the Shire President of all proposed Acting Chief Executive Officer arrangements.</i>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to appoint an Acting Chief Executive Officer for periods of absence by the Chief Executive Officer not longer than five weeks.

For longer periods of absence, the Chief Executive Officer shall submit a recommendation for the determination by the Council.

In the event that the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council, by absolute majority, in accordance with s5.36(2)(a), (b), s5.39 and s5.40 of the *Local Government Act 1995* and r18A, r18B, r18F and r19A of the *Local Government (Administration) Regulations 1996*.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s9.10(1); s9.11; s9.13; s9.16; s9.17; s9.19; s9.20</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	<p><i>Appointed Authorised Persons are to hold a Certificate of Appointment in accordance with s9.10(2).</i></p> <p><i>A register of Authorised Persons is to be maintained as a Local Government Record.</i></p> <p><i>Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</i></p>

POWER OR DUTY DELEGATED

1. The Chief Executive Officer is delegated authority to appoint authorised persons for the purposes of Division 2 Sub Division 1 of the *Local Government Act 1995*.
2. The Chief Executive Officer is delegated authority to appoint Authorised Persons under s9.10(1), s9.11, s9.13, s9.16, s9.17, s9.19 and s9.20 of the *Local Government Act 1995*.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Delegation No: 4

Duplication of Services

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s3.18(3)</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	<i>Chief Executive Officer to ensure all agenda items and recommendations to the Council and Committees comply with these provisions.</i>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to ensure that services and facilities that the local government provides:

- Integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and
- Do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
- Are managed efficiently and effectively.

REVIEW REQUIREMENTS

At least once every financial year

AUTHORITY





Delegation No: 5

Executing Documents

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s9.49</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	<i>In accordance with s9.49A (3) of the Act, the common seal is to be affixed to a document in the presence of the Shire President and Chief Executive Officer. This duty cannot be delegated.</i>

POWER OR DUTY DELEGATED

Pursuant to s5.42 *Local Government Act 1995* the Chief Executive Officer is delegated authority to execute documents under s9.49A(2) of the *Local Government Act 1995* including:

- The affixing of the Common Seal of the Shire to a document that needs the Shire's Common Seal to be legally effective and that is in one or more of the following categories:
 - Documents required to satisfy conditions of subdivision and/or development approval;
 - Documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);
 - Documents required as part of a funding agreement for an approved grant;
 - Documents required to effect the grant of leasehold interests in the land either by the Shire to a third party, or by a third party to the Shire;
 - Documents required to effect the grant of a licence either by the Shire to a third party, or by a third party to the Shire; and
 - Documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Delegation No: 6

Gifts to Retiring Councillors

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s5.100A; s5.102</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	<i>Must have regard to Division 8 of Part 5 of the Local Government Act 1995. The Chief Executive Officer to consult with the Shire President on any proposal for a gift, and if it relates to the Shire President, with the Deputy Shire President.</i>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to make arrangements for a gift to retiring Councillors in accordance with s5.100A of the *Local Government Act 1995* and r34AC of the *Local Government (Administration) Regulations 1996*.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Delegation No: 7

Local Government Elections

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

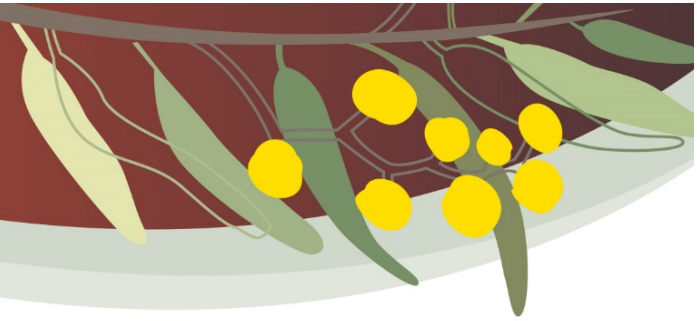
LEGAL (PARENT): <i>Local Government Act 1995 s4.20</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i> <i>Local Government (Elections) Regulations 1997</i>
Conditions	<i>Must comply with Local Government (Elections) Regulations 1997.</i> <i>Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).</i>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- take necessary actions to promote the conduct of elections and polls within the local government district,
- fix the day on which a poll is held for an extraordinary election if the President has not already done so,
- pay fees and charges to the electoral officers for conducting the election and to pay any expenses incurred by the Electoral Commissioner if a declaration is made under s4.20(2) or (4) of the *Local Government Act 1995*.
- authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].
- authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].
- authority to decide to accept or reject a claim made before the close of enrolments, but less than 14- days before the close of nominations [s.3.42(5A)].
- authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].
- authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)].
- authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].





- authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].
- decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
- authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.
- authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].
- authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Delegation No: 8

Private Property – Power of Entry

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Ranger Executive Manager Infrastructure Environmental Health Officer Deputy Chief Executive Officer

LEGAL (PARENT):

Local Government Act 1995 s4.20 s3.24; s3.25; s3.26(2), (3); s3.27(1); s3.28; s3.31 – s3.36
Sch 3.1, 3.2 and 9.1 Local Government Act 1995

LEGAL (SUBSIDIARY):

Local Government Act 1995 s5.42
Local Government (Uniform Local Provisions) Regulations 1996

Conditions

In relation to s3.32 (1)

A notice of an intended entry is to be given to the owner or occupier of the land, premises or thing that is to be entered.

The notice is to specify the purpose for which the entry is required and continues to have effect for so long as that requirement continues.

The notice is to be given not less than 24 hours before the power of entry is exercised.

Successive entries for the purpose specified in the notice are to be regarded as entries to which that notice relates.

Approvals given are subject to regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996 (where relevant).

In relation to r12, r13, r14, r15, r16, r17 of the Local Government (Uniform Local Provisions) Regulations 1996 due process must be followed for the issuing of a notice under s3.25 of the Act.

Decisions under this Delegation must be exercised in alignment with Obstruction of Footpaths and Thoroughfares (where same exists).

Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.

Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.

Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.

In relation to r.9 Local Government (Uniform Local Provisions) Regulations 1996: Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1) - each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8





	<p><i>In relation to r.11(1), (4), (6) & (8) Local Government (Uniform Local Provisions) Regulations 1996: Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 - Permission may only be granted where, the proponent has:</i></p> <ul style="list-style-type: none"> <i>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</i> <i>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</i> <i>iii. Provided evidence of sufficient Public Liability Insurance.</i> <i>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</i>
--	--

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated the powers and duties of the local government, and specifically authorised under s3.24, s3.25, s3.26(2), (3), s3.27(1), s3.28, s3.31, 3.32, 3.33, 3.34, 3.35 & 3.36 and Sch 3.1,3.2 and 9.1 of the *Local Government Act 1995* in relation to notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given.

The Chief Executive Officer is delegated the power to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, subject to Regulation 11(1) of the *Local Government (Uniform Local Provisions) Regulations 1996* and Schedule 3.1, Division 2, item 2:

Schedule 3.1, Division 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. 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. 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.
6. Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy. In this item — “disused material” includes disused motor vehicles, old motor vehicle bodies and old machinery.
7. Take specified measures for preventing or minimizing sand drifts on the land that are likely to adversely affect other land





8. 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.
9. 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.
10. Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
11. Take specified measures for preventing or minimizing— (a) danger to the public; or (b) damage to property, which might result from cyclonic activity.
12. Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
13. 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.
14. 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.
15. 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) and s3.25(1)(b) of the Local Government Act 1995:
16. Schedule 3.1, Division 2 Provisions contraventions of which may lead to a notice requiring things to be done
17. Regulations under Schedule 9.1, clause 3 (Obstructing or encroaching on public thoroughfare).
18. Regulations under Schedule 9.1, clause 5(1) (Gates and other devices across public thoroughfares) requiring a person to remove a gate or other device from across a public thoroughfare when requested by a local government to do so.
19. Regulations under Schedule 9.1, clause 6 (Dangerous excavation in or near public thoroughfare).
20. Regulations under Schedule 9.1, clause 7(2) (Crossings from public thoroughfares to private land or to private thoroughfares) that — (a) prohibit a person from constructing a crossing; or (b) by means of a notice in writing given to a person by the Commissioner of Main Roads, require the person to bring a crossing into accordance with an approval by the Commissioner of Main Roads or to remove a crossing and restore the place where it was to its former condition.
21. Regulations under Schedule 9.1, clause 8(1) (Constructing private works on, over, or under public places).
22. Regulations under Schedule 9.1, clause 9 (Protection of watercourses, drains, tunnels and bridges).
23. Regulations under Schedule 9.1, clause 10 (Protection of thoroughfares from water damage).
24. Regulations under Schedule 9.1, clause 12 (Wind erosion and sand drifts).

REVIEW REQUIREMENTS

At least once every financial year





Delegation No: 8A

Private Property – Power of Entry – Sub-delegation

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:	Policy	SUB-DELEGATED TO:	Ranger Executive Manager Infrastructure Environmental Health Officer Deputy Chief Executive Officer

LEGAL (PARENT):

Local Government Act 1995 S4.20 s3.24; S3.25; S3.26(2), (3); S3.27(1); S3.28; S3.31 – S3.36
Sch 3.1, 3.2 and 9.1 Local Government Act 1995

LEGAL (SUBSIDIARY):

Local Government Act 1995 S5.44
Local Government (Uniform Local Provisions) Regulations 1996

Conditions

Must comply with relevant policies

Approvals given are subject to regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996 (where relevant).

In relation to R12, 13, 14, 15, 16, 17 of the Local Government (Uniform Local Provisions) Regulations 1996 due process must be followed for the issuing of a notice under S3.25 of the Act.

Decisions under this Delegation must be exercised in alignment with Obstruction of Footpaths and Thoroughfares (where same exists).

Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.

Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.

Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.

In relation to r.9 Local Government (Uniform Local Provisions) Regulations 1996: Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1) - each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8

In relation to r.11(1), (4), (6) & (8) Local Government (Uniform Local Provisions) Regulations 1996: Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 - Permission may only be granted where, the proponent has:

- i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.
- ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.
- iii. Provided evidence of sufficient Public Liability Insurance.





POWER OR DUTY DELEGATED

The Executive Manager Infrastructure and Ranger are delegated the powers and duties of the local government under S3.25, S3.26(2) and S3.26(3), S3.27(1), S3.28 and Sch 3.1, 3.2 and 9.1 of the *Local Government Act 1995* in relation to notices requiring certain things to be done by Owner or Occupier of land and additional powers when notice is given.

The Executive Manager Infrastructure is delegated the authority to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, subject to Regulation 11(1) of the *Local Government (Uniform Local Provisions) Regulations 1996* and Schedule 3.1, Division 2, item 2 and s3.25(1)(b) of the *Local Government Act 1995*.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:	Policy	SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s5.42</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42 Local Government (Functions and General) Regulations 1996 r14(2a); r18(4), (5); r20(1), (2); r21(1); r23(3)</i>
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Specify selection criteria for all tenders called in accordance with r14 and r18 of the Local Government (Functions and General) Regulations 1996.</i></p> <p><i>Accept tenders, negotiate and execute tender contracts up to a value of \$150,000.00 where there is a budget provision approved, or in the case of a multiple year contract (including extensions thereof) up to a total contract value not exceeding \$150,000.00 in accordance with s5.43 (b).</i></p> <p><i>Must have regard to the requirements of r15 Local Government (Functions and General) Regulations 1996</i></p>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to invite tenders for works and services in the relevant financial year adopted budget, where required in accordance with s3.57 of the *Local Government Act 1995*.

The Chief Executive Officer is delegated authority pursuant to *Local Government (Functions and General) Regulations 1996*:

- r14(2a) to determine in writing the criteria for deciding which tender should be accepted.
- r18(4) and (5) to consider any tender that has not been rejected and decide which one to accept or decline to accept any tender.
- r.16(3) Receiving and opening tenders, procedure for - Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening.
- r20(1) power, with the approval of the tenderer, to make a minor variation in a contract for goods or services before the Shire enters the contract with the successful tenderer.
- r20(2) to select the next most advantageous tender if the successful tenderer does not want to accept the contract with the variation, or the local government and the tenderer cannot reach agreement.





- r21 to seek expressions of interest with respect to the supply of goods or services, if there is good reason to make a preliminary selection from amongst prospective tenderers.
- r21(1) to seek expressions of interest with respect to the supply of the goods or services before entering the tender process.
- r23(3) to consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 54	SUB-DELEGATED TO:	

LEGAL (PARENT):

Local Government Act 1995 s3.58

LEGAL (SUBSIDIARY):

Local Government Act 1995 s5.42

Local Government (Functions and General) Regulations 1996 – r30

Conditions

Must comply with relevant policies

May not dispose of plant, equipment and property worth more than \$20,000.00.

Sale of surplus plant, equipment and property over an estimated value of \$2000 and under an estimated value of \$20,000 is to be undertaken by a public auction or tender process. Sale of surplus plant, equipment or property under an estimated value of \$2,000 may be undertaken by an expression of interest.

Where property that has been offered for public auction but not sold, offers for sale by private treaty may be accepted.

Accept tenders relating to the disposal of impounded perishable and non-perishable goods in accordance with s3.47 of the Local Government Act 1995.

Must have regard to the provisions of s3.58(3), (4).

Note: Section.3.47 specifies that s.3.58 applies to disposal of goods under s.3.47. Note however, that the s.3.57 tender requirements do not apply to either the disposal of confiscated or uncollected goods OR the Disposal of Property under s.3.58. (s.3.57 applies only to “contracts... under which another person is to supply goods or service”

POWER OR DUTY DELEGATED

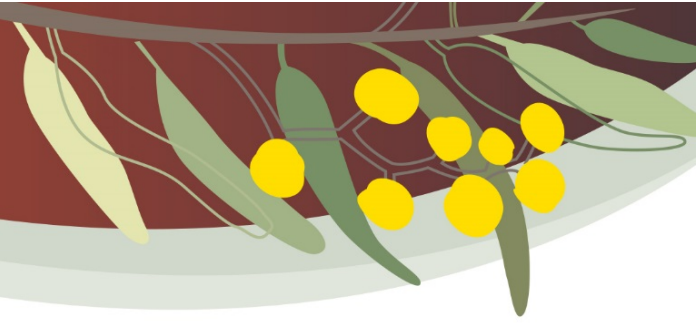
The Chief Executive Officer is delegated authority pursuant to s3.58 of the *Local Government Act 1995* and r30 *Local Government (Functions and General) Regulations 1996* to sell, lease, or otherwise dispose of, whether absolutely or not, plant, equipment and property, which are no longer required for the Council’s purposes.

For the purposes of s5.43(d) of the *Local Government Act 1995* the maximum value of the asset to be disposed of is hereby established as \$20,000.00.

REVIEW REQUIREMENTS

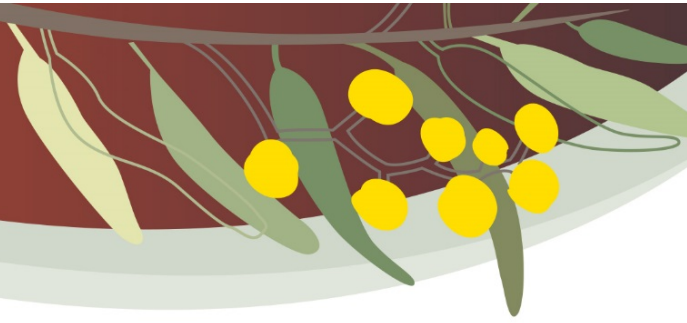
At least once every financial year.





AUTHORITY





Delegation No: 11

Donations, Discounts and Debt Write-offs

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 32	SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s6.7(2); s6.12(1)(b), (c); s6.12(3)</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42 Local Government (Functions and General) Regulations 1996 – r30</i>
Conditions	<i>Must comply with relevant policies Includes power to waive or reduce fees charged for the use of Shire facilities by not-for-profit community organisations.</i>

POWER OR DUTY DELEGATED

1. The Chief Executive Officer is delegated authority to make donations to community groups and individuals in accordance with s6.7 (2) of the *Local Government Act 1995* to a maximum value of \$200 per transaction.
2. The Chief Executive Officer is delegated authority to defer, grant discounts, waive or write off debts, including rates, in accordance with s6.12 (1) (b), (c) and s6.12 (3) of the *Local Government Act 1995* to a maximum amount of \$20 per transaction.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Delegation No: 12

Expenditure in the event of an Emergency

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s6.8(1)(c)</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	<i>Expenditure must be authorised in advance by the Shire President in accordance with s6.8(1)(c). This delegation includes authority to engage contractors or incur expenses on behalf of the Shire in relation to the containment or extinguishing of a fire which is beyond the local brigade resources or in response to other major disasters or emergencies.</i>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to implement urgent expenditure from the Municipal Fund in the event of an emergency approved by the Shire President pursuant to s6.8 (1) (c) of the *Local Government Act*.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s6.14</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42 Local Government (Financial Management) Regulations</i>
Conditions	<p><i>In exercising this delegated authority, Chief Executive Officer shall observe s6.14 of the Act.</i></p> <p><i>The Chief Executive Officer is to establish and document internal control procedures to be followed by employees to ensure control over investments in accordance with the Local Government (Financial Management) Regulations 1996.</i></p> <p><i>The control procedures are to enable the identification of the nature and location of all investments and the transactions related to each investment.</i></p> <p><i>The Chief Executive Officer is to review every two years the list of eligible institutions and those used by the Shire.</i></p> <p><i>The Chief Executive Officer is to report details of investments made to the Council, whenever new investments are made, rolled over or otherwise amended in the monthly Financial Statement.</i></p> <p><i>All investment activity must comply with Local Government (Financial Management) Regulations r19C</i></p>

POWER OR DUTY DELEGATED

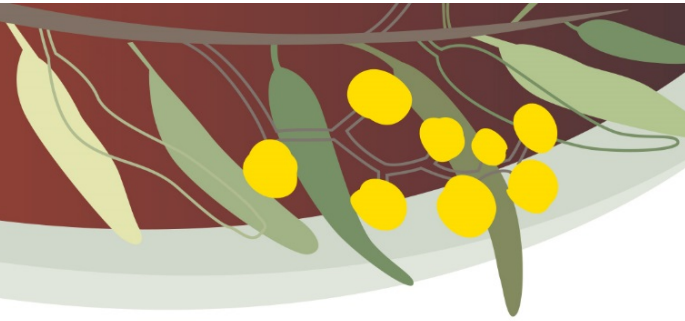
The Chief Executive Officer is delegated authority to invest any funds held in the Municipal Fund, Reserve Fund or the Trust Fund that is not, for the time being, required for any other purpose. Such investments are to be made with banking institutions as provided for under Part III of the *Trustees Act 1962* and subject to further advice received.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Delegation No: 14

Legal Representation and Cost Indemnification

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 43	SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s6.7(2)</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Legal expenses do not exceed \$5,000.00 in respect of each application.</i></p> <p><i>Where it is the Chief Executive Officer who is seeking urgent financial support for legal services, the Council shall deal with the application.</i></p> <p><i>An application approved by the CEO is to be submitted to the next ordinary meeting of Council.</i></p>

POWER OR DUTY DELEGATED

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the Council, the powers of the Council under Policy 43 to a maximum of \$5,000 in respect of each application.

Council may exercise any of its powers under Policy 43.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





15 Payments from the Municipal or Trust Funds

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Procedures are to be systematically documented and retained, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit Committee in accordance with Regulation 17 of the <i>Local Government (Audit) Regulations 1996</i>. c. The authority to make payments is unlimited, subject to annual budget limitations.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer Accountant Executive Manager Infrastructure
CEO Conditions on this Sub- Delegation: <i>Conditions on the original delegation</i>	1. Delegates must comply with the Procedures approved by the CEO in accordance with Regulation 5 of the <i>Local Government (Financial Management) Regulations 1996</i> .



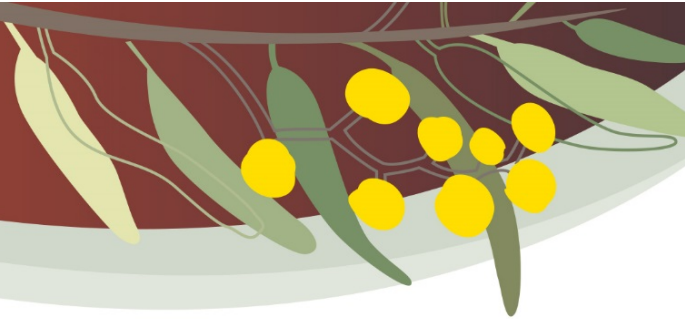


<p><i>also apply to the sub-delegations.</i></p>	<ol style="list-style-type: none"> 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval. 4. The authority to make payments is unlimited, subject to annual budget limitations.
--	---

<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p>Local Government (Audit) Regulations 1996</p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries: Accounting Manual</p> <p>Council Policy 54 – Purchasing</p> <p>Council Policy 56 – Records Keeping Policy</p> <p>Work Instruction - Bank Transfer</p> <p>Work Instruction – Authorisation Limits</p>
<p>Record Keeping:</p>	<p>Each instance of this delegation being exercised is to be recorded in the Schedule of Payments: creditors list of accounts and the purchasing card report.</p>
<p>Reporting Requirements:</p>	<p>In accordance with Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i>, the Schedule of Payments is to be reported to Council.</p>

Version Control:

1	OCM – 19 April 2022
2	
3	



Delegation No: 16

Rates Issues – General Delegation

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 16	SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s5.42; s6.26(2)(g); s6.39(1); s6.40; s6.41(1); s6.47; s6.49; s6.50(2); s6.56(1); s6.60(2); s6.64; s6.76(4)</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42 Rates and Charges (Rebates and Deferments) Act 1992</i>
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Subject to Rates and Charges (Rebates and Deferments) Act 1992</i></p> <p><i>In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</i></p>

POWER OR DUTY DELEGATED

Pursuant to s5.42 (1) (a) of the Local Government Act, and the Rates and Charges (Rebates and Deferments) Act 1992 a local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in s5.43.

The Chief Executive Officer is delegated authority in relation to the performance of the following functions :

1. The discharge of the obligations specified in s6.39(1) of the *Local Government Act 1995*.
2. The service of Notice of Valuation and Rates referred to in s6.41(1) of the *Local Government Act 1995* (as amended).
3. The time allowed for the payment of the rate before it becomes in arrears in accordance with s6.50(2) of the *Local Government Act 1995*.
4. The powers conferred in s6.40 of the *Local Government Act 1995* (Reassessment of Rates where Valuation Changed).
5. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book in accordance with s6.76(4) of the *Local Government Act 1995*.
6. Amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with the Act, and under s6.76 to determine objections to the rate record. This delegation includes the authority to amend the rate record for the five years preceding the current financial year.





7. Grant concessions in relation to a rate or service charge in accordance with s6.47 of the *Local Government Act 1995* and under s6.49 to make an agreement with a person for payment of rates and service charges.
8. Make arrangements with ratepayers wishing to make application for alternative instalment arrangements and extension of payment arrangements.
9. Allow or disallow any objection to the rate record lodged under s6.76 (1) in accordance with s6.76(5) of the *Local Government Act 1995*.
10. Make a determination that a property is land used exclusively for charitable purposes and therefore not rateable in accordance with s6.26(2)(g) of the *Local Government Act 1995*.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Delegation No: 17

Rates – Recovery where Unpaid

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 16	SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s5.42; s6.50(1), (2); s6.56(1); s6.60(2), (3), (4); s6.64(1), (3); s6.71(1); s6.74(1); s6.76(4), (5); SCH 6.2 1(1); SCH 6.3 1(4), 4(1)</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>
Conditions	<i>Must comply with relevant policies</i>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the Council under s6.50(1), 6.50(2), 6.56(1), 6.60(2), 6.60(3), 6.60(4), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4), 6.76(5), SCH 6.2 1(1), SCH 6.3 1(4), SCH 6.3 4(1) of the Local Government Act 1995.

This delegation includes the powers, duties and functions of the local government including to:

1. Determine the date that a rate or service charge becomes due and payable in accordance with s6.50 of the *Local Government Act 1995*.
2. Recovery of rates and service charges pursuant to the provisions of s6.56(1) of the *Local Government Act 1995*.
3. Require a lessee to pay rent in accordance with s6.60(2), 6.60(3), 6.60(4) of the *Local Government Act 1995*.
4. Take possession of land where any rates or service charges have been unpaid for at least 3 years, in accordance with s6.64(1) and (3).
5. Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled in accordance with s6.64(3).

REVIEW REQUIREMENTS

At least once every financial year.

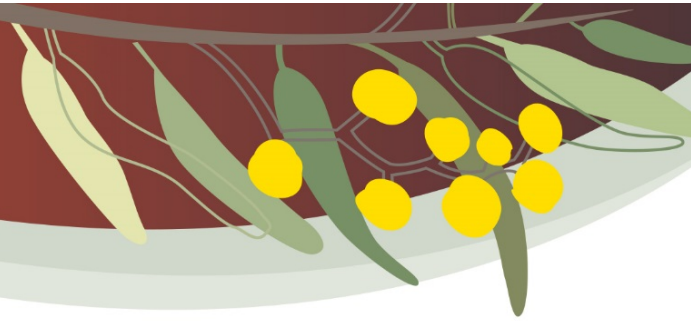


Shire of Woodanilling



AUTHORITY





Delegation No: 18

Reimbursement of Expenses to Shire President and Councillors

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 96	SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 s5.98 (2)(b) & s5.98 (4)</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42 r32 Local Government (Administration) Regulations 1995.</i>
Conditions	<i>Must comply with relevant policies</i>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to administer the reimbursement of expenses by the Shire President and Councillors, where such claims are consistent with the Council's Policy in accordance with s5.98 (2)(b), (4) *Local Government Act 1995* and r32 of the *Local Government (Administration) Regulations 1995*.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No power to sub-delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Bush Fires Act 1954 – s48</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Does not include those matters in the Act which require a resolution of the Council, are prescribed in the Act for performance by prescribed employees or are subject to separate delegated authority within this Register. Only the Chief Executive Officer or the Shire President may withdraw infringement notices pursuant to s59A (3) Bush Fires Act 1954 and r4 Bush Fires (Infringements) Regulations 1958.</i>

POWER OR DUTY DELEGATED

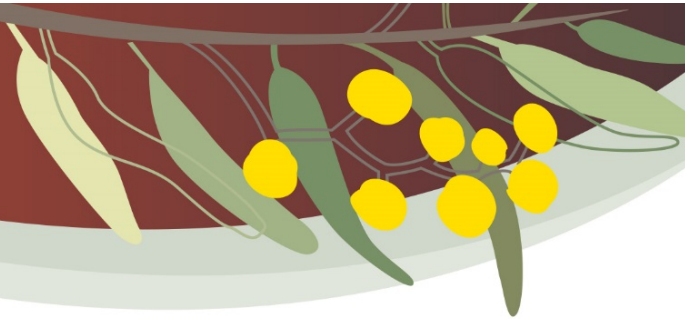
1. Pursuant to s48 *Bush Fires Act 1954* the Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the local government,
2. This delegation includes the authority to initiate legal action and prosecution. There is no power to sub delegate under the *Bush Fires Act 1954*.
3. The Chief Executive Officer is delegated the power to hand over the control of bush fires to the Department of Fire and Emergency Services (DFES).

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

AUTHORITY





Delegation No: 20

Bush Fires Act – Prohibited Burning Times

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No power to sub-delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Bush Fires Act 1954 – s17(10)</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Decisions under s,17(7) must be undertaken jointly by both the [President] and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8)..</i>

POWER OR DUTY DELEGATED

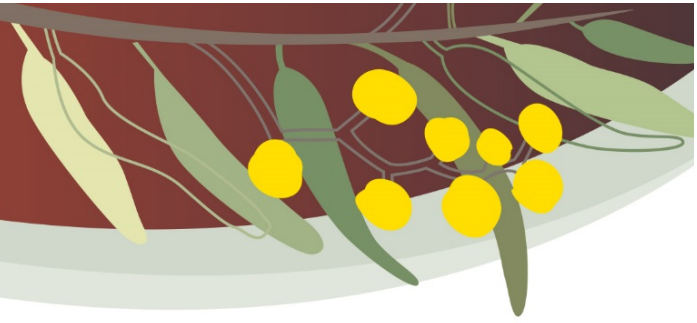
Pursuant to s17(10) *Bush Fires Act 1954* the Chief Executive Officer is delegated authority to implement any variation to Prohibited Burning Times in accordance with s17(7), (8).

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

AUTHORITY





Delegation No: 21

Bush Fires Act – Variations to Fire Break Orders

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No power to sub-delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Bush Fires Act 1954 – s48</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Maximum approval period to be twelve (12) months. CEO to consult with relevant Brigade Fire Control Officer prior to exercising this delegation.</i>

POWER OR DUTY DELEGATED

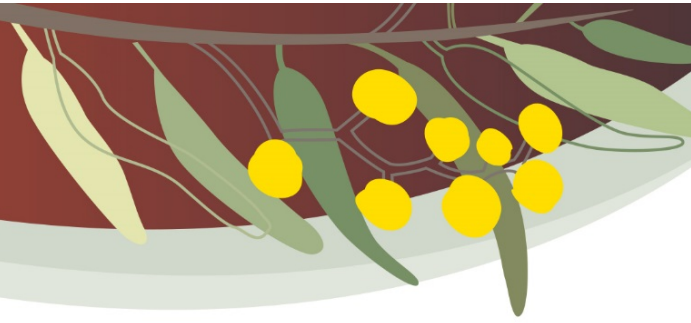
Pursuant to s48 *Bush Fires Act 1954* the Chief Executive Officer is delegated authority to vary or approve alternative arrangements to the Shire’s Firebreak Orders.

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

AUTHORITY





Delegation No: 22

Cat Act – Duties and Functions

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Infrastructure Deputy Chief Executive Officer

LEGAL (PARENT): <i>Cat Act 2011 – s44</i>	LEGAL (SUBSIDIARY): <i>Cat Act 2011 – s45</i>
Conditions	<i>Pursuant to s48(2) only an employee of the Shire can be appointed under s62. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</i>

POWER OR DUTY DELEGATED

Pursuant to s44 *Cat Act 2011* the Chief Executive Officer is delegated authority to perform all duties and functions of the local government under the *Cat Act 2011*.

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

AUTHORITY





Delegation No: 22A

Cat Act – Duties and Functions - Sub-delegation

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Ranger Executive Manager Infrastructure Deputy Chief Executive Officer

LEGAL (PARENT): <i>Cat Act 2011 – s9; s10; s11; s12; s13; s26; s27; s37; s38; s39; s40; s48; s49; s62; s63; s64.,</i>	LEGAL (SUBSIDIARY): <i>Cat Act 2011 – s45</i>
Conditions	

POWER OR DUTY DELEGATED

Pursuant to s45 of the *Cat Act 2011* the Chief Executive Officer delegates and/or authorises the:

- Ranger to perform the functions for Cat Control Notices and Seizures in accordance with s26, 27 of the *Cat Act 2011*.
- Ranger to perform the functions in relation to Cat Breeding in accordance with s37, 38, 39, 40 of the *Cat Act 2011*.
- Ranger to grant extensions of time in accordance with s64 of the *Cat Act 2011*.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:	Policy 85	SUB-DELEGATED TO:	Ranger Executive Manager Infrastructure Deputy Chief Executive Officer

LEGAL (PARENT): <i>Dog Act 1976 – s10AA(1) and (3)</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Must comply with relevant policies Cannot delegate authority to commence enforcement proceedings at s44 of the Dog Act 1976.</i>

POWER OR DUTY DELEGATED

- Pursuant to s10AA(1) of the *Dog Act 1976* the Chief Executive Officer is delegated all powers and duties of the local government under the *Dog Act 1976* and regulations and the Shire's Dogs Local Law.
- Pursuant to s10AA(3) of the *Dog Act 1976* the Chief Executive Officer is specifically authorised to sub delegate any and all of these powers and duties to other employees or other persons.
- These delegations specifically include:
 - s.33E(1) - Individual dog may be declared to be dangerous dog (declared)
 - s.33F(6) s.33G(4) s.33H(1) - Owners to be notified of making of declaration Seizure and destruction Local government may revoke declaration or proposal to destroy

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Delegation No: 23A

Dog Act – Duties and Functions

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:	Policy 85	SUB-DELEGATED TO:	Ranger Executive Manager Infrastructure Deputy Chief Executive Officer

LEGAL (PARENT): <i>Dog Act 1976 –s12A; s14; s29; s38; s39; s43; s47; s12A; s14; s16(2); s16(3A); s16(3); s16(3C); s16(6); s26; s33E; s33F; s33G; s33H; s39; s43A;</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Must comply with relevant policies Cannot delegate authority to commence enforcement proceedings at S44 of the Dog Act 1976.</i>

POWER OR DUTY DELEGATED

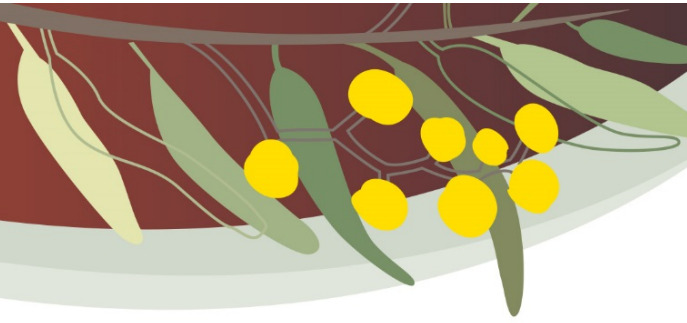
Pursuant to s10AA(1) of the *Dog Act 1976* the Chief Executive Officer has been delegated all powers and duties of the local government. Pursuant to s10AA(3) of the *Dog Act 1976* the Chief Executive Officer is specifically authorised to sub delegate any and all of these powers and duties to the Ranger.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Delegation No: 24

Graffiti Vandalism Act – General Delegation

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Ranger Executive Manager Infrastructure Deputy Chief Executive Officer

LEGAL (PARENT): <i>Graffiti Vandalism Act 2016 – s16(1)</i>	LEGAL (SUBSIDIARY):
Conditions	<i>In accordance with s17(1) of the Graffiti Vandalism Act 2016, the Chief Executive Officer may only sub delegate to an employee of the Shire. The CEO may not sub delegate authority to commence enforcement proceedings. The CEO may not delegate authority to deal with Objections pursuant to s20, 21 and 22 of the Act</i>

POWER OR DUTY DELEGATED

Pursuant to s16(1) *Graffiti Vandalism Act 2016* the Chief Executive Officer is delegated all powers and duties of the Local Government under the *Graffiti Vandalism Act 2016*.

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

AUTHORITY



Delegation No: 24A

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Ranger Executive Manager Infrastructure Deputy Chief Executive Officer

LEGAL (PARENT): <i>Graffiti Vandalism Act 2016 – s18; s19; s25; s26; s27; s28; s29; s30</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY DELEGATED

Pursuant to s17(1) *Graffiti Vandalism Act 2016* the Chief Executive Officer delegates:

The Ranger to exercise the powers and duties of the Shire under the following sections of the *Graffiti Vandalism Act 2016*:

- s18 Giving Notices;
- s19 Additional Powers;
- s25 Graffiti removal;
- s26 Powers of Entry;
- s27 Procedures;
- s28 Notice of Entry;
- s29 Entry under Warrant; and
- s30 Purpose of Entry.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY





Delegation No: 25

Impounding Abandoned Vehicles and Goods

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:	Policy	SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act – s5.42 – and s3.39; s3.40A (1), (4); s3.42; s3.43; s3.44; s3.46, s3.47 (1), (2) s3.47(2A) s3.47A; s3.48</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Delegation only to be used where the Delegate’s reasonable efforts to identify and contact an owner have failed.</i>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to exercise the powers and duties of the Shire in respect to:

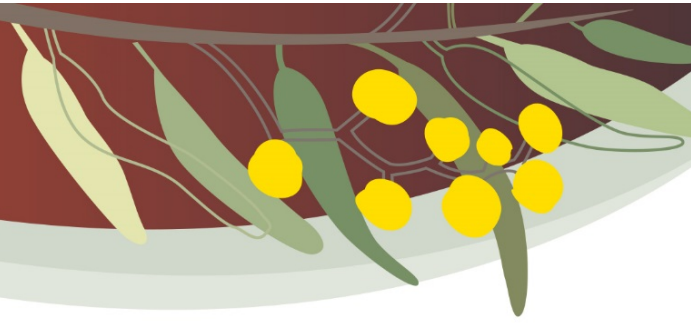
1. Remove and impound any goods that are involved in a contravention that can lead to impounding in accordance with s3.39.
2. Impound abandoned vehicle wrecks in accordance with s3.40A (1), (4).
3. Take appropriate action in respect to impounded non-perishable goods in accordance with s3.42 and s3.43.
4. Give notice in accordance with s3.44 to collect goods.
5. Refuse to allow goods to be collected until all costs have been paid in accordance with s3.46.
6. Sell or dispose of confiscated or uncollected goods in accordance with s3.47 (1) (2) and s3.47(2a)
7. Disposal of sick or injured animals in accordance with s3.47A.
8. Take action to recover expenses in accordance with s3.48.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY





Delegation No: 26

Local Laws

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Ranger Executive Manager Infrastructure Deputy Chief Executive Officer

LEGAL (PARENT): <i>Local Government Act 1995 – s3.12(3), (5), (6); s3.15; s3.16(2), (3)</i>	LEGAL (SUBSIDIARY): Local Government Act 1995 – s5.42
Conditions	

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to determine applications received by the Shire in accordance with a Local Law made by the Shire of Woodanilling in accordance with Subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and to enforce the provisions of those local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.

Shire of Woodanilling local laws to which these delegations apply include:

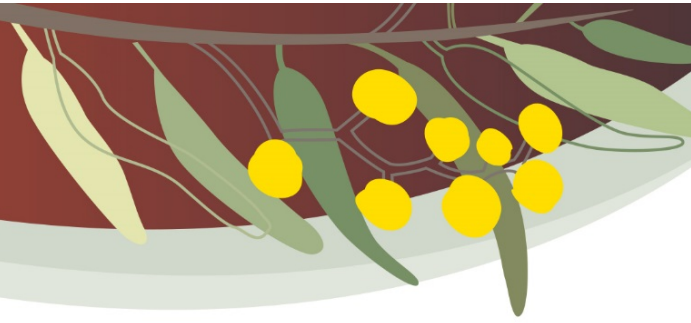
- Shire of Woodanilling Health Local Law
- Shire of Woodanilling Animals Environment & Nuisance Local Law

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY





Delegation No: 26A

Local Laws – Sub-delegation

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Ranger Executive Manager Infrastructure Deputy Chief Executive Officer

LEGAL (PARENT): <i>Local Government Act 1995 – s3.12(3), (5), (6); s3.15; s3.16(2), (3)</i>	LEGAL (SUBSIDIARY): Local Government Act 1995 – S5.44
Conditions	

POWER OR DUTY DELEGATED

The Deputy Chief Executive Officer, Executive Manager Infrastructure and Ranger are delegated authority to determine applications received by the local government in accordance with a Local Law made by the Shire of Woodanilling in accordance with Subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and to enforce the provisions of those local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.

Shire of Woodanilling local laws to which these delegations apply include:

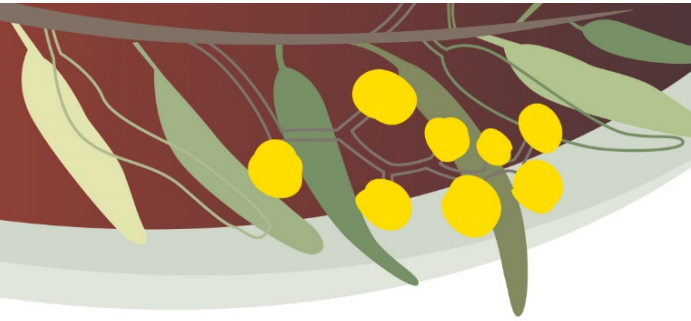
- Shire of Woodanilling Health Local Law
- Shire of Woodanilling Animals Environment & Nuisance Local Law

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY





Delegation No: 27

Fines, Penalties & Infringement Notices – Appointment of Prosecution Officers

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Fines, Penalties and Infringement Notices Enforcement Act 1994 – s13(2); s16; s22</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Appointed Designated Officers give written notice of their designated authority to the Registrar. Appointed Designated Officers hold a Certificate of Appointment.</i>

POWER OR DUTY DELEGATED

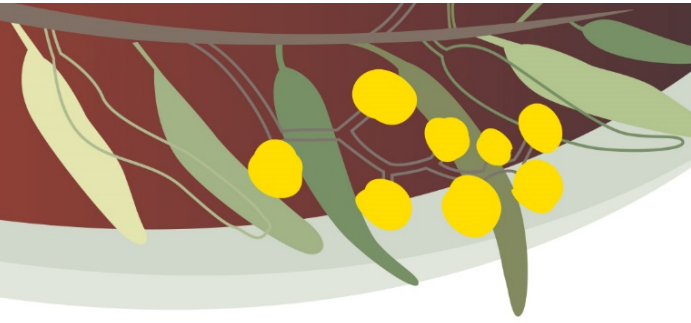
The Chief Executive Officer is delegated authority to appoint Designated Officers for the purposes of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*, Section 13(2), administer the issuing of, and any subsequent proceedings in relation to, the notice.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY





Delegation No: 28

Health (Miscellaneous Provisions) Act 1911 – Various Functions – Delegation

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Health (Miscellaneous Provisions) Act 1911</i> <i>Public Health Act 2016</i>	LEGAL (SUBSIDIARY): <i>Shire of Woodanilling Health Local Law 2017</i>
--	--

Conditions	<p><i>Setting of annual fees under s6.16 and 6.19 of the Local Government Act 1995 is excluded.</i></p> <p><i>Part IV Divisions 4 and 7 - Authority is limited to the forming of opinion and issuing notices, requisitions, directions and orders and does not include the carrying out or causing to be carried out, of works in default of duly served notices, the undertaking or contracting of works, the provision of sanitary conveniences.</i></p> <p><i>Part V Division 1 - Authority is limited to the forming of opinions and issuing notices and directions and does not include the carrying out, or the arranging for the carrying out, of works in default of duly served notices.</i></p> <p><i>Part VII Division 1 - Authority extends to the issue of requisitions and, in the case of default, the causing of requisite work to be done.</i></p> <p><i>Delegations with respect to the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 includes the approval of applications for effluent disposal systems and issue permits to use effluent disposal systems.,</i></p>
-------------------	--

POWER OR DUTY DELEGATED

Pursuant to s26 Health (Miscellaneous Provisions) Act 1911 the Chief Executive Officer is delegated all the powers and functions of the Shire under the Health Local Law.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY





Delegation No: 29

Permits for Stall Holder, Trader and/or Outdoor Eating Facilities

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 – s5.42</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY DELEGATED

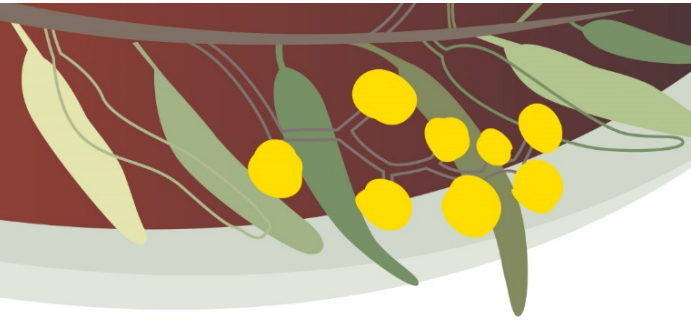
The Chief Executive Officer is delegated authority to determine applications for new permits or renewal of permits for the activity of a stallholder, trader and/or an outdoor eating facility.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY





Delegation No: 30

Closure of Streets, Thoroughfares, Control of Reserves and Unvested facilities

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Infrastructure

LEGAL (PARENT):

*Local Government Act 1995 –s5.42
s3.50(1) (1a) (4) (5) (6); s3.50A; s3.51(3); s3.52; s3.53;
s3.54; Sch 3.1, Division 2
Road Traffic Act 1974 and Road Traffic (Events on Roads)
Regulations 1991.
r6(3) Local Government (Functions and General)
Regulations 1996
r12, r13, r15 Local Government (Uniform Local Provisions)
Regulations 1996*

LEGAL (SUBSIDIARY):

Conditions

*Temporary closure of streets must not exceed 28 days.
The Chief Executive Officer, or any employee sub delegated the authority must ensure any applicant has obtained relevant Police approval and provided appropriate indemnities and insurance cover.
Where exercising powers and duties pursuant to s3.50, the following conditions apply:*

- 1. Sufficient measures are in place to advise affected parties, minimise disruption to road users and to protect public and Shire assets.*
- 2. Have regard to the provisions of s3.50(1).*

*If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].
Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.*

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the Shire regarding closing certain thoroughfares to vehicles and partial closure of thoroughfare for repairs or maintenance and temporary closures (including revocation of Orders) for events in accordance with s3.50, 3.50(1), 3.50(1a), 3.50(4), 3.50(5), 3.50(6), 3.50A Local Government Act, r6(3) Local Government (Functions and General) Regulations 1996, S81(c)(2)(b) *Road Traffic Act 1974* and *Road Traffic (Events on Roads) Regulations 1991*(where relevant).





The Chief Executive Officer is delegated authority to give the required notices as specified in s3.51(3) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

The Chief Executive Officer is delegated authority to:

1. Ensure that public thoroughfares are kept open for public use as required under s3.52(2) of the Act.
2. In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided in accordance with s3.52(3).
3. Keep plans of the levels and alignments of public thoroughfares that are under the Council's control or management and make those plans available for public inspection in accordance with s3.52(4).
4. Control and manage otherwise unvested facilities within the Shire in accordance with s3.53 of the *Local Government Act 1995*.
5. Control and manage land that is vested to the Shire in accordance with s3.54 of the *Local Government Act 1995*.
6. Approve the construction of a crossing (vehicle crossover) giving access from a public thoroughfare to:
 - i) the land; or
 - ii) a private thoroughfare serving the land;in accordance with Regulations 12, 13 and 15 of the *Local Government (Uniform Provisions) Regulations 1996*.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY





Delegation No: 30A

Closure of Streets – Thoroughfares, Control of Reserves and unvested facilities – Sub-Delegation

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Infrastructure

LEGAL (PARENT):

Local Government Act 1995 – S5.42
s3.50(1) (1a) (4) (5) (6); s3.50A; s3.51(3); s3.52; s3.53; s3.54; Sch 3.1, Division 2
Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991.
r6(3) Local Government (Functions and General) Regulations 1996
r12, r13, r15 Local Government (Uniform Local Provisions) Regulations 1996

LEGAL (SUBSIDIARY):

Local Government Act 1995 – S5.44

Conditions

Temporary closure of streets must not exceed 28 days.
The Chief Executive Officer, or any employee sub delegated the authority must ensure any applicant has obtained relevant Police approval and provided appropriate indemnities and insurance cover.
Where exercising powers and duties pursuant to s3.50, the following conditions apply:

- 1. Sufficient measures are in place to advise affected parties, minimise disruption to road users and to protect public and Shire assets.*
- 2. Have regard to the provisions of S3.50(1).*

POWER OR DUTY DELEGATED

The Executive Manager Infrastructure is delegated authority to exercise the powers and discharge the duties of the Shire regarding closing certain thoroughfares to vehicles and partial closure of thoroughfare for repairs or maintenance and temporary closures (including revocation of Orders) for events in accordance with s3.50, 3.50(1), 3.50(1a), 3.50(4), 3.50(5), 3.50(6), 3.50A *Local Government Act 1995*, r6(3) *Local Government (Functions and General) Regulations 1996*, s81(c)(2)(b) *Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991* (where relevant).

The Executive Manager Infrastructure is delegated authority to give the required notices as specified in s3.51(3) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

The Executive Manager Infrastructure is delegated authority to:





1. Ensure that public thoroughfares are kept open for public use as required under s3.52(2) of the Act.
2. In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided in accordance with s3.52(3).
3. Keep plans of the levels and alignments of public thoroughfares that are under the Council's control or management and make those plans available for public inspection in accordance with s3.52(4).
4. Control and manage otherwise unvested facilities within the Shire in accordance with s3.53 of the *Local Government Act 1995*.
5. Control and manage land that is vested to the Shire in accordance with s3.54 of the *Local Government Act 1995*.
6. Approve the construction of a crossing (vehicle crossover) giving access from a public thoroughfare to:
 - i) the land; or
 - ii) a private thoroughfare serving the land;in accordance with Regulations 12, 13 and 15 of the *Local Government (Uniform Provisions) Regulations 1996*.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY



DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Infrastructure Deputy Chief Executive Officer

LEGAL (PARENT): <i>Local Government Act 1995 – s5.42</i>	LEGAL (SUBSIDIARY):
Conditions	<i>The Council supports 'as of right' vehicles as defined by Main Roads WA (MRWA) or approved RAV routes, except where roads are closed for safety reasons.</i>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to determine applications by heavy vehicle transport operators for Restricted Access Vehicle (RAV) and Accredited Mass Management Scheme (AMMS) Networks to access roads managed and maintained by the Council.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY



Delegation No: 31A

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Executive Manager Infrastructure Deputy Chief Executive Officer</i>

LEGAL (PARENT): <i>Local Government Act 1995 – s5.42</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 – s5.44</i>
Conditions	

POWER OR DUTY DELEGATED

The Deputy CEO is delegated authority to determine applications by heavy vehicle transport operators for Restricted Access Vehicle (RAV) and Accredited Mass Management Scheme (AMMS) Networks to access roads managed and maintained by the Council.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY



DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government (Miscellaneous Provisions) Act 1960</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated the powers, duties and functions of the local government pursuant to Part XII of the *Local Government (Miscellaneous Provisions) Act 1960*.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY



Delegation No:33

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Building Act 2011 – S96(3); S127</i>	LEGAL (SUBSIDIARY):
Conditions	<p><i>Sub delegation may only be to employees of the Shire (s127(3)).</i></p> <p><i>This delegation includes the power to serve notice on the builder or owner requiring alterations to a building, or in relation to encroachments, pursuant to s189, S190 of the Building Act 2011. These powers cannot be sub delegated.</i></p> <p><i>In undertaking the functions of this delegation, Building Surveyors (registered) must be employed by the Shire of Woodanilling in accordance with s5.36 of the Local Government Act 1995; and with respect to uncertified applications, hold the appropriate qualification as set out under r6 of the Local Government (Building Surveyors) Regulations 2008.</i></p> <p><i>In relation to s21 this sub delegation does not apply to places listed on the State’s Register of Heritage Places or the Council’s Heritage Register or to places classified by the National Trust.</i></p> <p><i>Must observe s100(2) of the Building Act 2011 in relation to entry to private residence.</i></p> <p><i>In relation to s110 this delegation permits a sub delegate to determine that an Order is to remain in effect in accordance with s117(2) of the Building Act 2011 where it is considered appropriate.</i></p>

POWER OR DUTY DELEGATED

Pursuant to s96 of the *Building Act 2011* the Chief Executive Officer is delegated the authority to appoint authorised persons for the purposes of the Building Act 2011 and the Building Regulations 2012 in relation to buildings and incidental structures located or proposed to be located in the local government’s district. Pursuant to s99 the CEO is delegated authority to impose limitations on powers of authorised persons.

Pursuant to s127 the Chief Executive Officer is delegated all the powers and duties of the local government under the Building Act and Regulations and is authorised to take legal proceedings pursuant to s133 of the Act in relation to both the Act and Regulations.

These delegations include the powers and duties specified at:

- s18(1) - to require an applicant to provide any documentation or information required to determine a building permit application;
- s20 – to approve, or refuse to approve a certified or uncertified application for a building permit;
- s21,22 – to approve, or refuse to approve an application for a demolition permit





- s27(1) (3) - to impose conditions on permit
- s.55 - Further information
- s58 – to approve, modify or refuse to approve an application for an occupancy permit or approve or refuse to approve an application for a building approval certificate;
- s62 – to impose conditions on an occupancy permit or modification of a building approval certificate;
- s65 – to approve, or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect;
- s76 – to give consent for encroachments on Crown land under the care, control and maintenance of the local government;
- s110 – to make a Building Order in relation to building work, demolition work and/or, an existing building or incidental structure, whether completed before, or after commencement day;
- s114 – serve a building order;
- s117 – revoke a building order; and
- s118(2), (3) – to take action in relation to non-compliance with building orders;
- s131(2) - to determine applications for the inspection of or to seek copies of building records;
- s133 - to commence a prosecution for an offence against this Act;
- s145A(1) - to undertake local government functions in relation to Referrals and Issuing Certificates including authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government;
- S145A(2) - authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the <<Shire/Town/City>>'s District [s.145A(2)];
- r23 (application to extend time), r24 (extension of time), r26 (approval of new responsible person);
- r40 - extension of period of duration of time of occupancy permit or building certificate;
- r51 - private pool barriers - alternative solutions;
- r55,61 - smoke alarms - alternative solutions - local government approval of battery powered smoke alarms

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

AUTHORITY





Delegation No: 34

Building Act & Regulations – Occupancy Permits and Building Approval Certificates for Strata Plans and Survey Strata Plans

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:	Policy	SUB-DELEGATED TO:	

LEGAL (PARENT):

*Building Act 2011 – s127
 Strata Titles Act 1985 – sA5B
 Strata Titles Act 1985 – s25 in respect of Built Strata Applications except for those applications listed as exceptions in WAPC Planning Bulletin 52/2009. Includes issue of Form 26.*

LEGAL (SUBSIDIARY):

Conditions

Delegation and authority do not apply to those applications that:

1. *Propose the creation of a vacant lot;*
2. *Proposed vacant air stratas in multi-tiered strata scheme developments;*
3. *In the opinion of the WAPC as notified to the local government in writing, or in the opinion of the local government as notified to the WAPC in writing, relate to:*
 - a) *type of development; and/or*
 - b) *land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.*
4. *The WAPC is to be provided with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.*

POWER OR DUTY DELEGATED

The Chief Executive Officer is authorised to issue occupancy permits and building approval certificates for strata plans and survey strata plans as required by s5B of the Strata Titles Act 1985 and to make certain decisions pursuant to s25 *Strata Titles Act 1985* in respect of Built Strata Applications except for those applications listed as exceptions in Western Australian Planning Commission (WAPC) Planning Bulletin 52/2009. Includes authority to issue Form 26

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.



Shire of Woodanilling



AUTHORITY



Delegation No:35

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:	Policy	SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Planning and Development Act 2005</i>	LEGAL (SUBSIDIARY): <i>Schedule 2 – Planning and Development (Local Planning Scheme) Regulations 2015</i> <i>Deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015</i>
Conditions	<i>Must comply with relevant policies, including Local Planning Policies and State Planning Policies</i>

POWER OR DUTY DELEGATED

That pursuant to the Division 2 Part 10 Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* and *Sections 5.45 and 5.46 LGA* Council delegate its authority and power to the Chief Executive Officer the following effective from the 19th October 2015:

1. Approval of “Outbuildings” in the Local Rural zone where they
 - a. Comply the minimum boundary setbacks;
 - b. The total area of existing and proposed outbuildings is less than 200 m2 in size; and
 - c. The wall height is less than 3.5m
2. Authorised to provide subdivision clearances.
3. Approval of “residential dwelling – single residence” in the Local Rural Zone, where the application complies with the relevant provisions of the Scheme and any relevant Local Planning Policies.
4. Receipt of the application pursuant to Clause 62
5. Requesting further information pursuant to Clause 63
6. Determining the classification / land use definition of a proposal pursuant to Clause 4.4
7. Determining the compliance of “Permitted Uses” with the development provisions of the Scheme pursuant to TPS No 1 Clause 4.3.2
8. Determining compliance with the Residential Design Codes pursuant to TPS No 1 Clause 5.2.2
9. Waiving the need to supply any information for an application pursuant to Clause 63





10. Giving notice of applications in accordance with Clause 64
11. Determining the scope and extent of advertising of applications pursuant to Clause 64
12. Consulting with other authorities pursuant to Clause 66
13. Granting approval for 'P' uses pursuant to Clause 68
14. The Authority to act on behalf of Council in respect of any Appeal made pursuant to Clause 76
15. The authority to enter into buildings or land pursuant to Clause 79

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY





Delegation No:36

Crown Reserves and Street Names

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:	Policy	SUB-DELEGATED TO:	

LEGAL (PARENT):

Land Administration Act 1997 – s26A
Land Administration Act 1997, Part 2 – General Administration, Division 3 General, Part 4 Reserves, Part 6 – Sales, leases, licences of Crown land
Local Government Act 1995 – s3.54

LEGAL (SUBSIDIARY):

Conditions

Process requests related to Crown Reserves (1) Authority to process matters relating to Crown Reserves as follows:

- i) Requests to the Minister for Lands to create a new reserve or transfer Crown land from one form to another (i.e. road reserve to Crown reserve; excision of road reserve from Crown reserve);*
- ii) Change of purpose of a Crown reserve;*
- iii) Changes to reserve boundaries;*
- iv) Acceptance of a management order, where the local government is currently managing the land or can do so within existing operation budgets;*
- and*
- v) Requests to lease Crown land, where no structure will be built (ie leases managed by the State, pastoral leases).*

Comment on request to lease Crown Land (2) compliance with the following documents is necessary:

- i) Local Planning Scheme and Strategies;*
- ii) Adopted Asset Management Plans (Roads, Reserves: Natural and Developed; Drainage); and*

The revocation of a management order of an existing local government managed reserve or cancellation of an existing Crown reserve shall be considered by the Council.

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to perform the following functions with regard to the Land Administration Act 1997:

1. Process requests related to Crown Reserves, pursuant to s3.54 of the *Local Government Act 1995* and Part 4 of the *Land Administration Act 1997*





2. Comment on requests to lease Crown land, where the State manages the lease, pursuant to Part 6 of the *Land Administration Act 1997*;
3. Forward recommendations of street names to the Geographic Names Committee, Western Australia under s26A of the *Land Administration Act 1997*; and

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY





Delegation No: 37

Building Incentives

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Executive Manager Infrastructure</i>

LEGAL (PARENT): <i>Local Government Act 1995 – s5.42</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated the power to provide free of charge, sand/gravel required for a 600mm maximum depth pad to a level site for single residential dwellings subject to:

- The single residential dwelling is located in the Shire of Woodanilling; and
- It is the only dwelling on the property; and
- The application for sand/gravel is received within one year of purchasing the property; and
- A Building Permit has been issued for the dwelling prior to the application for sand/gravel to be supplied.

If the residence is not completed within two years, the local government will seek to recover costs at full private works rates at that time.

Sand/gravel will not be supplied free of charge for any other structure or outbuildings.

Levelling of the site, spreading and compaction of materials will not be provided free of charge. The local government may undertake these works at full private works rates.

Landowners must gain their own compaction certification prior to building construction.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY



Delegation No: 37A

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Infrastructure

LEGAL (PARENT): <i>Local Government Act 1995 – s5.42</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Levelling of the site, spreading and compaction of materials will not be provided free of charge. The local government may undertake these works at full private works rates. Landowners must gain their own compaction certification prior to building construction.</i>

POWER OR DUTY DELEGATED

The Executive Manager Infrastructure is delegated the power to provide free of charge, sand/gravel required for a 600mm maximum depth pad to a level site for single residential dwelling subject to:

- The single residential dwelling is located in the Shire of Woodanilling; and
- It is the only dwelling on the property; and
- The application for sand/gravel is received within one year of purchasing the property; and
- A Building Permit has been issued for the dwelling prior to the application for sand/gravel to be supplied.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY



DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 – s5.42</i>	LEGAL (SUBSIDIARY):
Conditions	<i>The final determination for group rating rests with the Valuer General, the CEO may only recommend an outcome.</i>

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated the power to determine applications for group values on contiguous land, subject to the following:

DEFINITION

For the purpose of this delegation, pieces of land will be taken to be contiguous if they abut one another at any point or if they are separated only by intervening land being a street, road, lane, footway, court, railway, thoroughfare, travelling stock route, a reserve or other similar open space dedicated for public purposes.

RESIDENTIAL AND LOCAL RURAL LAND

With regard to Gross Rental Value (GRV), applications for group values will be assessed and supported only if they meet all of the following criteria:

- actual occupation (primary place of residence); and
- are contiguous; and
- are held in the same ownership; and
- are used for the same purpose.

RURAL LAND

With regard to Unimproved Value (UV), applications for group values will be assessed and supported only if they meet all of the following criteria:

- are contiguous, and
- are held in the same ownership, and
- are used for the same purpose

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

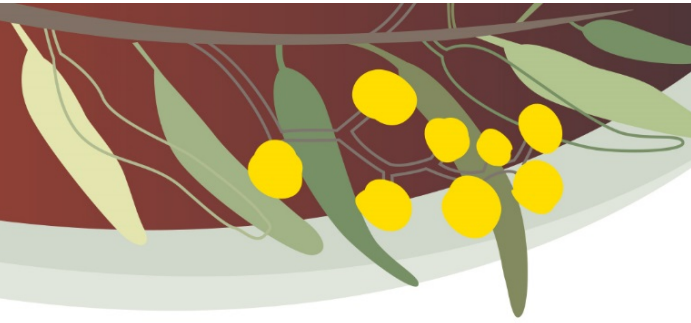


Shire of Woodanilling



AUTHORITY





Delegation No: 39

Street Stalls/Appeals

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	

LEGAL (PARENT): <i>Local Government Act 1995 – s5.42</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated the power, to determine applications for street stalls/ appeals subject to satisfactory insurance arrangements and compliance with any statutes.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

AUTHORITY





Appointment No: 1

General Inspectors – Animal Welfare Act

DATE ADOPTED:		APPOINTEE:	Ranger
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Animal Welfare Act 2002 – s33(2)(a)(v)</i>	LEGAL (SUBSIDIARY):
Conditions	<i>General Inspectors must be employees. General Inspectors are only able to issue infringement notices and cannot be appointed as both General Inspectors and Authorised Persons.</i>

POWER OR DUTY

Pursuant to s33(2)(a)(v) *Animal Welfare Act 2002* the Ranger is appointed as a General Inspector.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Appointment No: 2

Authorised Persons – Caravan Parks and
Camping Grounds Act

DATE ADOPTED:		APPOINTEE:	Ranger
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Caravan Parks and Camping Grounds Act 1995 –s17(1)</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Employees appointed under s17(1) must have an identity card in accordance with s17(1)(b).</i>

POWER OR DUTY

The Ranger is appointed as an Authorised Person pursuant to s17(1) *Caravan Parks and Camping Grounds Act 1995*.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Appointment No: 3

Enforcement – Caravan Parks and Camping Grounds Act

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	Ranger

LEGAL (PARENT): <i>Caravan Parks and Camping Grounds Act 1995 –s22; s23(2), (5), (7), (11)</i>	LEGAL (SUBSIDIARY): <i>Caravan Parks and Camping Grounds Regulations 1997</i>
Conditions	<p><i>Employees appointed under s23(2) cannot be appointed under s23(3), (5) or (7).</i></p> <p><i>Employees appointed under s23(2) must hold a certificate stating the person is authorised in accordance with s23(12).</i></p> <p><i>In accordance with r11(2) (c) any approval must be in writing.</i></p>

POWER OR DUTY

1. The Chief Executive Officer is appointed an Authorised Person under s22, 23(5), 23(7), 23(11) *Caravan Parks and Camping Grounds Act 1995.*
2. The Ranger is appointed as an Authorised Person under s23(2) *Caravan Parks and Camping Grounds Act 1995.*
3. The Ranger is appointed as an Authorised Person to undertake all functions of the local government for the purposes of r6 and r11(2)(c) of the *Caravan Parks and Camping Grounds Regulations 1997.*

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Appointment No: 4

Control of Vehicles (Off Road Areas) Act 1978

DATE ADOPTED:		APPOINTEE:	Ranger
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Control of Vehicles (Off Road Areas) Act 1978 – s38(3)</i>	LEGAL (SUBSIDIARY): <i>Control of Vehicles (Off-Road Areas) Regulations 1979</i>
Conditions	<i>In accordance with s38(4)(d) each authorised person appointed must have a certificate stating the employee is an authorised person for the purpose of this Act.</i>

POWER OR DUTY

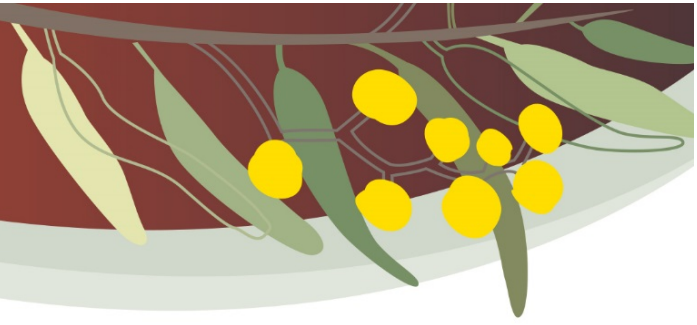
Pursuant to s38(3) of *Control of Vehicles (Off Road Areas) Act 1978* and the *Control of Vehicles (Off-road Areas) Regulations 1979*, the Ranger is appointed as an Authorised Officer to perform all functions of the local government under the Act.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Appointment No: 5

Control of Council Property and Facilities

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Criminal Code Act Compilation Act 1913 – S70A(1)(a)</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY

The Chief Executive Officer is deemed to be the person in authority of local government property and facilities, including the Council Chambers during Council and Committee meetings

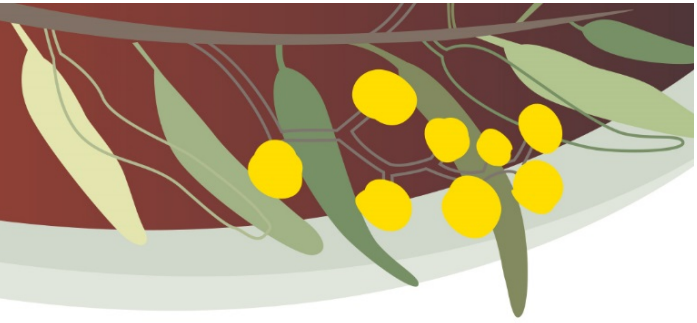
REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right.





Appointment No: 6

Internal Review Officer – Freedom of Information Act 1992

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	No

LEGAL (PARENT): <i>Freedom of Information Act 1992 – s41</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY

Pursuant to s41 *Freedom of Information Act 1992* the Chief Executive Officer is designated Internal Review Officer

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY



Appointment No: 7

DATE ADOPTED:		APPOINTEE:	Deputy CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Freedom of Information Act 1992 – s100</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Must comply with relevant Council Policies.</i>

POWER OR DUTY

1. The Deputy CEO is appointed as the Freedom of Information Coordinator to undertake the duties and functions associated with the lodgement and collation of an application for information in accordance with s11, 12, of the *Freedom of Information Act 1992*
2. In accordance with s100 of the *Freedom of Information Act 1992* the Principal Decision Maker is the Chief Executive Officer or an employee directed by the Chief Executive Officer to undertake the duties and functions. The Chief Executive Officer has determined that the Deputy Chief Executive Officer will be the Principal Decision Maker.

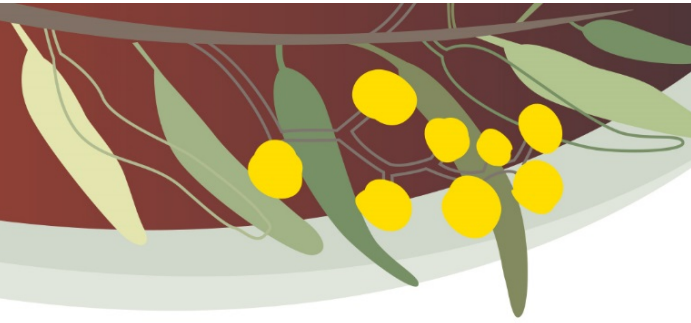
REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right





Appointment No: 8

Authorised Person – Legal Proceedings, Infringements and Enforcements – Local Government Act

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Local Government Act 1995 - s9.10(1), (2); s9.11; s9.13; s9.16; s9.17; s9.19; s9.20; s9.24</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Appointed Authorised Persons are to hold a Certificate of Appointment in accordance with s9.10(2).</i>

POWER OR DUTY

The Chief Executive Officer is appointed an authorised person for the purposes of s9.10(1), 9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24 of the *Local Government Act 1995*.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right





Appointment No: 9

Authorised Person – Local Government Act

DATE ADOPTED:		APPOINTEE:	Deputy CEO Executive Manger Infrastructure
DATE LAST REVIEWED:		OTHER APPOINTEES:	No

LEGAL (PARENT): <i>Local Government Act 1995 - s9.10(1), (2); s9.11; s9.13; s9.16; s9.17; s9.19; s9.20; s9.24</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Appointed Authorised Persons are to hold a Certificate of Appointment in accordance with s9.10(2).</i>

POWER OR DUTY

The Deputy Chief Executive Officer is appointed as an authorised person for the purposes of s9.10(1), 9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24 of the *Local Government Act 1995*.

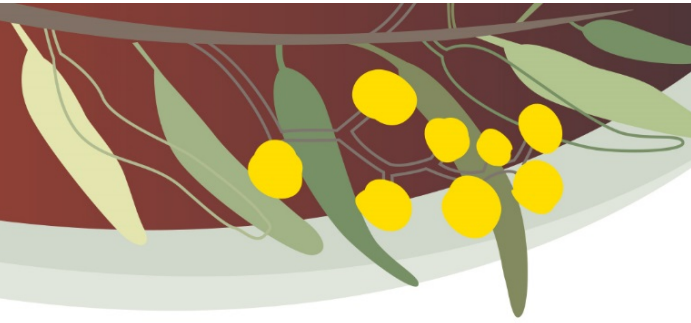
REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right





Appointment No: 10

Public Health Act 2016 – Appointment of Authorised Officers

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	Deputy CEO Contract EHO

LEGAL (PARENT): <i>Public Health Act 2016</i> <i>Health (Miscellaneous Provisions) Act 1911</i>	LEGAL (SUBSIDIARY): <i>Shire of Woodanilling Health Local Law 2017</i>
Conditions	<p><i>Must operate in accordance with the conditions within the Shire of Woodanilling Health Local Law 2017.</i></p> <p><i>A list of all officers designated as authorised officers must be kept and maintained in accordance with S27 of the Public Health Act 2016.</i></p> <p><i>Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with S30 of the Public Health Act 2016.</i></p>

POWER OR DUTY

1. The Chief Executive Officer, Deputy Chief Executive Officer and Contract Environmental Health officer are appointed as an authorised officer under s24 of the *Public Health Act 2016*.
2. Pursuant to s26 *Health (Miscellaneous Provisions) Act 1911* the Chief Executive Officer and Contract Environmental Health Officer, are appointed as Authorised Persons under the Health Local Law.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right





Appointment No: 11

Public Interest Disclosure Officer – Public Interest Disclosure Act 2003

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Public Interest Disclosure Act 2003 – s23(1)(a)</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY

Pursuant to s23(1)(a) *Public Interest Disclosure Act 2003* the Principal Executive Officer (Chief Executive Officer) designates the occupant of a specified position within the authority as the person responsible for receiving disclosures of public interest information. The Chief Executive Officer of the Shire of Woodanilling is designated accordingly.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY





Appointment No: 12

Review Officer and Determination Officer – Rates and Charges (Rebates and Deferments) Regulation Act 1992

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	Accountant Finance Officer

LEGAL (PARENT): <i>Rates and Charges (Rebates and Deferments) Regulation Act 1992 – s12; s13; s32</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY

1. The Chief Executive Officer is the Pensioner Rates Review Officer, as defined by the Act.
2. The Finance Officer/Accountant is the Pensioner Rates Determination Officer as defined by the Act.

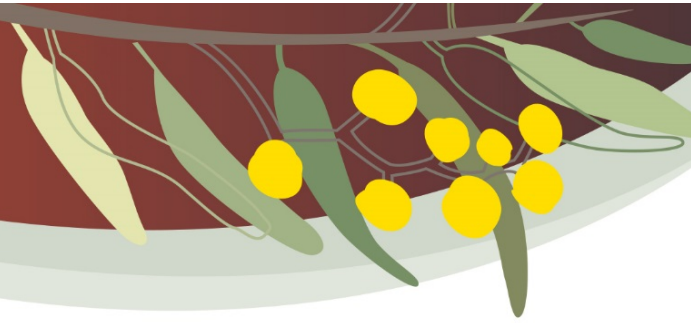
REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right.





Appointment No: 13

Authorised Officers – Issue of Infringement Notices, Approved Officer – withdrawal or extension of period, Health (Asbestos) Regulations 1992.

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	Deputy CEO Executive Manager Infrastructure

LEGAL (PARENT): <i>Health (Asbestos) Regulations 1992</i> <i>Pt 2 Criminal Procedure Act 2004</i>	LEGAL (SUBSIDIARY):
Conditions	<i>The approved officer cannot be appointed as an authorised officer.</i> <i>Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].</i>

POWER OR DUTY

1. The Chief Executive Officer be authorised pursuant to the *Health (Asbestos) Regulations 1992* for the issuing of infringement notices.
2. The Deputy Chief Executive Officer be appointed as an Approved Officer pursuant to the *Health (Asbestos) Regulations 1992* and the *Criminal Procedure Act 2004* for the withdrawal or extension to a period to pay an infringement notice.

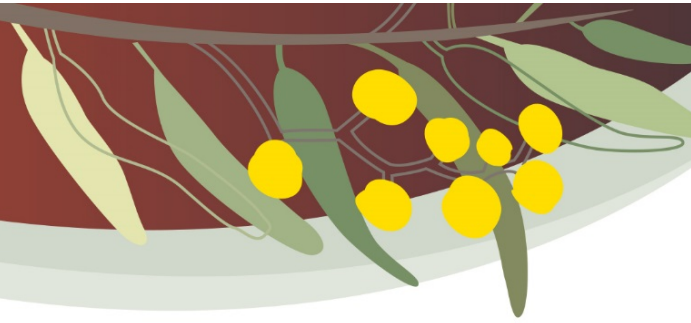
REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right





Appointment No: 14

Bush Fires Act – Issue of Infringement and Prosecution

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Bush Fires Act 1954 – s59(1), (3); s59A(2)</i>	LEGAL (SUBSIDIARY): <i>Bush Fires (Infringements) Regulations 1958</i>
Conditions	<p><i>Only the Chief Executive Officer may institute legal proceedings.</i></p> <p><i>Only the Chief Executive Officer or the Shire President may withdraw infringement notices pursuant to s59A (3) Bush Fires Act 1954 and r4 Bush Fires (Infringements) Regulations 1958.</i></p>

POWER OR DUTY

The Chief Executive Officer and Deputy Chief Executive Officer are authorised to issue infringement notices under s59(1), (3) and s59A (2) of *Bush Fires Act 1954*.

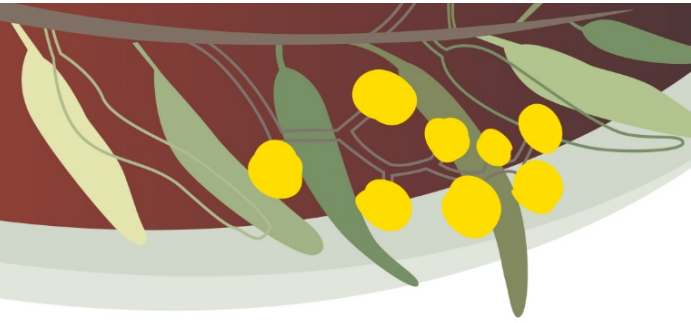
REVIEW REQUIREMENTS

Although these Authorisations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

AUTHORITY

As of right





Appointment No: 15

Referral of Proposals – Environmental Protection Act 1986

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Environmental Protection Act 1986 – s38</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY

Pursuant to s38 of the *Environmental Protection Act 1986* the Chief Executive Officer is authorised to refer Proposals to the Environmental Protection Authority.

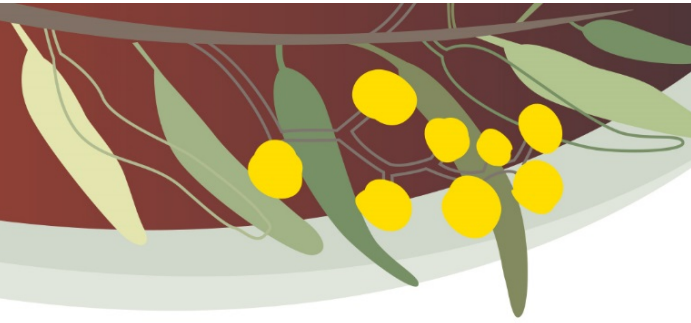
REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right.





Appointment No: 16

Equal Employment Opportunity Management Plans

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Equal Employment Opportunity Act 1984 –s145</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY

The Chief Executive Officer is to prepare and implement equal employment opportunity management plans pursuant to s145 *Equal Employment Opportunity Act 1984*.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right.





Appointment No: 17

Liquor Control Act 1988 – Issue Certificates, removal of Licences, Application for Extended Trading Permits.

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Liquor Control Act 1988 – s39; s40; s61(1)(d), (2); s69(7), (8)</i>	LEGAL (SUBSIDIARY):
Conditions	<p><i>The Chief Executive Officer cannot recommend approval or refusal for first time applications for Extended Trading Permits to the relevant State Government authority. Such applications must be considered and determined by the Council.</i></p> <p><i>The Chief Executive Officer may recommend approval or refusal for subsequent applications.</i></p>

POWER OR DUTY

1. Pursuant to s39 (Health), s40 (Planning) *Liquor Control Act 1988* the Chief Executive Officer is authorised to issue Certificates for grant, change or removal of liquor licences.
2. Pursuant to s61(1)(d), (2) *Liquor Control Act 1988* the Chief Executive Officer is authorised to provide comment and make recommendations on Applications for Extended Trading Permits.
3. Pursuant to s69(7), (8) of the *Liquor Control Act 1988* the Chief Executive Officer is authorised to intervene in Applications.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right



Appointment No: 18

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	See below

LEGAL (PARENT): <i>Litter Act 1978 – s26(1)(c)(i), (ii)</i>	LEGAL (SUBSIDIARY):
---	----------------------------

Conditions	<i>Employees and elected members appointed under s26(1)(c)(i), (ii) must hold a certificate stating the person is authorised, in accordance with s26(4)(c).</i>
-------------------	---

POWER OR DUTY

s26(1)(c)(i), (ii) prescribes that all elected members and employees are Authorised Persons by virtue of their office.

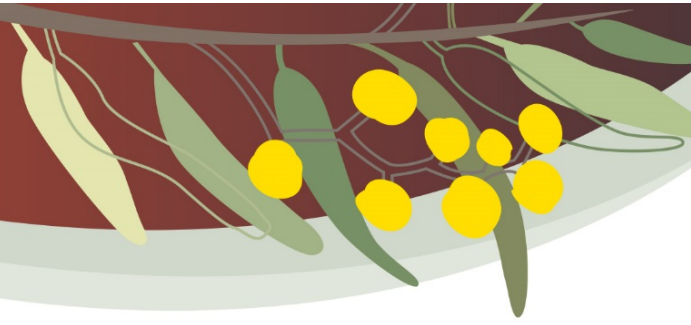
REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right





Appointment No: 19

Litter Act 1979 – Withdrawal of Infringement Notices

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Litter Act 1978 – s30(4a)</i>	LEGAL (SUBSIDIARY):
Conditions	

POWER OR DUTY

Pursuant to s30(4a) *Litter Act 1979* the Chief Executive Officer is authorised to withdraw infringement notices. If the Chief Executive Officer has issued the relevant infringement notice, the Shire President is authorised to withdraw such a notice.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right





Appointment No: 20

Building Act 2011 – General Duties

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	

LEGAL (PARENT): <i>Building Act 2011</i>	LEGAL (SUBSIDIARY):
Conditions	.

POWER OR DUTY

The Chief Executive Officer is authorised to undertake duties pursuant to the *Building Act 2011*.

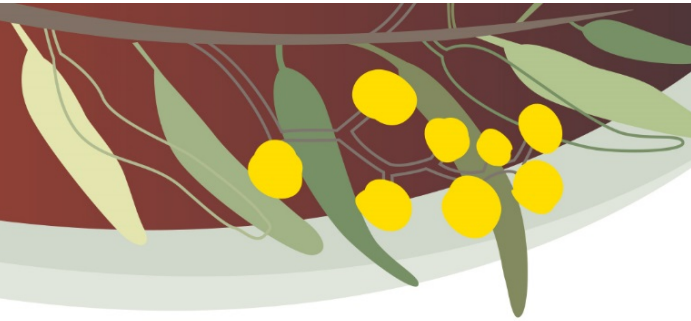
REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right





Appointment No: 21

Cat Act

DATE ADOPTED:		APPOINTEE:	Ranger
DATE LAST REVIEWED:		OTHER APPOINTEES:	Admin Support Officer Records Officer Deputy CEO Customer Service Officer Finance Officer

LEGAL (PARENT): <i>Cat Act 2011 – s9; s10; s11; s12; s13; s26; s27; s37; s38; s39; s40; s48; s49; s62; s63; s64.,</i>	LEGAL (SUBSIDIARY): <i>Cat Act 2011 – s45</i>
Conditions	<i>In accordance with s48(5) each authorised person appointed below, must have a certificate stating the employee is an authorised person for the purpose of this Act. Pursuant to s48(2) only an employee of the Shire can be appointed under s62.</i>

POWER OR DUTY

Pursuant to s45 of the *Cat Act 2011* the following staff are appointed:

1. Ranger, Admin Support Officer, Records Officer, Deputy CEO, Customer Service Officer and Finance Officer as Registration Officers to perform the functions for Registration related matters in accordance with s9, 10, 11, 12, 13 of the *Cat Act 2011*.
2. Ranger as Authorised Persons for the purposes of s48, 49, 62, 63 of the *Cat Act 2011*.

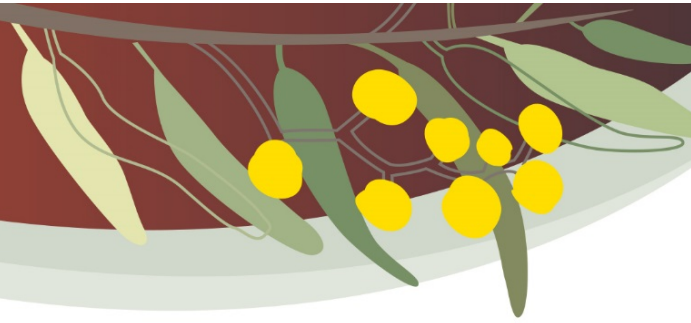
REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right





Appointment No: 22

Dog Act

DATE ADOPTED:		APPOINTEE:	Ranger
DATE LAST REVIEWED:		OTHER APPOINTEES:	Admin Support Officer Records Officer Deputy CEO Customer Service Officer Finance Officer

LEGAL (PARENT): <i>Dog Act 1976 –s12A; s14; s29; s38; s39; s43; s47; s12A; s14; s16(2); s16(3A); s16(3); s16(3C); s16(6); s26; s33E; s33F; s33G; s33H; s39; s43A;</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Must comply with relevant policies Cannot delegate authority to commence enforcement proceedings at S44 of the Dog Act 1976.</i>

POWER OR DUTY

- The Ranger as an Authorised Person, and to exercise delegations under the following sections of the Dog Act 1976:
 - s12A Entry to premises;
 - s14 Registration;
 - s29 Power to seize dogs;
 - s33G Seizure and destruction;
 - s38 Nuisance dogs;
 - s39 Dogs causing injury or damage may be destroyed; s43A
Name and address to be supplied for an offence; and s47
Recovery of veterinary service expenses.
- The Ranger to undertake the powers of an authorised person under the Dog Act 1976 and the Dog Regulations 2013 for all sections not mentioned in 1 above or 3 below.
- The Ranger as a specifically Authorised Person:
 - s26 (and Shire of Woodanilling Dogs Local Law 2008) Limitation as to numbers; s33E
Dangerous dogs;
 - s33F Dangerous dogs;
 - s33G Dangerous dogs;
 - s33H Dangerous dogs;





s39 Dogs causing injury or damage may be destroyed; and
s43A Name and address to be supplied for an offence.

4. The Ranger and Admin Support Officer, Deputy CEO, Finance Officer, and the Records Officer as Registration Officers under the following sections of the Dog Act 1976:

s14 Register of dogs; and
s16(2),16(3A), s16(3), s16(3c), s16(6) Registration.

REVIEW REQUIREMENTS

At least once every financial year.

AUTHORITY

As of right





Appointment No: 23

Food Act – General Delegation and Appointment

DATE ADOPTED:		APPOINTEE:	CEO
DATE LAST REVIEWED:		OTHER APPOINTEES:	Contract EHO

LEGAL (PARENT): <i>Food Act 2008 – s38; s56; s62; s65; s66; s67; s110; s112; s122; s125; s126</i>	LEGAL (SUBSIDIARY):
Conditions	<i>Copies of all decisions made are to be retained on the appropriate file or record,</i>

POWER OR DUTY

Pursuant to s118 of the Food Act 2008 the Council:

1. Appoints the Chief Executive Officer and Contract Environmental Health Officer, as Authorised Persons and to undertake duties and functions in relation to:

- s38 Powers of Authorised Officers;
- s.54 Cost of destruction or disposal of forfeited item s56 (2)
Compensation to be paid in certain circumstances s62
Grounds for servicing Notices;
- s65 Prohibition Orders;
- s.70(2), (3) Compensation
- s110 Registration of food premises;
- s112 Food businesses – conditions and cancellations.; s122
Authorised officers;
- s.125 Institution of proceedings
- s126 Infringement Notices. s.65(1)
Prohibition orders
- s66, 67 Requests for re-inspection.

2. Appoints the Chief Executive Officer as an Authorised Person to undertake duties and functions in relation to:

- s125 Instituting proceedings and
- s126(13) The Chief Executive Officer is to be the Designated Officer.

REVIEW REQUIREMENTS





At least once every financial year.

AUTHORITY

As of right

