

**Attachment 1****DELEGATED AUTHORITY MANUAL****EXPLANATION OF REQUIRED CHANGES – 2004**

| <b>Page</b> | <b>Subject</b>  | <b>Comment</b>  |
|-------------|---|---|
| 13          | Performing Executive Functions  | Delete delegation to Chief Executive Officer in Section (1).  |
| 26-27       | Disposing of Property   | Wording of function to include definition of “property”<br><br>Delegations in Sections (1), (2) and (3) to be limited to \$50,000 for disposal of property surplus to requirements of the City. |
| 28          | Commercial Enterprises by Local Governments                                   | Section (2) function to be deleted and replaced.  |
| 42          | Planning Principal Activities   | Delegation to the CEO to be amended to be in consultation with and for the approval of Council.   |
| 44          | Minister may allow Members Disclosing interest to participate etc in Meeting. | Delegation to be deleted.   |
| 52          | Write off of Monies   | Limit of delegation to CEO to be amended to \$20,000.   |
| 58          | Rate Record   | Section (2) delegation to CEO to have specified limits.   |
| 68          | Definitions   | Title to be amended to read: “Evidence in Legal Proceedings – Definitions” to better clarify the relevant section of the Local Government Act 1995.   |
| 79          | Requirement for publicly invited tenders                                      | Change required as a result of amendments to the Local Government (Functions and General) Regulations 1996  |

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| 80  | Receiving and Opening Tenders                               | Change required as a result of amendments to the Local Government (Functions and General) Regulations 1996   |
| 82  | Choice of tenderer  | Title to be amended to read “Choice of Tender”<br><br>Function to be amended to include additional first sentence.<br><br>Further change required to wording of function and reference, as a result of amendments to the Local Government (Functions and General) Regulations 1996 |
| 83  | Tenders to be notified                                      | Title to be amended to read “Tenderers to be Notified of Outcome”<br><br>Various changes required as a result of amendments to the Local Government (Functions and General) Regulations 1996   |
| 85  | Choice of acceptable tenders from an expression of interest | Change required as no value can be placed on an expression of interest.  |
| 86  | Persons expressing an interest to be notified of outcome.   | Change required as a result of amendments to the Local Government (Functions and General) Regulations 1996   |
| 89  | Payment of Accounts   | Section (2), function to be performed to be amended.   |
| 107 | Retaining Walls.  | Change required to wording of function to accord with Policy 3.1.7.  |
| 109 | Authority to Waive Fees                                     | Include reference to Section 5.42 of the Local Government Act 1995.  |
| 110 | Payment of Rates by Instalments or Special Arrangements     | Delegation to be deleted. This is a duplication of “Agreement as to Payment of Rates and Services Charges” (see Page 59 of Manual)   |

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| 124 | Advertising of Planning Proposals                         | <p>Delegation to be deleted. This delegation related to Policy 3.1.8 which was deleted in June 2002.</p> <p>Advertising of planning proposals is covered within Town Planning Delegations (pages 136 and 137).</p> |
| 128 | Use of Common Seal and Signatories for Contract Execution | Include reference to Section 9.49 of the Local Government Act 1995.  |
| 133 | Public Online Services                                    | <p>Amend title to read “Online Services”</p> <p>Wording of function to include definition of “online services”.</p>  |
| 139 | Caravan Parks and Camping Grounds Act 1995                | <p>Format of the delegation has been updated.</p> <p>Amendment to reflect job title change to Principal Environmental Health Officer.</p>  |
| 140 | Justices Act 1902   | Delegation to show position titles, rather than officers’ names.   |
| 141 | Health Act 1911   | <p>Delegation amended to reflect current business unit structure.</p> <p>Format of the delegation has been updated.</p>  |
| 142 | Honorary Parking Inspectors                               | <p>Page deleted as this information is administrative and is retained within the Business Unit.</p> <p>(Delegation is provided on Page 159 of Manual – ‘Appointment of Honorary Parking Inspectors’.)</p>          |
| 162 | Alterations and additions to Council Premises             | Change required to wording of function to accord with Policy 2.5.5.  |

## DELEGATED AUTHORITY MANUAL

|   |   |
|---|---|
| <b>Date of last review by Council:</b>                                      | <b>29 April 2003</b>  |
| <b>Date of last review by CEO:</b>  | <b>21 June 2004</b>   |
| <b>Date of last review in accordance with District Planning Scheme No 2</b> | <b>18 May 2004 (approval valid for 2 month period only)</b> |

(Note:

Clause 8.6.2 of DPS2 states that any delegations made have effect for a period of 12 months.)

The Local Government Act 1995 (the Act) was introduced on 1 July 1996 and made significant changes to the way local government conducts its business. Its general aim was to enable local governments to provide good open and accountable government to its people.

One of the changes was the degree of delegated authority available to be passed onto the Chief Executive Officer or a committee in order to manage the day to day operations of the City.

The Act allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. All delegations made by the Council must be by **absolute majority** decision.

The following are decisions that can not be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% 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 determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of his powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if he desires.

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

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- 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.

The aim of the delegated authority manual is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the City's commitment to a strong customer service focus.

The manual details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council. This enables easier cross referencing.

This delegated authority manual will be reviewed in accordance with the Act on an annual basis. The coordination of the review will be performed by Council Support Services.

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## LOCAL LAWS MADE UNDER ANY ACT

**(1) Function to be performed:** The Local Government Act gives the legislative power to a local government to make a local law under Section 3.5 (1). As part of the law making process, the local government is to give Statewide public notice and local public notice stating that it proposes to make a local law the purpose and effect of which is summarised in the notice. Copies of the proposed local law are to be given to the relevant Ministers.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support

**Reference:** Section 3.12(3) and (3a) Local Government Act 1995

**(2) Function to be performed:** After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support

**Reference:** Section 3.12(5) Local Government Act 1995

**(3) Function to be performed:** After the local law has been published in the Gazette the local government is to give Statewide public notice summarising the purpose and effect of the local law.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support

**Reference:** Section 3.12(6) Local Government Act 1995

## LOCAL LAWS TO BE PUBLICISED

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all its local laws. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Manager Marketing, Communications and Council Support   |
| <b>Reference:</b>                            | Section 3.15 Local Government Act 1995  |

## PERIODIC REVIEW OF LOCAL LAWS

**(1) Function to be performed:** The local government is to, on at least 2 days, give statewide public notice stating its intention to review a local law and requesting submissions in regard to the local law.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support

**Reference:** Section 3.16(2) Local Government Act 1995

**(2) Function to be performed:** After the last day for submissions, the local government is to consider any submissions made in respect of the local law to be reviewed and cause a report of the review to be prepared and submitted to its council.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support

**Reference:** Section 3.16(3) Local Government Act 1995

**(3) Function to be performed:** After it makes the determination, the local government is to give Statewide public notice advising of its determination in respect of the local law review.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support

**Reference:** Section 3.16(5) Local Government Act 1995

## PERFORMING EXECUTIVE FUNCTIONS

**(1) Function to be performed:** A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under the Local Government Act 1995.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** ~~Yes~~No

**Delegation to:** ~~Chief Executive Officer~~

**Chief Executive Officer delegates to:** ~~All Directors~~  
~~All Business Unit Managers~~

**Reference:** Section 3.18(1) (2) and (3) Local Government Act 1995

**(2) Function to be performed:** A local government may perform its executive functions outside its own district, but before it can do anything on land outside its own district that is not local property of that local government, it is required to have obtained the consent of:

- (a) the owner of the land;
- (b) if the land is occupied, the occupier of the land; and
- (c) if the land is under the control or management of any other person, that other person.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** All Directors

**Reference:** Section 3.20 Local Government Act 1995



## DUTIES WHEN PERFORMING FUNCTIONS

|  |  |
|--|--|
| <b>Function to be performed:</b>             | <p>In performing its executive functions, a Local Government, so far as is reasonable and practicable, is to ensure that:</p> <ul style="list-style-type: none"><li>(i) the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met.</li><li>(ii) as little harm or inconvenience is caused and as little damage is done as is possible.</li><li>(iii) danger to any person or property does not arise from anything done on land.</li><li>(iv) anything belonging to it, or to a person who has exercised a power of entry on its behalf, that has been left on any land, is removed as soon as practicable.</li><li>(v) buildings, fences, and other structures are not disturbed nor damaged.</li><li>(vi) when it enters land that is fenced, it enters through the existing and usual openings in the fence unless it is expressly authorised to open the fence, and</li><li>(vii) any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid.</li></ul> |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations<br>Manager Infrastructure Management & Ranger Services<br>Manager Operations Services   |
| <b>Reference:</b>                            | Section 3.21(1) Local Government Act 1995  |

## **NOTICE REQUIRING CERTAIN THINGS TO BE DONE BY THE OWNER OR OCCUPIER OF LAND**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government can authorise a person to issue and enforce owners or occupiers to do anything prescribed in Schedule 3.1 - Powers under Notices to Owners and Occupiers of Land.  |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>Manager Operations Services<br>Manager, Approvals, Planning and Environmental Services<br>Manager Infrastructure Management & Ranger Services<br>Coordinator Planning Approvals<br>Principal Building Surveyor |
| <b>Reference:</b>                            | Section 3.24 Local Government Act 1995  |

## ENTRY IN AN EMERGENCY

|  |  |
|--|--|
| <b>Function to be performed:</b>             | In an emergency a local government may lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency as determined by the Chief Executive Officer. |
| <b>Power or Duty Assigned:</b>               | Local Government or Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>All Business Unit Managers  |
| <b>Reference:</b>                            | Section 3.34(1) Local Government Act 1995  |

## **POWER TO REMOVE AND IMPOUND GOODS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government may authorise an employee to remove and impound goods from a public place if the goods present a hazard to public safety or they obstruct the lawful use of any place. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>All Rangers  |
| <b>Reference:</b>                            | Section 3.39 Local Government Act 1995  |

## **IMPOUNDED NON-PERISHABLE GOODS**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | When any non-perishable goods have been removed and impounded under Section 3.39 the local government is required to either institute a prosecution against the alleged offender, or give the alleged offender notice that the goods may be collected from a place specified during such hours as are specified. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>All Rangers   |
| <b>Reference:</b>                            | Section 3.42 Local Government Act 1995   |

## **NOTICE TO COLLECT GOODS IF NOT CONFISCATED**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Where non-perishable goods have been removed and impounded and a prosecution is instituted, but the alleged offender is not convicted; or is convicted but the court does not order that the goods be confiscated, the local government is required to give the alleged offender notice that the goods may be collected from a place specified during such hours as are specified. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>All Rangers   |
| <b>Reference:</b>                            | Section 3.44 Local Government Act 1995   |

## DISPOSING OF CONFISCATED OR UNCOLLECTED GOODS

**(1) Function to be performed:** If any goods have not been collected in accordance with a notice given the local government may sell or otherwise dispose of them.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** All Directors

**Reference:** Section 3.47(1) Local Government Act 1995

**(2) Function to be performed:** If any impounded goods have not been collected in accordance with a notice given under Section 3.41(1) within a period of:

- 3 days for perishable goods
- 7 days for animals
- 2 months for non-perishable goods (including vehicles)

after the notice is given the local government may sell or otherwise dispose of them.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** All Directors

**Reference:** Section 3.47(2a) (2b) Local Government Act 1995

## RECOVERY OF IMPOUNDING EXPENSES

|  |  |
|--|--|
| <b>Function to be performed:</b>             | If goods are removed and impounded under Section 3.39 and the alleged offender is convicted, the local government may, by action in a court of competent jurisdiction, recover from the alleged offender the expenses incurred by the local government in removing and impounding them and in disposing of them. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>Senior Ranger   |
| <b>Reference:</b>                            | Section 3.48 Local Government Act 1995   |



## CLOSING CERTAIN THOROUGHFARES TO VEHICLES

- (1) Function to be performed:** Before it makes an order in accordance with Section 3.50 (1-3) of the Local Government Act 1995 wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks the local government is to give local public notice of the proposal inviting submissions.

In addition the local government is to give written notice to each person who either owns or occupies affected land or who is prescribed as having an interest. A local government may close a thoroughfare to vehicles for up to 4 weeks without giving public notice.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Infrastructure and Operations  
Manager Infrastructure Management & Ranger Services

**Reference:** Section 3.50(4) Local Government Act 1995

## **PARTIAL CLOSURE OF THOROUGHFARE FOR REPAIRS AND MAINTENANCE**

- Function to be performed:** Notwithstanding Section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is:
- (a) for the purpose of carrying out repairs or maintenance; or
  - (b) unlikely to have a significant adverse effect on users of the thoroughfare.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** Director Infrastructure and Operations  
Manager Operations Services
- Reference:** Section 3.50(4) Local Government Act 1995

## **AFFECTED OWNERS TO BE NOTIFIED OF CERTAIN PROPOSALS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Before fixing or altering the level of alignment of a public thoroughfare, a local government is to be give notice of the proposal inviting submissions from any person prescribed as having an interest. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes, If no objection  |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations<br>Manager Infrastructure Management & Ranger Services   |
| <b>Reference:</b>                            | Section 3.51 (3) Local Government Act 1995  |

## **PUBLIC ACCESS TO BE MAINTAINED AND PLANS KEPT**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government is to keep plans of the levels and alignments of public thoroughfares that are under its control or management, and make those plans available for public inspection. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations.<br>Manager Infrastructure Management & Ranger Services   |
| <b>Reference:</b>                            | Section 3.52(4) Local Government Act 1995  |

## DISPOSING OF PROPERTY

- (1) **Function to be performed:** A local government may dispose of property to the highest bidder at public auction.

[“Property” includes the whole or any part of the interest of a local government in property, but does not include money.](#)

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes, limit to ~~\$100,000~~[\\$50,000](#)

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** N/A

**Reference:** Section 3.58(2)(a) Local Government Act 1995

- (2) **Function to be performed:** A local government may dispose of property by accepting the tender of the person who makes, what is in the opinion of the local government, the most acceptable tender.

[“Property” includes the whole or any part of the interest of a local government in property, but does not include money.](#)

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes, limit to ~~\$100,000~~[\\$50,000](#)

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** N/A

**Reference:** Section 3.58(2)(b) Local Government Act 1995

**(3) Function to be performed:** A local government may dispose of property by private treaty after giving statewide notice and considering submissions.

[“Property” includes the whole or any part of the interest of a local government in property, but does not include money.](#)

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes, limit to ~~\$100,000~~\$50,000

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** N/A

**Reference:** Section 3.58(3) Local Government Act 1995

## COMMERCIAL ENTERPRISES BY LOCAL GOVERNMENTS

**(1) Function to be performed:** Before it commences a major trading undertaking, enters into a major land transaction, or enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** All Directors

**Reference:** Section 3.59(2) (a-c) Local Government Act 1995

**(2) Function to be performed:** ~~A local government is to give a statewide notice to commence a major undertaking or enter into a major land transaction~~  
[Before the local government enters into the major trading undertaking or major land transaction as described in the notice or into a land transaction that is preparatory to that major land transaction, the local government is to give statewide public notice that it proposes to enter into the major trading undertaking or major land transaction.](#)

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** All Directors

**Reference:** Section 3.59(4) Local Government Act 1995

## REGISTER OF DELEGATIONS TO COMMITTEES

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government is to keep a register of the delegations made to a committee. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Manager Marketing, Communications and Council Support                            |
| <b>Reference:</b>                            | Section 5.18 Local Government Act 1995   |



## LOCAL GOVERNMENT EMPLOYEES

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government is to employ such other persons as the Council believes are necessary to enable the functions of the local government and the functions of council to be performed. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | All Directors  |
| <b>Reference:</b>                            | Section 5.36(1)(b) Local Government Act 1995   |

## **ANNUAL REVIEW OF EMPLOYEES' PERFORMANCES**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | The performance of each employee who is employed for a term of one year or more, including each senior employee, is to be reviewed at least once in relation to each year of the employment. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>All Business Unit Managers  |
| <b>Reference:</b>                            | Section 5.38 Local Government Act 1995   |

## CONTRACTS FOR SENIOR EMPLOYEES

**Function to be performed:** The employment of a person who is designated as a senior employee is to be governed by a written contract in accordance with this section.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** N/A

**Reference:** Section 5.39(1) Local Government Act 1995

## **POWERS AND FUNCTIONS BY THE CHIEF EXECUTIVE OFFICER**

**(1) Function to be performed:** The Chief Executive Officer is to advise the Council in relation to the functions of a local government under this Act and other written laws.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** All Directors  
All Business Unit Managers

**Reference:** Section 5.41(a) Local Government Act 1995

**(2) Function to be performed:** The Chief Executive Officer is to ensure that advice and information is available to the council so that informed decisions can be made.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** All Directors  
All Business Unit Managers

**Reference:** Section 5.41 (b) Local Government Act 1995

**(3) Function to be performed:** The Chief Executive Officer is to cause council decisions to be implemented.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** All Directors  
All Business Unit Managers

**Reference:** Section 5.41 (c) Local Government Act 1995

**(4) Function to be performed:** The Chief Executive Officer is to manage the day to day operations of the local government.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** All Directors  
All Business Unit Managers

**Reference:** Section 5.41 (d) Local Government Act 1995

(5) **Function to be performed:** The Chief Executive Officer is to liaise with the mayor on the local government's affairs and performance of the local government's functions.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** All Directors

**Reference:** Section 5.41 (e) Local Government Act 1995

(6) **Function to be performed:** The Chief Executive Officer is to speak on behalf of the local government if the mayor or president agrees.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** All Directors – limited to matters under direct control.

**Reference:** Section 5.41 (f) Local Government Act 1995  
Policy 2.3.2

**(7) Function to be performed:** The Chief Executive Officer is to be responsible for the employment, management supervision, direction and dismissal of other employees (subject to Section 5.37(2) in relation to senior employees).

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** All Directors

**Reference:** Section 5.41 (g) Local Government Act 1995

**(8) Function to be performed:** The Chief Executive Officer is to ensure that records and documents of the local government are properly kept for the purposes of the Act and any other written law.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** All Directors  
All Business Unit Managers

**Reference:** Section 5.41 (h) Local Government Act 1995

## **ATTENDANCE AT INTERSTATE SPORTING COMPETITIONS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Authority to approve applications for assistance to junior sport and recreation representatives to attend interstate sporting competitions, subject to all necessary criteria for approval of applications being met. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Director Planning and Community Development<br>Manager Community Development Services   |
| <b>Reference:</b>                            | Policy 4.1.4  |



## **SUPERANNUATION FOR EMPLOYEES**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government is to provide such superannuation and other benefits for its employees as are required by law to be provided by employers. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Manager Human Resources   |
| <b>Reference:</b>                            | Section 5.47(1) Local Government Act 1995   |

## **LONG SERVICE BENEFITS FOR EMPLOYEES AND EMPLOYEES OF LOCAL GOVERNMENT ASSOCIATIONS**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Long service benefits for employees are to be provided in accordance with regulations. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Manager Human Resources  |
| <b>Reference:</b>                            | Section 5.48(2) Local Government Act 1995  |

## **PAYMENTS TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government is to cause local public notice to be given of its policy in relation to employees whose employment with the local government is finishing, setting out the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer (the giving of the notice)   |
| <b>Chief Executive Officer delegates to:</b> | Manager, Human Resources   |
| <b>Reference:</b>                            | Section 5.50(1) Local Government Act 1995<br>Policy 2.1.4  |

## ANNUAL REPORTS

|  |  |
|--|--|
| <b>Function to be performed:</b>             | The local government is to prepare an annual report for each financial year. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Manager Marketing Communications and Council Support                         |
| <b>Reference:</b>                            | Section 5.53(1) Local Government Act 1995                                    |

## PLANNING PRINCIPAL ACTIVITIES

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Each financial year a local government is to prepare a plan for the next 4 or more financial years. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer, <a href="#">in consultation with and for the approval of Council.</a>      |
| <b>Chief Executive Officer delegates to:</b> | N/A   |
| <b>Reference:</b>                            | Section 5.56 Local Government Act 1995  |

## NOTICE OF PROPOSED PLANS FOR PRINCIPAL ACTIVITIES

|  |  |
|--|--|
| <b>Function to be performed:</b>             | After preparing a principal activities plan the local government is to give local public notice and make available for public inspection copies of the proposed plan at the local government offices and at each local government library in the district. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | N/A  |
| <b>Reference:</b>                            | Section 5.57(1) Local Government Act 1995  |

## MINISTER MAY ALLOW MEMBERS DISCLOSING INTEREST TO PARTICIPATE ETC, IN MEETINGS

|  |  |
|--|--|
| <del>Function to be performed:</del>             | <del>If a member has disclosed an interest in a matter the Council or the Chief Executive Officer may apply to the Minister to allow the disclosing member to participate in the part of the meeting relating to the matter.</del> |
| <del>Power or Duty Assigned:</del>               | <del>Chief Executive Officer<br/>Council</del>   |
| <del>Power to Delegate:</del>                    | <del>Yes</del>   |
| <del>Delegation Recommended:</del>               | <del>Yes</del>   |
| <del>Delegation to:</del>                        | <del>Chief Executive Officer</del>   |
| <del>Chief Executive Officer delegates to:</del> | <del>N/A</del>   |
| <del>Reference:</del>                            | <del>Section 5.69 and 5.69(A) Local Government Act 1995</del>  |

## REGISTER OF FINANCIAL INTEREST

**(1) Function to be performed:** The Chief Executive Officer is to keep a register of financial interests.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support

**Reference:** Section 5.88(1) Local Government Act 1995

**(2) Function to be performed:** As soon as is practicable after a person ceases to be a person who is required to lodge a return, the Chief Executive Officer is to remove from the register all returns relating to that person.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support

**Reference:** Section 5.88(3) Local Government Act 1995



## COPIES OF INFORMATION TO BE AVAILABLE

|  |   |
|--|---|
| <b>Function to be performed:</b>             | If a person can inspect certain information, the person may request a copy of the information and the local government is to ensure that copies are available and that the price at which it sells copies does not exceed the cost of providing the copies. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>All Business Unit Managers   |
| <b>Reference:</b>                            | Section 5.96 Local Government Act 1995  |

**EXPENSES MAY BE FUNDED BEFORE ACTUALLY INCURRED**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Nothing in this Division prevents a local government from making a cash advance to a person in respect of an expense for which the person can be reimbursed. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services and Resource Management  |
| <b>Reference:</b>                            | Section 5.102 Local Government Act 1995  |

## FINANCIAL REPORT

- (1) **Function to be performed:** A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services
- Reference:** Section 6.4(1) Local Government Act 1995
- 
- (2) **Function to be performed:** By 30 September each year a local government is to submit its accounts and financial report for the preceding year to its auditors.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services
- Reference:** Section 6.4(2) Local Government Act 1995

## **ACCOUNTS AND RECORDS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | The Chief Executive Officer has a duty to: <ul style="list-style-type: none"><li>• ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government;</li><li>• keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under this Act or another written law.</li></ul> |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>All Business Unit Managers   |
| <b>Reference:</b>                            | Section 6.5 Local Government Act 1995   |

## MUNICIPAL FUND

**(1) Function to be performed:** All money and the value of all assets received or receivable by a local government are to be held and brought to account in its municipal fund unless required by this Act or any other written law to be held in the trust fund.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services

**Reference:** Section 6.7(1) Local Government Act 1995

**(2) Function to be performed:** Money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by this Act or any other written law.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** All Directors  
Manager Financial Services

**Reference:** Section 6.7(2) Local Government Act 1995

## TRUST FUND

**(1) Function to be performed:** A local government is to hold in the trust fund all money or the value of assets that are required by this Act or any other written law to be credited to that fund.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** All Directors  
Manager Financial Services

**Reference:** Section 6.9(1) Local Government Act 1995

**(2) Function to be performed:** Money or other property held in the trust fund is to be applied for the purposes of, and in accordance with, the trusts affecting it.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** All Directors  
All Business Unit Manager

**Reference:** Section 6.9(2) Local Government Act 1995

## WRITE OFF OF MONIES

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Authority to write off monies.  |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer - individual items to <del>\$50,000</del> <u>\$20,000</u>   |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services and Resource Management - individual items to \$20,000<br>Manager Financial Services - individual items to \$5,000<br>Team Leader Rating Services - individual items to \$50. |
| <b>Reference:</b>                            | Section 6.12(1)(c) Local Government Act 1995<br>CJ78-03/99 refers   |

## **POWER TO INVEST**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services and Resource Management<br>Manager Financial Services<br>Statutory Accountant   |
| <b>Reference:</b>                            | Section 6.14(1) Local Government Act 1995   |



## **LOCAL GOVERNMENT TO GIVE NOTICE OF FEES AND CHARGES**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | If fees and charges are imposed after budget adoption, a local government is to give local public notice of those fees or charges. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>All Business Unit Managers  |
| <b>Reference:</b>                            | Section 6.19 Local Government Act 1995   |

## **LOCAL GOVERNMENT TO GIVE NOTICE OF CERTAIN RATES**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Before imposing any differential general rates or a minimum payment applying to a differential rate category under Section 6.35(6)(c) a local government is to give local public notice of its intention to do so. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services and Resource Management.<br>Manager Financial Services   |
| <b>Reference:</b>                            | Section 6.36(1) Local Government Act 1995  |

## **SPECIFIED AREA RATES**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government is required to use the money from the specified area rate for the purpose for which the rate is imposed in the financial year it is imposed or place it in a reserve fund established for that purpose |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services and Resource Management<br>Director Infrastructure and Operations   |
| <b>Reference:</b>                            | Section 6.37(2) Local Government Act 1995   |

## **SERVICE CHARGES**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government is required to use the money from a service charge in the financial year in which the charge is imposed or place it in a reserve fund established for that purpose. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>All Business Unit Managers  |
| <b>Reference:</b>                            | Section 6.38(2) Local Government Act 1995  |

## RATE RECORD

**(1) Function to be performed:** As soon as practicable after a local government has resolved to impose rates in a financial year it is to ensure that a record is compiled, at the time and in the form and manner prescribed, for that financial year.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services  
Statutory Accountant  
Team Leader Rating Services

**Reference:** Section 6.39(1) Local Government Act 1995

**(2) Function to be performed:** A local government is required, from time to time, to 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 this Act.

A local government may amend the rate record for the five years preceding the current financial year.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer – [limit of \\$20,000](#)

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management – limit of \$20,000  
Manager Financial Services – limit of \$5,000  
Statutory Accountant – limit of \$5,000  
Team Leader Rating Services – limit of \$50.

**Reference:** Section 6.39(2) Local Government Act 1995

## **AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services and Resource Management<br>Manager Financial Services<br>Team Leader Rating Services<br>Rating Officers                 |
| <b>Reference:</b>                            | Section 6.49 Local Government Act 1995<br>Policy 2.4.4  |

## **RATES OR SERVICE CHARGES RECOVERABLE IN COURT**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction. As part of the legal recovery of rates and charges in court, documents such as summonses and warrants are required to be duly authorised. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services and Resource Management.<br>Manager Financial Services  |
| <b>Reference:</b>                            | Section 6.56 (1) Local Government Act 1995  |

## LOCAL GOVERNMENT MAY REQUIRE LESSEE TO PAY RENT

**(1) Function to be performed:** If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services

**Reference:** Section 6.60(2) Local Government Act 1995

**(2) Function to be performed:** The local government may recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management.  
Manager Financial Services  
Team Leader Rating Services

**Reference:** Section 6.60(4) Local Government Act 1995



## OBJECTION TO THE RATE RECORD

**(1) Function to be performed:** The local government may, on application by a person proposing to make an objection to the rate record, extend the time for making the objection for such period as it thinks fit.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services  
Team Leader Rating Services

**Reference:** Section 6.76(4) Local Government Act 1995

**(2) Function to be performed:** The local government is to promptly consider any objection to the rate record and may either disallow it or allow it, wholly or in part.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management.  
Manager Financial Services  
Team Leader Rating Services

**Reference:** Section 6.76(5) Local Government Act 1995

- (3) Function to be performed:** After making a decision on the objection to the rate record, the local government is to promptly serve upon the person by whom the objection was made written notice of its decision on the objection and a statement of its reason for that decision.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services  
Team Leader Rating Services
- Reference:** Section 6.76(6) Local Government Act 1995

## REFERRAL OF APPEAL TO TRIBUNAL

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Upon receipt of a notice disputing the decision not to amend the rate record the local government is required to promptly refer the decision to a Land Valuation Tribunal as an appeal. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services and Resource Management   |
| <b>Reference:</b>                            | Section 6.79 Local Government Act 1995  |

## **MINISTER OR EXECUTIVE DIRECTOR MAY REQUIRE INFORMATION**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | The Minister or Executive Director may in a written notice require a local government to provide information of a kind specified in the notice concerning the local government or its operations or affairs. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | N/A  |
| <b>Reference:</b>                            | Section 8.2(1) Local Government Act 1995   |

## ENFORCEMENT - LEGAL PROCEEDINGS

**(1) Function to be performed:** The local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** N/A

**Reference:** Section 9.10(1) Local Government Act 1995

**(2) Function to be performed:** The local government is to issue to each person authorised to enforce laws, a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** All Directors

**Reference:** Section 9.10(2) Local Government Act 1995

## REPRESENTING LOCAL GOVERNMENT IN COURT

|  |  |
|--|--|
| <b>Function to be performed:</b>             | The Chief Executive Officer may appoint an employee to represent the local government in legal proceedings either generally or in a particular case. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | All Directors  |
| <b>Reference:</b>                            | Section 9.29 Local Government Act 1995   |

## **EVIDENCE IN LEGAL PROCEEDINGS - DEFINITIONS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | The Chief Executive Officer may authorise an employee for the purpose of certifying a document to be a true copy. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer   |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | N/A   |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>Records Services Coordinator   |
| <b>Reference:</b>                            | Section 9.31 Local Government Act 1995  |

## PERMISSION TO HAVE A GATE ACROSS A PUBLIC THOROUGHFARE

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government is required to keep a register of gates and other devices constructed across public thoroughfares |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations   |
| <b>Reference:</b>                            | Section 9 Local Government (Uniform Local Provisions) Regulations 1996   |



## **DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous it may fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations<br>Manager Infrastructure Management & Ranger Services   |
| <b>Reference:</b>                            | Section 11(1) Local Government (Uniform Local Provisions) Regulations 1996  |

## **CROSSING FROM PUBLIC THOROUGHFARE TO PRIVATE LAND OR PRIVATE THOROUGHFARE**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | The local government may approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land.  |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Manager Approvals, Planning and Environmental Services<br>All Building Surveyors<br>Manager Infrastructure Management & Ranger Services<br>Administration Coordinator, Infrastructure Management and Ranger Services |
| <b>Reference:</b>                            | Section 12(1) Local Government (Uniform Local Provisions) Regulations 1996   |

## **REQUIREMENT TO CONSTRUCT AND REPAIR CROSSING**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government may give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations<br>Manager Infrastructure Management & Ranger Services<br>Administration Coordinator. Infrastructure<br>Management & Ranger Services              |
| <b>Reference:</b>                            | Section 13(1) Local Government (Uniform Local Provisions) Regulations 1996   |

## PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government may grant permission to construct anything on, over or under a public thoroughfare or other public place that is local government property. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations<br>Manager Infrastructure Management & Ranger Services  |
| <b>Reference:</b>                            | Section 17(2) Local Government (Uniform Local Provisions) Regulations 1996   |

## PUBLIC NOTICE OF COUNCIL OR COMMITTEE MEETINGS

**(1) Function to be performed:** At least once each year a local government is to give local public notice of the dates on which and the time and place at which ordinary council meetings, and the committee meetings that are required under the Act to be open to members of the public are to be held.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer (the giving of the notice)

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support (the giving of the notice)

**Reference:** Section 12(1) Local Government (Administration) Regulations 1996

**(2) Function to be performed:** A local government is to give local public notice of any change of the date, time or place of a meeting which is open to the public.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer (the giving of the notice)

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support (the giving of the notice)

**Reference:** Section 12(2) Local Government (Administration) Regulations 1996

**(3) Function to be performed:** If a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer (the giving of the notice)

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support (the giving of the notice)

**Reference:** Section 12(3) Local Government (Administration) Regulations 1996  
Local Government Act 1995

**PUBLIC INSPECTION OF UNCONFIRMED MINUTES OF  
COUNCIL OR COMMITTEE MEETINGS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government is to ensure that unconfirmed minutes of each council and committee meetings are available for inspection by members of the public within 10 and 5 business days respectively. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Manager Marketing, Communications and Council Support   |
| <b>Reference:</b>                            | Section 13 Local Government (Administration) Regulations 1996   |

## **PUBLIC INSPECTION OF CERTAIN DOCUMENTS RELATING TO COUNCIL OR COMMITTEE MEETINGS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government is to ensure that notice papers and agenda relating to any council or committee meeting and which have been made available to members of the council or committee are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Manager Marketing, Communications and Council Support   |
| <b>Reference:</b>                            | Section 14(1) Local Government (Administration) Regulations 1996  |



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## TENDERS TO BE INVITED FOR CERTAIN CONTRACTS

- (1) Function to be performed:** A local government is to publicly invite tenders before it enters into a contract for the supply of goods or services expected to be worth more than \$50,000, unless otherwise stated in prescribed regulations.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** All Directors  
All Business Unit Managers
- Reference:** Section 11(1) Local Government (Functions & General) Regulations 1996
- (2) Function to be performed:** Tenders do not have to be publicly invited if the local government has good reason to believe that because of the nature of the goods, it is unlikely that there will be more than one supplier.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes, limit to \$100,000
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** N/A
- Reference:** Regulation 11(2)(f) Local Government (Functions and General) Regulations 1996

## REQUIREMENT FOR PUBLICLY INVITED TENDERS

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government is to give statewide public notice of the invitation to seek tenders <a href="#">and to determine the criteria in writing prior to advertising.</a> |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services & Resource Management<br>Manager Assets and Commissioning.   |
| <b>Reference:</b>                            | Section 14 Local Government (Functions & General) Regulations 1996   |

## RECEIVING AND OPENING TENDERS

|  |  |
|--|--|
| <b>Function to be performed:</b>             | The Chief Executive Officer is responsible for keeping any tender submitted <a href="#">including a tender submitted by facsimile or any other electronic means</a> in safe custody and for ensuring that it remains confidential. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | N/A  |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services & Resource Management<br>Manager Assets and Commissioning  |
| <b>Reference:</b>                            | Section 16 Local Government (Functions & General) Regulations 1996   |

## **TENDER REGISTER**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | The Chief Executive Officer is responsible for keeping the tender register and making it available for public inspection. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer   |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | N/A   |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services & Resource Management<br>Manager Assets and Commissioning                                     |
| <b>Reference:</b>                            | Section 17 Local Government (Functions & General) Regulations 1996  |

## CHOICE OF TENDERER

- (1) **Function to be performed:** A tender must be submitted within the specified time and date for it to be valid.  
A tender that is submitted within the specified time and date but fails to comply with any other requirement specified in the invitation may be rejected without considering its merit. Valid tenders are to be considered assessed by the local government by means of a written evaluation of the extent to which each tender satisfied the criteria for deciding which tender to accept. ~~and it is to decide which of them it thinks would be the most advantageous to the local government to accept. A tender is required to be rejected unless it is submitted at a place, and within the time specified in the invitation for tender.~~
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes, limit to \$100,000
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** N/A
- Reference:** Section 18(1)- Section 18(1) to 18(7) Local Government (Functions & General) Regulations 1996
- (2) **Function to be performed:** A local government may decline to accept any tender.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes, limit to \$100,000
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** N/A
- Reference:** Section 18(5) Local Government (Functions & General) Regulations 1996

**TENDERERS TO BE NOTIFIED OF OUTCOME**

- (1) Function to be performed:** The ~~local government~~CEO is to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.
- Power or Duty Assigned:** ~~Local government~~Chief Executive Officer
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** ~~Chief Executive Officer~~N/A
- Chief Executive Officer delegates to:** Director Corporate Services & Resource Management  
Manager Assets and Commissioning
- Reference:** Section 19 Local Government (Functions & General) Regulations 1996

## **LIMITATION MAY BE PLACED ON WHO CAN TENDER**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services & Resource Management<br>Manager Assets and Commissioning  |
| <b>Reference:</b>                            | Section 21 Local Government (Functions & General) Regulations 1996   |

## CHOICE OF ACCEPTABLE TENDERS FROM AN EXPRESSION OF INTEREST

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government is to choose acceptable tenderers from expressions of interest received.           |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes, <del>where the expression of interest has no value or the value does not exceed \$100,000.</del> |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | N/A   |
| <b>Reference:</b>                            | Section 23 Local Government (Functions & General) Regulations 1996<br><i>CJ60-08/98 refers</i>        |



## PERSONS EXPRESSING AN INTEREST TO BE NOTIFIED OF OUTCOME

|  |  |
|--|--|
| <b>Function to be performed:</b>             | The <del>local government</del> CEO is to give each person who submitted an expression of interest notice in writing advising of its decision. |
| <b>Power or Duty Assigned:</b>               | <del>Local Government</del> Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services & Resource Management<br>Manager Assets and Commissioning  |
| <b>Reference:</b>                            | Section 24 Local Government (Functions & General) Regulations 1996   |

## FINANCIAL MANAGEMENT DUTIES OF THE CHIEF EXECUTIVE OFFICER

**(1) Function to be performed:** Efficient systems and procedures are to be established by the Chief Executive Officer for the proper collection and the safe custody and security of all money collected and for the proper maintenance and security of the financial records and budgets.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services

**Reference:** Section 5(1) Local Government (Financial Management) Regulations 1996

**(2) Function to be performed:** The Chief Executive Officer is to ensure that the financial resources of the local government are effectively and efficiently managed.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** All Directors  
All Business Unit Managers

**Reference:** Section 5(2)(a) Local Government (Financial Management) Regulations 1996

**(3) Function to be performed:** The Chief Executive Officer is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** N/A

**Reference:** Section 5(2)(c) Local Government (Financial Management) Regulations 1996

## PAYMENT OF ACCOUNTS

**(1) Function to be performed:** A local government is to develop procedures for the authorisation of and the payment of accounts.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services

**Reference:** Section 11(1) Local Government (Financial Management) Regulations 1996

**(2) Function to be performed:** A local government is to develop procedures for the authorisation approval of and the payment of accounts. |

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services

**Reference:** Section 11(2) Local Government (Financial Management) Regulations 1996

## **PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented to the next ordinary meeting of council. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer   |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | N/A   |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services and Resource Management<br>Manager Financial Services   |
| <b>Reference:</b>                            | Section 12 Local Government (Financial Management) Regulations 1996   |

## MANAGEMENT OF INVESTMENTS

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments. |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Director Corporate Services and Resource Management<br>Manager Financial Services   |
| <b>Reference:</b>                            | Section 19(1) Local Government (Financial Management) Regulations 1996  |

## FINANCIAL REPORTS TO BE PREPARED

**(1) Function to be performed:** A local government is to prepare monthly financial reports and quarterly financial reports.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services

**Reference:** Section 34(1) Local Government (Financial Management) Regulations 1996

**(2) Function to be performed:** A monthly or quarterly financial report is to be presented to the council at the next ordinary meeting of the council following the end of the period to which the report relates allowing for a reasonable time for the preparation of such reports. No report is required to be prepared for the month of July.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Financial Services

**Reference:** Section 34(2) Local Government (Financial Management) Regulations 1996

## OCCUPATIONAL SAFETY AND HEALTH

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Responsibility for implementing the Health and Safety Policy of the City |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | N/A  |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>All Business Unit Managers                              |
| <b>Reference:</b>                            | Policy 2.1.3   |



## **REDUNDANCY AND SEVERANCE PAY**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Consideration to paying a member of staff over the agreed level, according to the relevant award, contract of employment, EBA or other document current at the time of redundancy or severance. This is to be made on the recommendation of the relevant Director or Business Unit Manager. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer   |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | N/A   |
| <b>Reference:</b>                            | Policy 2.1.4  |

## **SELECTIVE VOLUNTARY SEVERANCE**

**Function to be performed:** To give consideration to applications from staff for selective voluntary severance package.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** N/A

**Reference:** Policy 2.1.5

## **STAFF UNIFORMS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Authority to issue approved corporate uniforms. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer                         |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | N/A   |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>All Business Unit Managers     |
| <b>Reference:</b>                            | Policy 2.1.6                                    |

## PAYMENT OF FEES, ALLOWANCES AND EXPENSES & THE PROVISION OF FACILITIES TO THE MAYOR, DEPUTY MAYOR AND COUNCILLORS

**(1) Function to be performed:** To authorise Elected Members' attendance at conferences and training, and to nominate and authorise a substitute Elected Member to attend any conference in lieu of the Mayor or another nominated or authorised Elected Member.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Marketing Communications and Council Support

**Reference:** Policy 2.2.13

**(2) Function to be performed:** Authority to arrange registration, travel and accommodation details for Elected Members while attending approved conferences and study tours.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support (subject to budget limitations)

**Reference:** Policy 2.2.13

**(3) Function to be performed:** The authority to determine the most appropriate arrangements for the issue of interstate and overseas travel allowance.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Director Corporate Services and Resource Management  
Manager Marketing Communications and Council Support

**Reference:** Policy 2.2.13

**(4) Function to be performed:** The authority to process elected members' claim forms relating to reimbursement of expenses.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Manager Marketing Communications and Council Support  
Manager Audit and Executive Services

**Reference:** Policy 2.2.13

**LEGAL REPRESENTATION FOR PRESENT AND FORMER  
ELECTED MEMBERS AND STAFF OF THE CITY**

Repealed by CJ115 - 06/04

|

**LEGAL REPRESENTATION FOR PRESENT AND FORMER  
ELECTED MEMBERS AND STAFF OF THE CITY**

**Repealed by CJ115 - 06/04**

## **ELECTED MEMBERS ADVERTISING**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | To consider applications from Elected Members wishing to advertise ward councillors availability at various locations. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Manager Marketing, Communications and Council Support  |
| <b>Reference:</b>                            | Policy 2.2.9   |



## **ADVERTISING – CHILD CARE CENTRES**

**Deleted by CJ078-04/03**

## **CONSULTING ROOMS**

**Deleted by CJ078-04/03**

## **NOMENCLATURE – PUBLIC FACILITIES**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Authority to name streets and reserves, and the allocation of house numbers.  |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer   |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | All Directors<br>Manager, Approvals Planning and Environmental Services<br>Coordinator, Urban Design and Policy Services<br>Senior Cartographic Systems Officer |
| <b>Reference:</b>                            | Policy 3.1.5  |

## UNIFORM FENCING – SUBDIVISION

**(1) Function to be performed:** Authority to approve or refuse all applications for uniform fencing.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Approvals, Planning and Environmental Services  
Coordinator Urban Design and Policy

**Reference:** Policy 3.1.6

**(2) Function to be performed:** Where the Western Australian Planning Commission has imposed the condition for uniform fencing and landscaping on an approval, the City shall require the developer to submit a landscaping plan together with the uniform fencing plans.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Manager Approvals, Planning and Environmental Services  
Manager Infrastructure Management and Ranger Services  
Coordinator Urban Design and Policy

**Reference:** Policy 3.1.6

**(3) Function to be performed:** Authority to approve or refuse the standard and style of uniform fencing where residential lots are proposed to directly abut public open space, drainage sites, pedestrian accessways and major roads. Additionally, to approve or refuse the standard and style of uniform fencing along the common boundaries where a cul-de-sac leads and service roads are located immediately adjacent to regional roads or other roads of district importance.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Manager Approvals, Planning and Environmental Services  
Coordinator Urban Design and Policy  
Manager Infrastructure Management and Ranger Services

**Reference:** Policy 3.1.6

## RETAINING WALLS

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Authority to issue a building licence for any retaining wall which: <ul style="list-style-type: none"><li>• complies where necessary with an approval to commence development, and;</li><li>• is a subdivisional retaining wall, approved by the <a href="#">engineer/Manager Infrastructure Management and Ranger Services</a>.</li></ul> |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Principal Building Surveyor  |
| <b>Reference:</b>                            | Policy 3.1.7   |

## SIGNATORIES TO ACCOUNTS

**Function to be performed:** Authority to sign on behalf of the City of Joondalup.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer (Municipal Account and Trust Funds)

**Chief Executive Officer delegates to:**

Municipal Account and Trust Fund (Both)

- Chief Executive Officer
- Director Corporate Services and Resource Management
- Director Planning and Community Development

Director Resource Management Advance Account

- Chief Executive Officer
- Director Corporate Services and Resource Management
- Director Planning and Community Development
- Manager Financial Services
- Statutory Accountant

(where the value of each cheque exceeds \$9999.99, any two of the above)

**Reference:** Policy 2.4.1

## AUTHORITY TO WAIVE FEES

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Authority to waive fees for goods, services and charges. This authority does not extend to statutory charges, the municipal rate or service charges incorporated within the Rate Notice. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | All Directors  |
| <b>Reference:</b>                            | <a href="#">Section 5.42 Local Government Act 1995</a><br>Policy 2.4.3   |



**~~PAYMENT OF RATES BY INSTALMENTS OR SPECIAL ARRANGEMENT~~**

|   |  |
|---|--|
| <b><del>Function to be performed:</del></b>             | <del>In accordance with Section 6.49 of the Local Government Act 1995, in cases of hardship, special payment agreements may be entered into with ratepayers for the payment of rates, domestic refuse charges and private swimming pool inspection fees.</del> |
| <b><del>Power or Duty Assigned:</del></b>               | <del>Chief Executive Officer</del>   |
| <b><del>Power to Delegate:</del></b>                    | <del>Yes</del>   |
| <b><del>Delegation Recommended:</del></b>               | <del>Yes</del>   |
| <b><del>Delegation to:</del></b>                        | <del>N/A</del>   |
| <b><del>Chief Executive Officer delegates to:</del></b> | <del>Director Corporate Services and Resource Management<br/>Manager Financial Services<br/>Team Leader Rating Services<br/>Rating Officers</del>  |
| <b><del>Reference:</del></b>                            | <del>Policy 2.4.4</del>  |

## **EMERGENCY CLOSURE OF PUBLIC LIBRARIES**

**Function to be performed:** In the cases of an emergency, one or more than one public library may be closed for business.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Library and Information Services

**Reference:** Policy 4.2.1

## COUNCIL OWNED STOCK – PUBLIC LIBRARIES

**(1) Function to be performed:** Discretion to allow donations of any books and other materials from individuals and organisations to Council stock, subject to normal stock selection criteria.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Library and Information Services  
Library Operations Coordinator  
Senior Librarians

**Reference:** Policy 4.2.1

**(2) Function to be performed:** Authority to dispose of donated books or other materials received from individuals or organisations to the Council, other than by a Council book sale. At a price to be determined.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Library and Information Services (with the exception to set prices for the sale of books)  
Library Operations Coordinator

**Reference:** Policy 4.2.1

## **ASSESSMENT – COMMUNITY FUNDING**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Authority to approve community funding submissions, not exceeding an amount of \$2,500. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer   |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer (Limit to \$2,500)  |
| <b>Chief Executive Officer delegates to:</b> | N/A   |
| <b>Reference:</b>                            | Policy 4.1.1  |

## CONSUMPTION OF ALCOHOL WITHIN COUNCIL RECREATION FACILITIES, LIBRARIES OR ON RESERVES

- (1) **Function to be performed:** Authority to approve or not approve applications to consume alcohol within Council recreational facilities, Libraries, or on reserves.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** Manager Community Development Services  
Manager Library and Information Services  
Manager Leisure Centres
- Reference:** Policy 4.3.3
- (2) **Function to be performed:** Authority to approve applications for restricted liquor licences that are in accordance with the following conditions:
- where the applicant is the lessee of the premises;
  - where the application seeks a liquor licence for regular bookings;
  - where the application is limited to within the following hours:
    - ⇒ Thursday to 11 pm
    - ⇒ Fridays to 12 pm
    - ⇒ Saturdays to 12 midnight
    - ⇒ Sundays to 10 pm
- Where the application may have an unacceptable influence on local community, or vary from the above standard conditions, the application shall be referred to the Council for a decision.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** Manager Community Development Services
- Reference:** Policy 4.3.3

## ACQUISITION FOR THE CITY'S ART COLLECTION

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Authority to purchase artworks, not exceeding \$1,000 that meet the collection profile on the recommendation of the City's Art Consultant. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Manager Community Development Services   |
| <b>Reference:</b>                            | Policy 4.4.1   |

## **PROCUREMENT OF COUNCIL BUILDINGS**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | The responsibility for the procurement of all Council buildings and for the alteration of or additions to Council buildings required by changing accommodation needs.                      |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations<br>Manager Infrastructure Management and Ranger Services<br>Director Corporate Services and Resource Management<br>Manager Assets and Commissioning |
| <b>Reference:</b>                            | Policy 2.5.2   |

## **ACCESS TO INFORMATION FOR PEOPLE WITH DISABILITIES**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Authority to provide all printed community information in alternative formats (such as large print, audio tape, computer disc and Braille), upon request, and on a timely basis. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Manager Marketing Communication and Council Support Services   |
| <b>Reference:</b>                            | Policy 2.6.1   |



## **DOMESTIC WASTE COLLECTION AND RECYCLING SERVICE**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Authority to determine procedures for the collection and disposal of domestic waste and a recycling service, in accordance with occupational safety, health, community service obligations and efficiency of service requirements. |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations<br>Co-ordinator Waste Management and Environmental Services.  |
| <b>Reference:</b>                            | Policy 5.1.1   |

## **VERGE TREATMENTS – PROTECTIVE DEVICES**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Authority to approve the installation of appropriate verge treatments, protective devices in residential and commercial or industrial zoned properties.                  |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations<br>Manager Infrastructure Management & Ranger Services<br>Administration Coordinator. Infrastructure Management & Ranger Services |
| <b>Reference:</b>                            | Policy 5.3.1   |

## SAND DRIFT CONTROL

**(1) Function to be performed:** Authority to determine the necessary control of sand drift from vacant residential properties.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Infrastructure and Operations  
Manager Infrastructure Management & Ranger Services

**Reference:** Policy 5.3.2

**(2) Function to be performed:** Authority to reinstate landscape road verges and private gardens that have been adversely affected by sand drift resulting from a municipal works programme.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Manager Operations Services

**Reference:** Policy 5.3.2

## **SUBSIDY – VEHICLE CROSSING**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Authority to pay half the cost of a standard 2.80 metre wide vehicle crossing from the road surface to the front boundary of the property. Subject to the crossing complying with the City's specifications and being the first constructed to that lot.                |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer   |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations<br>Administration Coordinator, Infrastructure Management and Ranger Services<br>Administration Officer, Infrastructure Management and Ranger Services<br>Customer Service Officer, Infrastructure Management and Ranger Services |
| <b>Reference:</b>                            | Policy 5.3.3  |

## **ROADWORKS – OPENING UP**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Authority to issue permits for the opening up of roadworks, providing that: <ul style="list-style-type: none"><li>(a) the bona fides of the applicant are established</li><li>(b) the applicant is a recognised licensed contractor in this field of work</li><li>(c) the rules covering the issue of a permit are adhered to.</li></ul> |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | N/A  |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations<br>Manager Infrastructure Management & Ranger Services  |
| <b>Reference:</b>                            | Policy 5.3.5   |

## **ACKNOWLEDGEMENT OF SERVICE – ELECTED MEMBERS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | The authority to purchase a gift for retiring elected members |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer                                       |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | N/A   |
| <b>Chief Executive Officer delegates to:</b> | Manager Marketing, Communications and Council Support         |
| <b>Reference:</b>                            | Policy 2.2.7  |

## **ADVERTISING OF PLANNING PROPOSALS**

**Function to be performed:** ~~The authority to determine when and how a development proposal should be advertised, and if an appeal is lodged against an application that has not been advertised, to seek public comment.~~

**Power or Duty Assigned:** ~~Local Government~~

**Power to Delegate:** ~~Yes~~

**Delegation Recommended:** ~~Yes~~

**Delegation to:** ~~Chief Executive Officer~~

**Chief Executive Officer delegates to:** ~~Director Planning and Community Development  
Manager Approvals, Planning and Environmental Services~~

**Reference:**

## MEMORIAL PLAQUES

|  |  |
|--|--|
| <b>Function to be performed:</b>             | The authority to approve individual tree memorials                     |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure and Operations<br>Manager, Operations Services |
| <b>Reference:</b>                            | Policy 5.2.4   |



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## FREEDOM OF INFORMATION

- (1) Function to be performed:** Authority to make decisions in regards to applications submitted to the City under the Freedom of Information Act 1992
- Power or Duty Assigned:** Principal of the agency (City of Joondalup) Chief Executive Officer
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** N/A
- Chief Executive Officer delegates to:** Senior Records Officer
- Reference:** Section 100(1) Freedom of Information Act 1992
- (2) Function to be performed:** Authority to deal with an application for an internal review made under the Freedom of Information Act 1992
- Power or Duty Assigned:** No person who is subordinate to the primary decision maker
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Records Services Team Leader
- Chief Executive Officer delegates to:** N/A
- Reference:** Section 41 Freedom of Information Act 1992

## COAT OF ARMS (COUNCIL CREST) AND CORPORATE LOGO

- (1) **Function to be performed:** Authority to grant approval for the use of the City's coat of arms or corporate logo for Council business
- Power or Duty Assigned:** Council
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** Manager Marketing Communications and Council Support
- Reference:** Policy 2.2.11
- 
- (2) **Function to be performed:** Authority to grant approval for the use of the City's coat of arms or corporate logo for non-Council Business
- Power or Duty Assigned:** Council
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** Manager Marketing Communications and Council Support.
- Reference:** Policy 2.2.11

## **USE OF COMMON SEAL AND THE SIGNATORIES FOR CONTRACT EXECUTION**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | The authority to sign contract documents, in accordance with the policy of the City. All deeds for land transfer, or a contract for procurement of goods or services exceeding \$250,000, is to be executed under Common Seal. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer, limit to \$250,000  |
| <b>Chief Executive Officer delegates to:</b> | All Directors, limit between \$50,000 to \$100,000<br>All Business Unit Managers, limit to \$50,000 (in conjunction with the Manager Assets and Commissioning)   |
| <b>Reference:</b>                            | Policy 2.3.3<br><a href="#">Section 9.49 Local Government Act 1995</a>   |

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## MEDIA CONTACT

**(1) Function to be performed:** Authority to determine which officers may make statements to the media on behalf of the City of Joondalup

**Power or Duty Assigned:** Council

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officers

**Chief Executive Officer delegates to:** All Directors (where appropriate)  
Business Unit Managers (where appropriate)

**Reference:** Policy 2.3.2

**(2) Function to be performed:** Authority to approve media releases

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Manager Marketing, Communications and Council Support

**Reference:** Policy 2.3.2

## **COUNCIL MEETINGS – ELECTRONIC SOUND RECORDING**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | The authority to allow a member of the public to listen to recorded proceedings of a Council meeting |
| <b>Power or Duty Assigned:</b>               | Chief Executive Officer  |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | N/A  |
| <b>Chief Executive Officer delegates to:</b> | Manager Marketing, Communications and Council Support<br>Administrative Services Team Leader         |
| <b>Reference:</b>                            | Policy 2.2.6   |

**USE OF COUNCIL VEHICLES**

**Function to be performed:** Authority to vary the use of Council vehicles

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** N/A

**Reference:** Policy 2.5.4

## **HEIGHT AND SCALE OF BUILDINGS WITHIN RESIDENTIAL AREA**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Authority to provide an estimate on the natural ground level where land has been previously disturbed and no accurate records have been kept.                          |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Planning and Community Development<br>Manager Approvals, Planning and Environmental Services<br>Coordinator Planning Approvals<br>Principal Building Surveyor |
| <b>Reference:</b>                            | Policy 3.1.9   |

**~~PUBLIC~~ ONLINE SERVICE PROVISION**

**Function to be performed:** Authority to approve requests for Online Services to be provided to elected members, employees and the public in a controlled fashion.

[“Online Services” means the provision of email and internet access for internal and external business communications.](#)

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Manager Information Management

**Reference:** Policy 4.2.2  
Policy 2.3.5



## COUNCIL RESERVES AND PARKS

**(1) Function to be performed:** Authority to develop and maintain minor passive public open space with area less than four (4) hectares as non-reticulated or dry parks

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Director Infrastructure and Operations  
Manager Operations Services

**Reference:** Policy 2.5.2

**(2) Function to be performed:** Authority to approval passive reticulated parks.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** Director Infrastructure and Operations  
Manager Operations Services

**Reference:** Policy 2.5.2

## **VARIATION OF REQUIREMENTS BEFORE ENTRY INTO CONTRACT**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | If, after a local government has invited tenders for the supply of goods or services and chose a successful tenderer but before it has entered into a contract, the local government may make a *minor variation in the goods or services required without again inviting tenders. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes, where the Chief Executive Officer is satisfied that the variation is minor having regard to the total goods or services that tenderers were invited to supply.  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | N/A  |
| <b>Reference:</b>                            | Section 20 Local Government (Functions & General) Regulations 1996   |

\* Minor variation means a variation that the local government is satisfied is minor having regard to the total goods or services that tenders were invited to supply.

## TOWN PLANNING DELEGATIONS

- 1 Council delegates authority to deal with applications for development approval, (including applications for approval of a home occupation, a use, applications for approval to commence development, composite applications and exercise of discretion under the Town Planning Scheme and the Residential Planning Codes in accordance with Clause 8.6 of the City of Joondalup District Planning Scheme No.2 and the powers contained in the Western Australian Planning Commission instrument of delegation under the State Planning Commission Act 1985, published in the Government Gazette of 28 November 1997 as amended) to:
- (a) the Director Planning and Community Development (or Manager Approvals, Planning and Environmental Services) of the City of Joondalup, following consultation with the Mayor and/or his/her nominee where the application has been advertised for comment and relevant planning objection (in the opinion of the Director Planning and Community Development or the Manager Approvals, Planning and Environmental Services) has been received, except where one or more Elected Members has first advised the Manager Approvals, Planning and Environmental Services of the City of Joondalup in writing in each case that the application should be referred to the Elected Members/Mayor for determination;
  - (b) each of the planners who is a member of the Approval Services Business Unit of the City of Joondalup (being the officers appointed to supervise the development control functions of the Council) for the following applications, except where one or more Elected Member has first advised the Manager Approvals, Planning and Environmental Services of the City of Joondalup in writing in each case that the application should be referred to the Elected Members/Mayor for determination;
    - (i) an approval in accordance with Council Policy and/or DPS2 requirements, except in the case where that application has been advertised and valid planning objections have been received. (Note: The Manager Approvals Planning and Environmental Services shall determine whether an objection has relevant planning validity).
    - (ii) the exercising of discretion permitted under the “Performance Criteria” of the Residential Design Codes for development standards by up to 10% where it is considered that the reduced standard will not detrimentally affect the development, adjoining properties or the streetscape;
    - (iii) the exercising of discretion for setbacks permitted under the “Performance Criteria” of the Residential Design Codes where no valid planning objections have been received and the reduced setback will not determinately affect the development or the streetscape. The setback reduction under this provision shall be limited to 1.5 metres. Setback reductions not supported by the officer shall be treated in accordance with point (a) above; and
    - (iv) the exercising of discretion to determine whether or not advertising/neighbour consultation is required.

- (v) The exercising of discretion under the provisions of DPS2 to reduce development standards by up to 10% where it is considered the reduced standard will not detrimentally affect the development, adjoining properties or the streetscape.
  - (c) the Director of Planning and Development (or the Manager, Approvals, Planning and Environmental Services in his absence) for the provision of advice to external agencies regarding the determination of applications;
- 2 for the purpose of S.24 of the Town Planning and Development Act 1928, specifies the functions of the Council under s.24 of that Act as functions to be performed by the Chief Executive Officer, and further recognises:
- (a) the Chief Executive Officer may wish to delegate to the town planners who are members of the Approvals, Planning and Environmental Services business unit of the City of Joondalup and are responsible for dealing with subdivision issues, the authority to deal with the following:
    - (i) subdivision applications received which are generally consistent with an Agreed Structure Plan;
    - (ii) subdivision applications previously supported or not supported by Council and subsequently determined by the Western Australian Planning Commission (WAPC) consistent with Council's recommendation;
    - (iii) applications for extension of subdivision approval issued by the Western Australian Planning Commission which were previously supported by Council;
    - (iv) applications for subdivision which result from conditions of development approval given by or on behalf of Council;
    - (v) subdivision applications, which are in accordance with the requirements of the City of Joondalup District Planning Scheme No 2 and Council Policies;
    - (vi) applications for subdivision of lots solely involving excision of land for public purposes;
    - (vii) the issuing of subdivision clearances and endorsement of deposited plans.
- for the purpose of the above powers of delegation, vacant lot strata, survey strata and amalgamation applications shall be regarded as subdivision.
- (b) the Chief Executive Officer should refer to the Council any subdivision application where the decision to support or not support the application would be inconsistent with Council Policy;
- 3 where decisions have been made by a delegate pursuant to any of the preceding delegations or a decision made by the Chief Executive Officer consequent upon the specification of functions related to subdivision, requires a schedule of decisions to be provided at a subsequent meeting of council, setting out in each case brief details of the land and the determination made, with a short summary explanation.
- 4 With regard to breaches of District Planning Scheme No 2, delegates authority to the Director Planning and Community Development to proceed with appropriate legal action, with the aim of securing conformity with the Scheme.

## **DELEGATION OF DEVELOPMENT CONTROL POWERS**

**Deleted by CJ230-07/01.**

## **CARAVAN PARKS AND CAMPING GROUNDS ACT 1995**

Section 17 of the Caravan Parks and Camping Grounds Act 1995 provides for a local government to appoint such persons as authorised persons as it considers necessary.

On 28 August 2001, it was resolved that Council:

~~“appoints under Section 17 of the Caravan Parks and Camping Grounds Act 1995, the Principal Building Surveyor and Coordinator Health and Environmental Services or person acting in that position, and Environmental Health Officers and Building Surveyors of the City of Joondalup as “authorised persons” for the purpose of this Act.”~~

In accordance with Section 17 of the Caravan Parks and Camping Grounds Act 1995, the following persons are appointed as “authorised persons”:

Principal Building Surveyor  
Principal Environmental Health Officer  
Senior Environmental Health Officer  
Environmental Health Officers  
Building Surveyors

## JUSTICES ACT 1902

- 1 The following appointed persons listed below are authorised in accordance with the Justices Act 1902, to make complaints and act under and enforce the various Acts, Regulations and Local Laws for the Municipality of the City of Joondalup as detailed hereunder:

[Senior Ranger, Ranger Services](#)  
[All Rangers](#)

~~HROVATIN Paul~~  
~~HEINZE Tony~~  
~~WHYBORN Ian~~  
~~ROSS Peter~~  
~~CAVE SMITH Annaliese~~  
~~GRYGORCEWICZ Robert~~  
~~SMITH Gavin John~~  
~~CLARK John~~  
~~MARAFIOTI Bruno~~  
~~RANDELL Ron John~~  
~~HERANGI Tamara Louise~~

- Local Government Act 1995 (Section 9.10)
- Dog Act 1976, Regulations and Local Laws thereunder.
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations thereunder.
- Bush Fires Act 1954, Regulations and Local Laws thereunder.
- Litter Act 1979 and Regulations thereunder.
- Spearguns Control Act 1955 and Regulations thereunder.
- Local Laws

## HEALTH ACT 1911

Section 26 of the Health Act 1911 provides that a local authority may appoint and authorise a person to be its deputy to exercise and discharge all or any of the powers and functions of the local authority for such time and subject to such conditions and limitations (if any) as the local authority shall see fit. Such appointment shall not affect the exercise or discharge by the local authority itself of any power or function.

~~On 22 June 1999, it was resolved that the Council:~~

~~“under Section 26 of the Health Act 1911, as amended, appoint the Manager, Community and Health Services or the person acting in that position from time to time as its deputy for the purpose of discharging its powers and functions (excepting for prosecutions) as a local authority under this Act.”~~

~~This empowers the Manager, Community and Health Services to sign such documents and initiate appropriate legal action on behalf of the local authority when a breach of the Health Act and related legislation warrants such action.~~

~~On 28 August 2001, it was resolved that Council:~~

~~“authorises under Section 26 of the Health Act 1911, those Environmental Health Officers duly approved by the Executive Director, Public Health and who are members of the Health Services or the Approval Services Business Units of the City of Joondalup to administer the provisions of the Health Act 1911 and regulations made there under (except the signing of notices and prosecutions)”~~

In accordance with Section 26 of the Health Act 1911, the following persons are appointed to administer the provisions of the Health Act 1911 and regulations made there under:

- Manager Approvals Planning and Environmental Services
- Principal Environmental Health Officer
- All Environmental Health Officers (except the signing of notices and prosecutions)



## **HONORARY PARKING INSPECTORS**

The following appointed persons in accordance with the Local Government Act 1995 and the provisions of the Justices Act 1902 are authorised as Honorary Parking Inspectors to act under and enforce the Parking Local Laws for the City of Joondalup as detailed hereunder:

**Warwick Shopping Centre:** SKIPPER Andrew Mark  
BOWEN Greg  
MOFFAT Euan

**Glengarry Shopping Centre:** BUTLER Vincent William

**Lakeside Shopping Centre:** BRIGGS Michael Patrick  
BAKER Stephen Robert  
MELLING Peter John  
BRADSHAW Teresa Ann  
WEYMOUTH Brandon  
STRONG Paul

**Hillarys Boat Harbour:** GRAFEN Andrew Phillip  
STEVEN Nigel Colin  
FROOME Don J  
ROMANO Gaetano  
OAKFORD Russell John  
LAMMAS Nathan  
CLAYDON Nathan David  
BADDELEY Christopher  
LESO Michael  
GARRICK Peter Karl

**Whitford City Shopping Centre:** TAYLOR Wayne  
BANNISTER Adam John  
CO CUP Steven Harvey  
THOMAS Susanne  
DELLA MORA Jordan  
JARGER Mare

Local Laws Relating to Parking Facilities  
Local Government (Parking for Disabled Persons) Regulations 1988

\* The CEO and Director Community Development have been delegated authority dated 21 December 1999 to appoint honorary parking inspectors.

*Item CJ447-12/99 refers*

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT

| <b>DELEGATE TO</b>                 | <b>DESCRIPTION OF AUTHORITY BEING DELEGATED</b>  | <b>LEGISLATIVE POWER BEING DELEGATED</b> | <b>AUTHORITY TO DELEGATE</b>     | <b>DELEGATION SUBJECT TO</b>  |
|------------------------------------|--|--|----------------------------------|---|
| <b>BUILDING SURVEYOR</b>           | BUILDING LICENCE APPLICATION<br>approve building licence applications which conform to Council policy, and the building Code of Australia  | Section 374(1),<br>Section 374(1a)       | Section 374(1b)<br>Section 157A. | Building Code of Australia Residential Planning Codes Building Regulations 1989<br>Policy Manual - Building |
| <b>BUILDING SURVEYOR</b>           | RETAINING WALLS (Refer Policy 3.1.7)<br>(a) approval for retaining walls up to 2m in height above ground level where it is necessary to protect buildings or adjoining properties and the ground contours warrant the concession in the Building Surveyor's opinion.<br>Retaining walls in excess of 2m in height above ground level are to be referred to Council for approval. | Section 374(1),<br>Section 374(1a)       | Section 374(1b),<br>Section 157A | Building Code of Australia Part B1<br>Policy Manual - Building  |
| <b>PRINCIPAL BUILDING SURVEYOR</b> | All relevant sections relating to Part XV of the Local Government (Miscellaneous Provisions) Act 1960.   |  |                                  | Council being advised following action that required the service of a notice.                               |

| <b>DELEGATE TO</b>       | <b>DESCRIPTION OF AUTHORITY BEING DELEGATED</b>  | <b>LEGISLATIVE POWER BEING DELEGATED</b> | <b>AUTHORITY TO DELEGATE</b> | <b>DELEGATION SUBJECT TO</b>                   |
|--------------------------|--|--|------------------------------|--|
| <b>BUILDING SURVEYOR</b> | CERTIFICATE OF CLASSIFICATION<br>Issue Certificate of Classification upon completion of buildings  | Section 374                              | Section 157A                 | Building Regulations 1989 Part 5-20            |
| <b>BUILDING SURVEYOR</b> | DEMOLITION LICENCE<br>Approve a demolition licence other than for buildings classified by the National Trust and Council's Heritage Register | Section 374A                             | Section 157A                 | Building Regulations 1989<br>Form 7-13(2) & 30 |

## LIBRARY CHARGES

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Authority to waive, reduce or cancel library charges or grant an extension of time to pay library accounts.  |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Manager Library and Information Services</li><li>• All Senior Librarians</li><li>• Library Operations Coordinator</li><li>• All Librarians</li><li>• All Library Service Officers</li><li>• Adult Services Officer</li><li>• Youth and Children's Services Officer</li><li>• Reference and Local Studies Officer</li><li>• Central Support Services Officers</li></ul> |
| <b>Reference:</b>                            | Section 5.42 Local Government Act 1995<br>Policy 2.4.3   |

## **ANIMALS LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to the Animals Local Law.   |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Manager Infrastructure Management &amp; Ranger Services</li><li>• Senior Ranger, Ranger Services</li><li>• Administration Coordinator. Infrastructure Management and Ranger Services</li><li>• Administration Officer, Infrastructure Management and Ranger Services</li><li>• Customer Service Officer, Infrastructure Management and Ranger Services.</li><li>• Manager Approvals, Planning and Environmental Services</li><li>• Principal Environmental Health Officer</li><li>• Senior Environmental Health Officer</li><li>• Environmental Health Officers</li></ul> |
| <b>Reference:</b>                            | Section 9.10 Local Government Act 1995  |

## **PARKING LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to the Parking Local Law.   |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Manager Infrastructure Management &amp; Ranger Services</li><li>• Senior Ranger, Ranger Services</li><li>• Administration Coordinator. Infrastructure Management and Ranger Services</li><li>• Administration Officer, Infrastructure Management and Ranger Services</li><li>• Customer Service Officer, Infrastructure Management and Ranger Services.</li></ul> |
| <b>Reference:</b>                            | Section 9.10 Local Government Act 1995  |

## **SIGNS LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to the Signs Local Law.  |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Manager Infrastructure Management &amp; Ranger Services</li><li>• Senior Ranger, Ranger Services</li><li>• Administration Coordinator. Infrastructure Management and Ranger Services</li><li>• Customer Service Officer, Infrastructure Management and Ranger Services.</li><li>• Administration Officer, Infrastructure Management and Ranger Services</li><li>• Manager Approvals, Planning and Environmental Services</li><li>• Principal Building Surveyor</li><li>• Pool Inspections Co-ordinator</li></ul> |
| <b>Reference:</b>                            | Section 9.10 Local Government Act 1995   |

## **BUSHFIRE PREVENTION AND CONTROL LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to the Bushfire Prevention and Control Local Law.   |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Manager Infrastructure Management &amp; Ranger Services</li><li>• Senior Ranger, Ranger Services</li><li>• Administration Coordinator. Infrastructure Management and Ranger Services</li><li>• Administration Officer, Infrastructure Management and Ranger Services</li><li>• Customer Service Officer, Infrastructure Management and Ranger Services.</li></ul> |
| <b>Reference:</b>                            | Section 9.10 Local Government Act 1995  |



## **LOCAL GOVERNMENT AND PUBLIC PROPERTY LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to the Local Government and Public Property Local Law.   |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Administration Coordinator. Infrastructure Management and Ranger Services</li><li>• Administration Officer, Infrastructure Management and Ranger Services</li><li>• Customer Service Officer, Infrastructure Management and Ranger Services</li><li>• Manager Approvals, Planning and Environmental Services</li><li>• Co-ordinator Planning Approvals</li><li>• Principal Building Surveyor</li></ul> |
| <b>Reference:</b>                            | Section 9.10 Local Government Act 1995   |

## **PRIVATE PROPERTY LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to the Private Property Local Law.   |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Manager Approvals, Planning and Environmental Services</li><li>• Co-ordinator Planning Approvals</li><li>• Principal Building Surveyor</li><li>• Administration Coordinator. Infrastructure Management and Ranger Services</li><li>• Administration Officer, Infrastructure Management and Ranger Services</li><li>• Customer Service Officer, Infrastructure Management and Ranger Services</li></ul> |
| <b>Reference:</b>                            | Section 9.10 Local Government Act 1995   |

## **EXTRACTIVE INDUSTRIES LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to the Extractive Industries Local Law.   |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Manager Approvals, Planning and Environmental Services</li><li>• Co-ordinator Planning Approvals</li><li>• Principal Building Surveyor</li><li>• Principal Environmental Health Officer</li></ul> |
| <b>Reference:</b>                            | Section 9.10 Local Government Act 1995  |

## TRADING IN PUBLIC PLACES LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to Trading in Public Places Local Law.            |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Manager Approvals, Planning and Environmental Services</li><li>• Co-ordinator Planning Approvals</li><li>• Principal Environmental Health Officer</li></ul> |
| <b>Reference:</b>                            | Section 9.10 Local Government Act 1995  |

## **HEALTH LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to the Health Local Law.  |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Manager Approvals, Planning and Environmental Services</li><li>• Principal Environmental Health Officer</li><li>• Senior Environmental Health Officer</li><li>• Environmental Health Officers</li></ul> |
| <b>Reference:</b>                            | Section 9.10 Local Government Act 1995  |

## LOCAL LAWS – RECEIVING, RECEIPT AND ACCOUNTING FOR MONEY

- (1) **Function to be performed:** A local government may appoint persons or classes of persons to be authorised to receive and receipt all monies generated through local laws.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** Customer Service Officers, Marketing Services  
Customer Service Officers, Infrastructure Management and Ranger Services  
Administration Officer, Infrastructure Management and Ranger Services
- Reference:** Section 9.10 Local Government Act 1995
- (2) **Function to be performed:** A local government may appoint persons or classes of persons to be authorised to receive and issue interim receipts for all types of poundage, fees and charges relating to local laws.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:**
- All Rangers
  - Manager Approvals Planning and Environmental Services
  - Principal Building Surveyor
  - Principal Environmental Health Officer
  - Senior Environmental Health Officer
  - Environmental Health Officers
  - Administration Officer, Health and Environmental Services
  - Coordinator Planning Approvals
- Reference:** Section 9.10 Local Government Act 1995

## **LOCAL LAWS – ISSUE OF NOTICES, CAUTIONS AND INFRINGEMENTS**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | A local government may appoint persons or classes of persons to be authorised for the purpose of issuing of notices, cautions and infringements relating to local laws.  |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Senior Ranger, Ranger Services</li><li>• Administration Coordinator. Infrastructure Management and Ranger Services</li><li>• All Rangers</li><li>• Administration Officer, Infrastructure Management and Ranger Services</li><li>• Customer Service Officer, Infrastructure Management and Ranger Services</li><li>• Manager Approvals, Planning and Environmental Services</li><li>• Environmental Health Officers</li><li>• Co-ordinator Planning Approvals</li><li>• Principal Building Surveyor</li><li>• Planning Liaison Officer</li><li>• Manager Infrastructure Management &amp; Ranger Services</li><li>• Principal Environmental Health Officer</li><li>• Senior Environmental Health Officer</li><li>• Coordinator Swimming Pools</li><li>• Swimming Pool Inspector</li></ul> |
| <b>Reference:</b>                            | Section 9.10 Local Government Act 1995   |

## **LOCAL LAWS – EXTENSION OF PAYMENT TIME, WAIVER OR REDUCTION OF PENALTIES, WITHDRAWAL OF INFRINGEMENT NOTICES**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Power to appoint “authorised persons” to grant extension of time to pay, waive or reduce penalties and withdraw infringement notices relating to local laws.   |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Manager Infrastructure Management &amp; Ranger Services</li><li>• Senior Ranger, Ranger Services</li><li>• Customer Service Officer, Infrastructure Management and Ranger Services</li><li>• Administration Coordinator. Infrastructure Management and Ranger Services</li><li>• Administration Officer, Infrastructure Management and Ranger Services</li><li>• Manager Approvals, Planning and Environmental Services</li><li>• Co-ordinator Planning Approvals</li><li>• Principal Building Surveyor</li><li>• Principal Environmental Health Officer</li></ul> |
| <b>Reference:</b>                            | Sections 6.12 and 9.10 Local Government Act 1995   |



## LOCAL LAWS – APPOINTMENT OF PROSECUTION OFFICERS

|  |   |
|--|---|
| <b>Function to be performed:</b>             | <p>Classes of persons may be appointed as “prosecution officers” to manage recovery of unpaid infringement penalties through the Fines Enforcement Scheme, with authority to:</p> <ul style="list-style-type: none"><li>• sign Enforcement Certificates to initiate prosecution (Section 16);</li><li>• sign Withdrawal of Proceedings Notices (Section 22) for those matters already registered with Fines Enforcement;</li></ul> <p>relating to local laws.</p> |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | <ul style="list-style-type: none"><li>• Manager Infrastructure Management &amp; Ranger Services</li><li>• Senior Ranger, Ranger Services</li><li>• Administration Coordinator, Infrastructure Management and Ranger Services</li><li>• Administration Officer, Infrastructure Management and Ranger Services</li><li>• Customer Service Officer, Infrastructure Management and Ranger Services</li></ul>  |
| <b>Reference:</b>                            | Sections 16 and 22 Fines, Penalties and Infringement Notice Enforcement Act 1994  |

## **APPOINTMENT OF HONORARY PARKING INSPECTORS**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Power to appoint, and to cancel previous appointments of, honorary parking inspectors to issue caution and infringement notices under the City of Joondalup Parking Local Law 1998 and the Local Government (Parking for Disabled Persons) Regulations 1988. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Infrastructure & Operations<br>Senior Ranger<br>Administration                      Coordinator.                      Infrastructure<br>Management & Ranger Services  |
| <b>Reference:</b>                            | Section 5.42 Local Government Act 1995   |

## **LOCAL LAWS – APPOINTMENT OF BEACH INSPECTORS**

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| <b>Function to be performed:</b>             | Power to appoint beach inspectors and members of surf life saving clubs to carry out the provisions of Part 7 of the Local Government and Public Property Local Law. |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | Director Planning and Community Development  |
| <b>Reference:</b>                            | Section 5.42 Local Government Act 1995   |

## **AUTHORISATION OF OFFICERS**

|  |  |
|--|--|
| <b>Function to be performed:</b>             | Power to authorise officers to make complaints and enforce the various Acts and Regulations for the City as detailed hereunder: <ul style="list-style-type: none"><li>• Local Government Act 1995</li><li>• Dog Act 1976 and Regulations thereunder;</li><li>• Bushfire Act 1954 and Regulations thereunder;</li><li>• Control of Vehicles (Off Road Areas) Act and Regulations thereunder;</li><li>• Litter Act 1979 and Regulations thereunder;</li><li>• Spearguns Control Act 1955 and regulations thereunder.</li></ul> |
| <b>Power or Duty Assigned:</b>               | Local Government   |
| <b>Power to Delegate:</b>                    | Yes  |
| <b>Delegation Recommended:</b>               | Yes  |
| <b>Delegation to:</b>                        | Chief Executive Officer  |
| <b>Chief Executive Officer delegates to:</b> | N/A  |
| <b>Reference:</b>                            | Section 5.42 Local Government Act 1995<br>Justices Act 1902  |

## ALTERATIONS AND ADDITIONS TO COUNCIL PREMISES

- Function to be performed:** To approve alterations and additions to Council premises by the lessee, where the market value is less than \$20,000 and provided that the ~~Council and the particular Ward Councillors~~ Elected Members are notified of the request prior to approval.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:**
- Director Corporate Services and Resource Management
  - Director Infrastructure and Operations
  - Manager Assets and Commissioning
  - Manager Infrastructure Management and Ranger Services
- Reference:** Policy 2.5.5

## **STRATA TITLE CERTIFICATE OF LOCAL GOVERNMENT**

|  |   |
|--|---|
| <b>Function to be performed:</b>             | Where a favorable determination has been made by a Local Government , it shall issue a certificate required by section 5B(2) or 8 as the case may be under the Strata Titles Act 1985 |
| <b>Power or Duty Assigned:</b>               | Local Government  |
| <b>Power to Delegate:</b>                    | Yes   |
| <b>Delegation Recommended:</b>               | Yes   |
| <b>Delegation to:</b>                        | Chief Executive Officer   |
| <b>Chief Executive Officer delegates to:</b> | Manager Approvals, Planning and Environmental Services.<br>Principal Building Surveyor.   |
| <b>Reference:</b>                            | Division 3 Section 23(4) and (5) of the Strata Titles Act 1985.   |