

POWERS AND DUTIES

The Act specifically refers to powers and duties when the subject of delegations is covered. However, the Act does not define these two terms so a dictionary definition of their meaning is required. In this regard, duty is defined as 'something which a person is bound to perform' while a power is an 'ability to act or do'. Consequently, when considering legislative provisions, when the mandatory term 'shall' or 'is to' is used, the related subject can be taken as a duty while, when the optional term 'may' is used, the related subject can be viewed as a power. The words 'shall' and 'may', or similar meaning terms, are used frequently throughout the Act and so many actions and processes can be subject to formal delegation if they are to be performed by others.

It should also be noted that the term 'power' is defined in the Interpretation Act (for the purposes of any written law including the Local Government Act) to include 'any privilege, authority, or discretion'.

LIMITATIONS ON DELEGATIONS

The Act's limitations cover accepting a tender, appointing an auditor, acquiring or disposing of property, borrowing money or hearing an objection. These are all major decision points in local government's operations and, as would be expected because of their significance, delegations cannot be made, or are limited, in these areas.

The regulations limit delegations in two specific circumstances. The first relates to several audit matters such as meeting with the auditor. The legislation limits delegation in this area because it was felt appropriate that council members be involved in this process. That is, council members should not abrogate their responsibility for understanding the audit.

The second limits delegation in relation to selection and performance reviews of the CEO. This provision was introduced because one Council delegated the performance review of the CEO to the CEO which was considered, for obvious reasons, inappropriate.



REGISTER OF DELEGATION OF AUTHORITY

Date of last review by Council:	28 June 2005
Date of last review by CEO:	9 December 2005
Date of last review in accordance with District Planning Scheme No 2*	13 December 2005 – to remain effective until 30 June 2007.

NB: The full Register of Delegation of Authority is well over 100 pages. A full copy is available in the Councillors' Reading Room.

REVIEW OF DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Alternative methods of filling office of Mayor/President	S.2.11	Changing method requires special majority	No	Not delegatable	N/A
	S.2.12A	Process associated with change	No	Act through	N/A
Local Laws	S.3.5, 3.12, 3.16	Making, repealing or amending local laws requires absolute majority	No	Not delegatable	N/A
	S.3.5 – 3.16	Process associated with local law making or review	Yes	Act through	Giving public notice or Gazetting laws are operational process matters which lend themselves to acting through
Performing Executive Functions	S.3.18	Providing facilities and services	No	Act through	N/A
Performing functions outside district	S.3.20	Duty to obtain consent	Yes	Act through	This is an operational task as part of a process which lends itself to acting through
Duties when performing function	S.3.21	Includes duties such as minimize inconvenience and do not endanger people	Yes	Act through	These duties apply when operational functions are being performed and, consequently, they lend themselves to acting through

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Compensation	S 3.22	A Local Government is to compensate a person if the person sustains damage when a Local Government performs its function	No	Delegate if necessary	Compensation represents a major decision which could be delegated to a certain limit if compensation matters arise.
Provisions about land	S 3.24	Power of authorisation	Yes	Act under authorisation	N/A
	S 3.24 – 3.33	Power to give notices and do certain things on lands	Yes	Act under authorisation	Giving notices and enforcing action are operational processes which lend themselves to acting through by the person authorised to undertake these tasks.
Entry in an emergency	S 3.34	Power to enter and act	Yes	Act through	Giving notice and acting are operational processes which lend themselves to acting through
Opening fences	S 3.36	Power to open fences and duty to provide a gate across such an opening	No	Act through	These are operational matters which lend themselves to acting through

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Impounding goods	S 3.39	Power of authorisation to remove and impound	Yes	Act under authorisation	N/A
	S 3.40 – 3.48	Processes associated with impounding goods	Yes	Act under authorisation	Giving notices, instituting prosecutions, disposing of confiscated goods and the recovery of impounding expenses are all operational processes as part of the impounding action which lend themselves to acting through
Closing thoroughfares	S 3.50 (1), (1a)	Power to close or partially close a thoroughfare	Yes	Delegate	This is a significant decision which lends itself to delegation
	S 3.50, 3.50A	Process associated with closing thoroughfares	Yes	Act through	These are operational tasks which lend themselves to acting through
Affected owners to be notified of certain proposals	S 3.51	Duty to give notice before fixing or altering the alignment of roads	Yes	Act through	This is a process matter best suited to acting through
Road plans	S 3.52	Duty to keep plans of roads and make them available	Yes	Act through	These are administrative processes best suited to acting through

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Controlling reserves	S 3.54	Power to do anything for the purpose of controlling and managing reserves	No	Act through	The actions open to a Local Government are specified under the Parks and Reserves Act 1895 and, consequently, such management can be achieved by acting through
Disposing of property	S 3.58 (2) (a)	Power to dispose through auction	Yes	Delegate	A significant matter which lends itself to delegation
	S 3.58 (2) (b)	Power to dispose by tender	Yes	Delegate	A significant matter which lends itself to delegation
	S 3.58 (3)	Power to dispose by private treaty	Yes	Delegate	A significant matter which lends itself to delegation
Commercial Enterprises	S 3.59	Duty to prepare business plans	Yes	Act through	Business plans support the undertaking of certain executive functions under S.3.18. This is an operational task which lends itself to acting through
Register of Delegations	S 5.18	Duty of keep a register	Yes	Act through	Keeping a register is an administrative function which lends itself to acting through

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Local Government employees	S 5.36	Duty to employ people	Yes	Act through	Appointments are made in accordance with budgets and staff structures. Appointments are operational matters best achieved by acting through
Senior employees	S 5.37 (1)	Power to designate employees as senior employees	No	Not delegatable	This is a decision which the Council should make in conjunction with the CEO
	S 5.37 (3)	Advertising for senior employees	Yes	Act through	This is a operational process which lends itself to acting through
Annual review of employees' performance	S 5.38	Requirement to undertake review	Yes	Act through	S 5.38 is a general statement requiring an operational action which lends itself to acting through
Contracts	S 5.39	Requires contracts for CEO's and senior employees	Yes	Act through	Contracts are an administrative arrangement which lend themselves to acting through

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Functions of the CEO	S 5.41	Imposes a range of functions on the CEO	Yes	Act through	These are all administrative functions which lend themselves to acting through. It would be difficult to record all instances of where these functions are carried out should they be delegated
Superannuation for employees	S 5.47	Duty to provide superannuation	Yes	Act through	This is an administrative employment process which lends itself to acting through
Long Service leave benefits for employees	S 5.48	Duty to provide long service leave benefits	Yes	Act through	This is an administrative employment process which lends itself to acting through
Annual Reports	S 5.53	Duty to prepare an annual report	Yes	Act through	This is an administrative task which lends itself to acting through. The annual report must be accepted by the Council.
Planning for the future	S 5.56	Duty to plan for the future	Yes	Act through	This is an operational matter which lends itself to acting through
Register of financial interests	S 5.88	Duty of CEO to keep register	Yes	Act through	This is an administrative matter which lends itself to acting through

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Copies of information to be available	S 5.96	Duty to provide copies of information	Yes	Act through	This is an administrative matter which lends itself to acting through
Refunding expenses before actually incurred	S 5.102	Power to provide cash advances when the expense can be reimbursed	Yes	Act through	This is a financial administration matter which lends itself to acting through
Code of Conduct	S 5.103	Duty to prepare the Code of Conduct	No	Act through	Preparation of a Code is an administrative matter which lends itself to acting through while the adoption of the Code is a significant decision which should not be delegated
Annual Budget	S 6.2	Duty to prepare and adopt budget	No	Not delegatable	N/A
Financial Report	S 6.4	Duty to prepare and submit financial report	Yes	Act through	This is a financial administration matter which lends itself to acting through
Accounts and Records	S 6.5	CEO duty to keep accounts and records	Yes	Act through	This duty covers ongoing operational matters and does not relate to specific decisions. Consequently, it lends itself to acting through.

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Municipal Fund	S 6.7	Duty to hold money in municipal fund and power to expend monies on the performance of functions	Yes	Act through	These are financial administration matters which lend themselves to acting through
Trust Fund	S 6.9	Duty to hold certain monies in trust fund and to apply the monies in accordance with the trust	Yes	Act through	These are financial administration matters which lend themselves to acting through
Reserve Accounts	S 6.11	Duty to establish reserve accounts and process to change the purpose of reserves	No	Act through	These are financial administration and process matters best dealt with by acting through
Discounting or waiving debts	S 6.12	Power to discount or write-off monies owed	Yes	Delegate	Decisions about discounts or write-offs reflect specific decision points which lend themselves to delegation
Power to invest	S 6.14	Power to invest	Yes	Delegate	Investment decisions are significant decision points which lend themselves to delegation
Giving notice of fees and charges outside the budget process	S 6.19	Public notice process required before imposition	Yes	Act through	This is an operational process which lends itself to acting through
Borrowings	S 6.20	Power to borrow money and advertising process associated with its implementation	No	Act through	Public notice is a process matter which lends itself to acting through

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Giving notice of certain rates	S 6.36	Duty to give local public notice before imposing certain rates	Yes	Act through	This is an operational process which lends itself to acting through
Specified area rates	S 6.37	Duty in relation to the use of money obtained from specified area rating	Yes	Act through	This is a financial administration matter which lends itself to acting through
Services charges	S 6.38	Duties in relation to monies raised from service charges	Yes	Act through	This is a financial administration matter which lends itself to acting through
Rate record	S 6.39	Powers and duties in relation to the rate record	Yes	Act through and act in accordance with policy	These are financial administration matters which lend themselves to acting through. The power to amend the rate record for a period of up to five years could be delegated but it would be preferable if officers acted in accordance with policy on this matter.
Service of rate notice	S 6.41	Duty to serve rate notice	Yes	Act through	This is an operational matter which lends itself to acting through
Agreement to pay rates and service charges	S 6.49	Power to accept payment in accordance with an agreement	Yes	Act in accordance with policy	Establish policy in relation to agreements which officers comply with

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Rates recoverable in court	S 6.56	Power to recover unpaid rates or service charges	Yes	Act through and act in accordance with policy	The decision as to whether rates are recovered to be determined in accordance with established policy while actions associated with the process of recovery are operational matters achieved by acting through
Requiring lessee to pay rent	S 6.60	Powers and duties in relation to the payment of rent by lessee	Yes	Act through	Giving notice and undertaking recovery action are process matters best suited to acting through
Actions against land where rates are unpaid	S 6.63 – 6.75	Power to take action and duty to follow process	No	Act through	These are principally process matters, such as the giving of notice under S 6.64 (2), which lend themselves to acting through
Objection to the rate record	S 6.74 (4)	Power to extend the time for making an objection	Yes	Act in accordance with policy	This is a process decision best made by officers acting in accordance with policy
	S 6.76 (5)	Power to allow or disallow objection	Yes	Delegate	This is a significant decision point which can be delegated
	S 6.76 (6)	Duty to provide written notice of decision	Yes	Act through	This is a process matter which lends itself to acting through

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Referral of appeal to tribunal	S 6.79	This section has been amended and delegation is no longer relevant	Yes		
Minister or Executive Director may require information	S 8.2	Duty to provide information	Yes	Act through	This is an operational matter which lends itself to acting through
Appointment of authorised person	S 9.10	Power of authorisation	Yes	Act under authorisation	N/A
Representing the local government in court	S 9.29	Power of CEO to appoint employee to represent the local government in court or tribunal proceedings	Yes	Formal appointment	The Act talks about the appointment of employees in writing to undertake such tasks. Consequently, no formal delegation is needed.
Evidence in legal proceedings	S 9.31	CEO may authorise an employee to certify documents	Yes	Act under authorisation	Authorisation does not require a further delegation



REGISTER OF DELEGATION OF AUTHORITY

Date of last review by Council:
Date of last review by CEO:
Date of last review in accordance with
District Planning Scheme No 2*

28 June 2005
9 December 2005

13 December 2005 – to remain
effective until 30 June 2007.

The Local Government Act 1995 (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. All delegations made by the Council must be by **absolute majority** decision.

The following are decisions that cannot 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:

- 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.

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 local 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

Function to be performed:	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.
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 3.15 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

PERFORMING EXECUTIVE FUNCTIONS – LOCAL LAWS

(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: No

Delegation to: N/A

Chief Executive Officer delegates to: N/A

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

Function to be performed:	<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">(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.(ii) as little harm or inconvenience is caused and as little damage is done as is possible.(iii) danger to any person or property does not arise from anything done on land.(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.(v) buildings, fences, and other structures are not disturbed nor damaged.(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(vii) any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid.
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 Services Manager Infrastructure Management & Ranger Services Manager Operations Services
Reference:	Section 3.21(1) Local Government Act 1995

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

Function to be performed:	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.
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 Operations Services Manager, Approvals, Planning and Environmental Services Manager Infrastructure Management & Ranger Services Coordinator Planning Approvals Principal Building Surveyor
Note: the extent of this delegation is limited to the individual officer's duties as outlined in their position description	
Reference:	Section 3.24 Local Government Act 1995

ENTRY IN AN EMERGENCY

Function to be performed:	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.
Power or Duty Assigned:	Local Government or Chief Executive Officer
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	All Directors All Business Unit Managers
Reference:	Sections 3.34(1) and 3.34(2) Local Government Act 1995

POWER TO REMOVE AND IMPOUND GOODS

Function to be performed:	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.
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 Rangers
Reference:	Section 3.39 Local Government Act 1995

IMPOUNDED NON-PERISHABLE GOODS

Function to be performed:	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.
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 Rangers
Reference:	Section 3.42 Local Government Act 1995

NOTICE TO COLLECT GOODS IF NOT CONFISCATED

Function to be performed:	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.
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 Rangers
Reference:	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

Function to be performed:	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.
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 Senior Ranger
Reference:	Section 3.48 Local Government Act 1995

CLOSING CERTAIN THOROUGHFARES TO VEHICLES

- (1) **Function to be performed:** A local government may close any thoroughfare that it manages for the passage of vehicles wholly or partially for a period not exceeding four weeks.
- 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 Services
Manager Infrastructure Management & Ranger Services
- Reference:** Section 3.50(1) Local Government Act 1995
- (2) **Function to be performed:** A local government may by public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding four weeks.
- 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 Services
Manager Infrastructure Management & Ranger Services
- Reference:** Section 3.50(1a) Local Government Act 1995

- (3) Function to be performed:** Before it makes an order in accordance with Section 3.50 (1a) 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 Services 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 Services
Manager Operations Services
- Reference:** Section 3.50A Local Government Act 1995

AFFECTED OWNERS TO BE NOTIFIED OF CERTAIN PROPOSALS

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

PUBLIC ACCESS TO BE MAINTAINED AND PLANS KEPT

Function to be performed:	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.
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 Services. Manager Infrastructure Management & Ranger Services
Reference:	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 \$500,000
- 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 public 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 \$500,000
- 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 local 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 \$500,000

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: 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

Function to be performed:	A local government is to keep a register of the delegations made to a committee.
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 5.18 Local Government Act 1995

LOCAL GOVERNMENT EMPLOYEES

Function to be performed:	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.
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 – in accordance with the staff structure established by the Chief Executive Officer
Reference:	Section 5.36(1)(b) Local Government Act 1995

SENIOR EMPLOYEES

Function to be performed: Where a position of a senior employee becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

Power or Duty Assigned: Local Government

Power to Delegate: Yes

Delegation Recommended: Yes

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to: Manager Human Resources

Reference: Section 5.37(3) Local Government Act 1995

ANNUAL REVIEW OF EMPLOYEES' PERFORMANCES

Function to be performed:	The performance of each employee who is employed for a term of more than one year, including each senior employee, is to be reviewed at least once in relation to every year of the employment.
Power or Duty Assigned:	Chief Executive Officer
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 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

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

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

Note: the extent of this delegation is limited to the individual officer's duties as outlined in their position description

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

Note: the extent of this delegation is limited to the individual officer's duties as outlined in their position description

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:** N/A
- Delegation to:** N/A
- Chief Executive Officer delegates to:** N/A
- 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:** N/A
- Delegation to:** N/A
- Chief Executive Officer delegates to:** N/A
- 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 (with the exception of dismissal of employees)

Delegation to: N/A

Chief Executive Officer delegates to: All Directors (with the exception of dismissal of employees)

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

Function to be performed:	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.
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 Community Development Services
Reference:	Policy 4.1.4

SUPERANNUATION FOR EMPLOYEES

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

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

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

PAYMENTS TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD

Deleted by CJ121-06/05

ANNUAL REPORTS

Function to be performed:	The local government is to prepare an annual report for each 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:	Manager Marketing Communications and Council Support
Reference:	Section 5.53(1) Local Government Act 1995

PLANNING FOR THE FUTURE

Function to be performed:	A local government is to plan for the future of the district and to ensure that such plans are in accordance with any regulations made about planning for the future of the district.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer – in consultation with and for the approval of Council.
Chief Executive Officer delegates to:	N/A
Reference:	Section 5.56 Local Government Act 1995

NOTICE OF PROPOSED PLANS FOR PRINCIPAL ACTIVITIES

Deleted by CJ121-06/05

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

Deleted by CJ135-06/04

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
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- (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

Function to be performed: 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.

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

Note: the extent of this delegation is limited to the individual officer's duties as outlined in their position description

Reference: Section 5.96 Local Government Act 1995

EXPENSES MAY BE FUNDED BEFORE ACTUALLY INCURRED

Function to be performed:	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.
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 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
Manager Financial Services

Reference: Section 6.4(1) Local Government Act 1995

(2) Function to be performed: By 30 September following each financial year, or such extended time as the Minister allows, a local government is to submit its accounts and annual 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
Manager Financial Services

Reference: Section 6.4(3) Local Government Act 1995

ACCOUNTS AND RECORDS

Function to be performed:	The Chief Executive Officer has a duty to: <ul style="list-style-type: none">• ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government;• 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.
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 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 the Local Government Act 1995 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
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 the Local Government Act 1995 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

Function to be performed:	Authority to write off monies.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer - individual items to \$20,000 - subject to a report being provided to the Audit Committee on a six monthly basis on the exercise of this delegation for amounts between \$100 and \$20,000.
Chief Executive Officer delegates to:	Director Corporate Services - individual items to \$20,000 Manager Financial Services - individual items to \$5,000 Team Leader Rating Services - individual items to \$50.
Reference:	Section 6.12(1) & (2) Local Government Act 1995 CJ78-03/99 refers

POWER TO INVEST

Function to be performed: Money held in the municipal fund or the trust fund of the local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962.

Power or Duty Assigned: Local Government

Power to Delegate: Yes

Delegation Recommended: Yes

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to:

Up to \$1.5 million	Director Corporate Services Manager Financial Services Senior Management Accountant Statutory Accountant
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\$1.5 to \$3 million	Director Corporate Services Manager Financial Services
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Over \$3 million	Director Corporate Services
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Reference: Section 6.14 Local Government Act 1995

LOCAL GOVERNMENT TO GIVE NOTICE OF FEES AND CHARGES

Function to be performed:	If fees and charges are imposed after budget adoption, a local government is to give local public notice of those fees or charges.
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 6.19 Local Government Act 1995

LOCAL GOVERNMENT TO GIVE NOTICE OF CERTAIN RATES

Function to be performed:	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.
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. Manager Financial Services
Reference:	Section 6.36(1) Local Government Act 1995

SPECIFIED AREA RATES

Function to be performed: 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

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
- Director Infrastructure Services
- Manager Financial Services
- Manager Infrastructure Management and Ranger Services
- Manager Operations Services

Reference: Section 6.37(2) Local Government Act 1995

SERVICE CHARGES

Function to be performed:	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.
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 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
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
- Chief Executive Officer delegates to:** Director Corporate Services – 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

(3) Function to be performed: A local government is required to give the owner/occupier as the case requires on land on which a service charge is imposed, a rate notice stating the date the rate notice was issued and incorporating or accompanied by the details and particulars 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
Manager Financial Services
Team Leader Rating Services

Reference: Section 6.41 Local Government Act 1995

AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES

Function to be performed:	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.
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 Manager Financial Services Team Leader Rating Services Rating Officers Customer Service Coordinator, Marketing Services Customer Service Officers, Marketing Services Customer Relations Officer, Marketing Services
Reference:	Section 6.49 Local Government Act 1995 Policy 2.4.4

RATES OR SERVICE CHARGES RECOVERABLE IN COURT

Function to be performed:	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.
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. Manager Financial Services
Reference:	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
Manager Financial Services
Team Leader Rating 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.
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
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.
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
Manager Financial Services
Team Leader Rating Services

Reference: Section 6.76(6) Local Government Act 1995

REFERRAL OF APPEAL TO TRIBUNAL

Function to be performed:	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 State Administrative Tribunal as an appeal.
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 Manager Financial Services
Reference:	Section 6.79 Local Government Act 1995

MINISTER OR EXECUTIVE DIRECTOR MAY REQUIRE INFORMATION

Function to be performed:	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.
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 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

Function to be performed:	The Chief Executive Officer may appoint an employee to represent the local government in legal proceedings either generally or in a particular case.
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 9.29 Local Government Act 1995

EVIDENCE IN LEGAL PROCEEDINGS - DEFINITIONS

Function to be performed:	The Chief Executive Officer may authorise an employee for the purpose of certifying a document to be a true copy.
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 Records Services Coordinator
Reference:	Section 9.31 Local Government Act 1995

PERMISSION TO HAVE A GATE ACROSS A PUBLIC THOROUGHFARE

Function to be performed:	A local government is required to keep a register of gates and other devices constructed across public thoroughfares
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 Services
Reference:	Regulation 9, Local Government (Uniform Local Provisions) Regulations 1996

DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE

Function to be performed:	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.
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 Services Manager Infrastructure Management & Ranger Services Manager Operations Services
Reference:	Regulation 11(1) Local Government (Uniform Local Provisions) Regulations 1996

CROSSING FROM PUBLIC THOROUGHFARE TO PRIVATE LAND OR PRIVATE THOROUGHFARE

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	Manager Approvals, Planning and Environmental Services All Building Surveyors Manager Infrastructure Management & Ranger Services Administration Coordinator, Infrastructure Management and Ranger Services Manager Operations Services
Reference:	Regulation 12(1) Local Government (Uniform Local Provisions) Regulations 1996

REQUIREMENT TO CONSTRUCT AND REPAIR CROSSING

Function to be performed:	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.
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 Services Manager Infrastructure Management & Ranger Services Administration Coordinator. Infrastructure Management & Ranger Services Manager Operations Services
Reference:	Regulation 13(1) Local Government (Uniform Local Provisions) Regulations 1996

PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES

Function to be performed:	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.
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 Services Manager Infrastructure Management & Ranger Services Manager Operations Services
Reference:	Regulation 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:** Regulation 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 that 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:** Regulation 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: Regulation 12(3) Local Government (Administration) Regulations 1996
Local Government Act 1995

PUBLIC INSPECTION OF UNCONFIRMED MINUTES OF COUNCIL OR COMMITTEE MEETINGS

Function to be performed:	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.
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:	Regulation 13 Local Government (Administration) Regulations 1996

PUBLIC INSPECTION OF CERTAIN DOCUMENTS RELATING TO COUNCIL OR COMMITTEE MEETINGS

Function to be performed:	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.
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:	Regulation 14(1) Local Government (Administration) Regulations 1996

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:** Regulation 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 \$250,000
- 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

Function to be performed:	A local government is to give statewide public notice of the invitation to seek tenders and to determine the criteria in writing prior to advertising.
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 Manager Assets and Commissioning.
Reference:	Regulation 14 Local Government (Functions & General) Regulations 1996

RECEIVING AND OPENING TENDERS

Function to be performed:	The Chief Executive Officer is responsible for keeping any tender submitted including a tender submitted by facsimile or any other electronic means in safe custody and for ensuring that it remains confidential.
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 Manager Assets and Commissioning
Reference:	Regulation 16 Local Government (Functions & General) Regulations 1996

TENDER REGISTER

Function to be performed:	The Chief Executive Officer is responsible for keeping the tender register and making it available for public inspection.
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 Manager Assets and Commissioning
Reference:	Regulation 17 Local Government (Functions & General) Regulations 1996

CHOICE OF TENDER

- (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 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.

Power or Duty Assigned: Local Government

Power to Delegate: Yes

Delegation Recommended: Yes, limit to \$250,000

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to: N/A

Reference: Regulation 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 \$250,000

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to: N/A

Reference: Regulation 18(5) Local Government (Functions & General) Regulations 1996

TENDERERS TO BE NOTIFIED OF OUTCOME

- (1) **Function to be performed:** The 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:** Chief Executive Officer
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** N/A
- Chief Executive Officer delegates to:** Director Corporate Services
Manager Assets and Commissioning
- Reference:** Regulation 19 Local Government (Functions & General) Regulations 1996

LIMITATION MAY BE PLACED ON WHO CAN TENDER

Function to be performed:	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
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 Manager Assets and Commissioning
Reference:	Regulation 21 Local Government (Functions & General) Regulations 1996

CHOICE OF ACCEPTABLE TENDERS FROM AN EXPRESSION OF INTEREST

Function to be performed:	A local government is to choose acceptable tenderers from expressions of interest received.
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:	Regulation 23 Local Government (Functions & General) Regulations 1996 <i>CJ60-08/98 refers</i>

PERSONS EXPRESSING AN INTEREST TO BE NOTIFIED OF OUTCOME

Function to be performed:	The CEO is to give each person who submitted an expression of interest notice in writing advising of his decision.
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
Reference:	Regulation 24 Local Government (Functions & General) Regulations 1996

PAYMENT OF ACCOUNTS - SIGNATORIES TO BANK ACCOUNTS

Function to be performed: Authority to make payments by signing cheques from the City's Municipal and Trust bank accounts or by way of authorising Electronic Funds Transfers.

Power or Duty Assigned: Chief Executive Officer

Power to Delegate: Yes

Delegation Recommended: Yes

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to:

Category A Signatories	Category B Signatories
Chief Executive Officer	Senior Management Accountant
Director Planning & Community Development	Statutory Accountant
Director Corporate Services	Manager Human Resources
Director Infrastructure Services	
Manager Financial Services	

Approval of payments require signatures as follows:

Cheques or EFT Payment Amounts	Combination of Signatories
Payments under \$10,000	Any 1 of Category A or B signatories
Payments of \$10,000 and over to payments under \$250,000	Any 2 of Category A or B signatories
Payments of \$250,000 and over	Any 1 of Category A and 1 of B signatories; or Any 2 Category A signatories.

Reference: Regulation 5(1)(e) Local Government (Financial Management) Regulations 1996
Policy 2.4.1

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
Manager Financial Services
- Reference:** Regulation 5(1) Local Government (Financial Management) Regulations 1996
- (2) **Function to be performed:** The Chief Executive Officer is to ensure that the 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:** Regulation 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: N/A

Delegation to: N/A

Chief Executive Officer delegates to: N/A

Reference: Regulation 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
Manager Financial Services
- Reference:** Regulation 11(1) Local Government (Financial Management) Regulations 1996
- (2) **Function to be performed:** A local government is to develop procedures for the approval 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
Manager Financial Services
- Reference:** Regulation 11(2) Local Government (Financial Management) Regulations 1996

PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND

Function to be performed:	A payment may be made from the Municipal Fund or the trust fund if the local government has delegated to the CEO the exercising of its power to make payments from those funds.
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 Manager Financial Services Statutory Accountant
Reference:	Regulation 12 Local Government (Financial Management) Regulations 1996 Delegation "Payment of Accounts - Signatories to Bank Accounts"

LISTS OF ACCOUNTS

Function to be performed:	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.
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 Manager Financial Services
Reference:	Regulation 13 Local Government (Financial Management) Regulations 1996

MANAGEMENT OF INVESTMENTS

Function to be performed:	A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
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 Manager Financial Services
Reference:	Regulation 19(1) Local Government (Financial Management) Regulations 1996

FINANCIAL REPORTS TO BE PREPARED

- (1) **Function to be performed:** A local government is to prepare a monthly statement of financial activity.
- 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
Manager Financial Services
- Reference:** Regulations 34(1) to (3) Local Government (Financial Management) Regulations 1996
Section 6.4 Local Government Act 1995
- (2) **Function to be performed:** A monthly statement of financial activity is to be presented to the Council at the next ordinary meeting of the Council following the end of the month to which the statement relates allowing for a reasonable time for the preparation of such statement.
- 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
Manager Financial Services
- Reference:** Regulation 34(4) Local Government (Financial Management) Regulations 1996
Section 6.4 Local Government Act 1995

OCCUPATIONAL SAFETY AND HEALTH

Function to be performed:	Responsibility for implementing the Health and Safety Policy of the City
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:	Policy 2.1.3

REDUNDANCY AND SEVERANCE PAY

Deleted by CJ121-06/05

SELECTIVE VOLUNTARY SEVERANCE

Deleted by CJ121-06/05

STAFF UNIFORMS

Function to be performed: Authority to issue approved corporate uniforms.

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: 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: N/A

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
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

ELECTED MEMBERS ADVERTISING

Function to be performed:	To consider applications from Elected Members wishing to advertise ward councillors availability at various locations.
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 2.2.9

ADVERTISING – CHILD CARE CENTRES

Deleted by CJ078-04/03

CONSULTING ROOMS

Deleted by CJ078-04/03

NOMENCLATURE – PUBLIC FACILITIES

Function to be performed:	Authority to name streets and reserves, and the allocation of house numbers.
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 Manager, Approvals Planning and Environmental Services Coordinator, Urban Design and Policy Services Senior Cartographic Systems Officer
Reference:	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:** N/A
- Chief Executive Officer delegates to:** Manager Approvals, Planning and Environmental Services
Coordinator Urban Design and Policy
Senior Planning Officers, 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

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

AUTHORITY TO WAIVE FEES

Function to be performed:	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.
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 6.12 (1) & (2) Local Government Act 1995 Policy 2.4.3

PAYMENT OF RATES BY INSTALMENTS OR SPECIAL ARRANGEMENT

Delegation deleted by CEO's Review of 31 May 2004. This was a duplication of "Agreement as to Payment of Rates and Service Charges" .

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:	N/A
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:** N/A
- 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:** N/A
- 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

Function to be performed:	Authority to approve community funding submissions, not exceeding an amount of \$2,500.
Power or Duty Assigned:	Chief Executive Officer
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	N/A
Chief Executive Officer delegates to:	Director Planning and Community Development (Limit to \$2,500)
Reference:	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
Manager Library and Information Services
Manager Leisure Centres
- Reference:** Policy 4.3.3

ACQUISITION FOR THE CITY'S ART COLLECTION

Function to be performed: Authority to purchase artworks, not exceeding \$1,000 that meet the collection profile on the recommendation of the City's Art Consultant.

Power or Duty Assigned: Chief Executive Officer

Power to Delegate: Yes

Delegation Recommended: No

Delegation to: N/A

Chief Executive Officer delegates to: N/A

Reference: Policy 4.4.1

PROCUREMENT OF COUNCIL BUILDINGS

- (1) **Function to be performed:** The responsibility for the procurement of all Council buildings required by changing accommodation needs.
- Power or Duty Assigned:** Chief Executive Officer
- Power to Delegate:** Yes
- Delegation Recommended:** N/A
- Delegation to:** N/A
- Chief Executive Officer delegates to:** N/A
- Reference:** Policy 2.5.2
-
- (2) **Function to be performed:** The responsibility for the alteration of or additions to Council buildings required by changing accommodation needs.
- 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
 - Manager Infrastructure Management and Ranger Services
 - Manager Assets and Commissioning
 - Manager Community Development Services
- Reference:** Policy 2.5.2

ACCESS TO INFORMATION FOR PEOPLE WITH DISABILITIES

Function to be performed:	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.
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 Communication and Council Support Services
Reference:	Policy 2.6.1

DOMESTIC WASTE COLLECTION AND RECYCLING SERVICE

Function to be performed:	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.
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 Services Coordinator Waste Management and Environmental Services.
Reference:	Policy 5.1.1

VERGE TREATMENTS – PROTECTIVE DEVICES

Function to be performed:	Authority to approve the installation of appropriate verge treatments, protective devices in residential and commercial or industrial zoned properties.
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 Services Manager Infrastructure Management & Ranger Services Administration Coordinator. Infrastructure Management & Ranger Services
Reference:	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:** N/A
- Chief Executive Officer delegates to:** Director Infrastructure Services
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:** N/A
- Chief Executive Officer delegates to:** Manager Operations Services
- Reference:** Policy 5.3.2

SUBSIDY – VEHICLE CROSSING

Function to be performed:	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.
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 Services Administration Coordinator. Infrastructure Management and Ranger Services Administration Officer, Infrastructure Management and Ranger Services
Reference:	Policy 5.3.3

ROADWORKS – OPENING UP

Function to be performed: Authority to issue permits for the opening up of roadworks, providing that:

- (a) the bona fides of the applicant are established
- (b) the applicant is a recognised licensed contractor in this field of work
- (c) the rules covering the issue of a permit are adhered to.

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 Services
Manager Infrastructure Management & Ranger Services

Reference: Policy 5.3.5

ACKNOWLEDGEMENT OF SERVICE – ELECTED MEMBERS

Function to be performed:	The authority to purchase a gift for retiring elected members
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 2.2.7

ADVERTISING OF PLANNING PROPOSALS

Delegation deleted by CEO's Review of 31 May 2004. This delegation related to Policy 3.1.8, which was deleted in June 2002.

Advertising of planning proposals is covered within Town Planning Delegations

MEMORIAL PLAQUES

Function to be performed: The authority to approve individual tree memorials

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 Services
Manager, Operations Services

Reference: Policy 5.2.4

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:** Records Services Coordinator
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 Coordinator
- Chief Executive Officer delegates to:** N/A
- Reference:** Section 41 Freedom of Information Act 1992

CORPORATE LOGO

- (1) **Function to be performed:** Authority to grant approval for the use of the City's 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 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

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer, limit to \$250,000
Chief Executive Officer delegates to:	<ul style="list-style-type: none">▪ All Directors, limit between \$50,000 to \$100,000▪ All Business Unit Managers, limit to \$50,000 (in conjunction with the Manager Assets and Commissioning)
Reference:	Policy 2.3.3 Section 9.49 Local Government Act 1995

MEDIA CONTACT

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

Function to be performed:	The authority to allow a member of the public to listen to recorded proceedings of a Council meeting
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 Administrative Services Co-ordinator
Reference:	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: No

Delegation to: N/A

Chief Executive Officer delegates to: N/A

Reference: Policy 2.5.4

HEIGHT AND SCALE OF BUILDINGS WITHIN RESIDENTIAL AREA

Function to be performed:	Authority to provide an estimate on the natural ground level where land has been previously disturbed and no accurate records have been kept.
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 Coordinator Planning Approvals Principal Building Surveyor
Reference:	Policy 3.1.9

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 Services
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 Services
Manager Operations Services
- Reference:** Policy 2.5.2

VARIATION OF REQUIREMENTS BEFORE ENTRY INTO CONTRACT

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	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.
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	N/A
Reference:	Regulation 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 APPOINTMENT OF DELEGATES

For the purpose of Schedule 6 of the City of Joondalup District Planning Scheme No 2 (“the Scheme”), the persons who occupy from time to time the following positions, and who hold or are eligible to hold a municipal town planners certificate, are appointed by the Council to supervise the town planning control functions of the Council:

- (a) the Director Planning and Community Development;
- (b) the Manager Approvals, Planning and Environmental Services;
- (c) the Coordinator Planning Approvals;
- (d) the Senior Planning Officers (Planning Approvals);

2 DELEGATIONS TO DIRECTOR AND MANAGER

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(a) and 1(b) above the following powers conferred or imposed on the Council under the Scheme:

- (a) the determination of an application for approval of development for the purpose of one or more single houses;
- (b) the determination of an application for approval of development for the purpose of not more than 10 grouped dwellings or multiple dwellings;
- (c) the determination of an application for approval of a development for the purpose of a class of use listed in Table 1 (Zoning Table) of the Scheme (other than a single house, grouped dwelling or multiple dwelling) where:
 - (i) the development complies with the standards and requirements of the Scheme; or
 - (ii) the setbacks, the landscaping or the number of parking bays of the development are less than the minimum requirement of the Scheme by not more than 10% of that requirement; and
 - (iii) the development complies with Policy 3-4 Height of Buildings Within The Coastal Area (Non-Residential Zones);
- (d) the direction under clause 6.6.2 of the Scheme that clause 6.7 (Public Notice) is to apply to an application for planning approval involving a “D” use;

- (e) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme;
- (f) the determination under clause 6.1.2 of the Scheme whether to require plans and other information to be submitted with an application; and
- (g) the decision whether to consult under clause 6.4.
- (h) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning and Development Act relating to matters of non-conformity with District Planning Scheme No 2.

3 MATTERS NOT DELEGATED TO COORDINATOR PLANNING APPROVALS AND SENIOR PLANNING OFFICERS

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(c) and 1(d) above the powers specified in paragraph 2 above except:

- (a) the determination of an application for approval of a single house under clause 6.1.3 (b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
 - (i) the open space of the proposed development is less than the applicable minimum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
 - (ii) the plot ratio of the proposed development exceeds the maximum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
 - (iii) any of the setbacks of the proposed development are less than the minimum requirements of Table 1 or Table 2 or clause 3.2.3 A3.3 or A3.5 of the Residential Design Codes by more than 1.5 metres; or
 - (iv) the site area per dwelling of the proposed development is less than the minimum requirement of Table 1 of the Residential Design Codes; or
 - (v) the requirements of clause 3.10.1 A1 (iii), (iv) or (v) of the Residential Design Codes are exceeded by more than 10% of those requirements; or
 - (vi) the requirements of clause 3.3.2 A2 (ii) or (iii) of the Residential Design Codes are exceeded by more than 10% of those requirements;

- (b) the determination of an application for planning approval under clause 6.1 of the Scheme where:
 - (i) the setbacks of the proposed development; or
 - (ii) the number of on-site car parking bays to be provided; or
 - (iii) the area of the development site to be developed as landscaping;is less than the applicable minimum requirement under the Scheme by more than 10% of that requirement;
- (c) the determination of an application for planning approval where:
 - (i) advertising and the giving of notice has occurred under clause 6.7 of the Scheme; and
 - (ii) an objection has been received;
- (d) the determination of an application for approval under clause 6.1.3(b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
 - (i) consultation under clause 2.5.2 of the Residential Design Codes has occurred; and
 - (ii) an objection has been received from a person notified under that clause;
- (e) the refusal of any application for planning approval under clause 6.1 of the Scheme and the refusal of any application for approval under clause 6.1.3(b); and
- (f) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme.
- (g) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning and Development Act relating to matters of non-conformity with District Planning Scheme No 2.

4 PERIOD OF DELEGATION

The delegations made in paragraphs 2 and 3 above are to have effect for a period of 2 years from and including the date of this decision.

5 SUBDIVISION FUNCTIONS

The Council specifies the following functions:

- (a) the local government's functions under section 24 of the Town Planning and Development Act 1928; and
- (b) where any subdivision is approved by the Western Australian Planning Commission subject to a condition to be carried out to the satisfaction of the local government – the determination as to whether the local government is so satisfied;

as functions to be performed by the persons who occupy, from time to time, the following positions;

- (i) the Director Planning and Community Development;
- (ii) the Manager Approvals, Planning and Environmental Services;
- (iii) the Coordinator Urban Design and Policy;
- (iv) the Senior Planning Officers (Urban Design and Policy);

6 REPORTING TO COUNCIL

The CEO is to cause a report of the exercise of powers and functions referred to in paragraph 2, 3 and 5 above, to be prepared and presented to an ordinary meeting of the Council.

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.

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

- 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.

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

This page deleted, as this information is administrative and is retained within the Business Unit.

See also “Appointment of Honorary Parking Inspectors”

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT

DELEGATE TO	DESCRIPTION OF AUTHORITY BEING DELEGATED	LEGISLATIVE POWER BEING DELEGATED	AUTHORITY TO DELEGATE	DELEGATION SUBJECT TO
BUILDING SURVEYOR	BUILDING LICENCE APPLICATION approve building licence applications which conform to Council policy, and the building Code of Australia	Section 374(1), Section 374(1a)	Section 374(1b) Section 157A.	Building Code of Australia Residential Planning Codes Building Regulations 1989 Policy Manual - Building
BUILDING SURVEYOR	RETAINING WALLS (Refer Policy 3.1.7) (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. Retaining walls in excess of 2m in height above ground level are to be referred to Council for approval.	Section 374(1), Section 374(1a)	Section 374(1b), Section 157A	Building Code of Australia Part B1 Policy Manual - Building
PRINCIPAL BUILDING SURVEYOR	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.

DELEGATE TO	DESCRIPTION OF AUTHORITY BEING DELEGATED	LEGISLATIVE POWER BEING DELEGATED	AUTHORITY TO DELEGATE	DELEGATION SUBJECT TO
BUILDING SURVEYOR	CERTIFICATE OF CLASSIFICATION Issue Certificate of Classification upon completion of buildings	Section 374	Section 157A	Building Regulations 1989 Part 5-20
BUILDING SURVEYOR	DEMOLITION LICENCE 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 Form 7-13(2) & 30

LIBRARY CHARGES

Function to be performed:	Authority to waive, reduce or cancel library charges or grant an extension of time to pay library accounts.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none">• Manager Library and Information Services• All Senior Librarians• Library Operations Coordinator• All Librarians• All Library Service Officers• Adult Services Officer• Youth and Children's Services Officer• Reference and Local Studies Officer• Central Support Services Officers
Reference:	Section 6.12 (1) & (2) Local Government Act 1995 Policy 2.4.3

ANIMALS LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none">• Manager Infrastructure Management & Ranger Services• Senior Ranger, Ranger Services• Administration Coordinator, Infrastructure Management and Ranger Services• Administration Officer, Infrastructure Management and Ranger Services• Manager Approvals, Planning and Environmental Services• Principal Environmental Health Officer• Senior Environmental Health Officer• Environmental Health Officers
Reference:	Section 9.10 Local Government Act 1995

PARKING LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none">• Manager Infrastructure Management & Ranger Services• Senior Ranger, Ranger Services• Administration Coordinator. Infrastructure Management and Ranger Services• Administration Officer, Infrastructure Management and Ranger Services
Reference:	Section 9.10 Local Government Act 1995

SIGNS LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none">• Manager Infrastructure Management & Ranger Services• Senior Ranger, Ranger Services• Administration Coordinator. Infrastructure Management and Ranger Services• Administration Officer, Infrastructure Management and Ranger Services• Manager Approvals, Planning and Environmental Services• Principal Building Surveyor• Pool Inspections Coordinator
Reference:	Section 9.10 Local Government Act 1995

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

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none">• Manager Infrastructure Management & Ranger Services• Senior Ranger, Ranger Services• Administration Coordinator. Infrastructure Management and Ranger Services• Administration Officer, Infrastructure Management and Ranger Services
Reference:	Section 9.10 Local Government Act 1995

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

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none">• Administration Coordinator. Infrastructure Management and Ranger Services• Administration Officer, Infrastructure Management and Ranger Services• Manager Approvals, Planning and Environmental Services• Coordinator Planning Approvals• Principal Building Surveyor
Reference:	Section 9.10 Local Government Act 1995

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

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none">• Manager Approvals, Planning and Environmental Services• Coordinator Planning Approvals• Principal Building Surveyor• Administration Coordinator. Infrastructure Management and Ranger Services• Administration Officer, Infrastructure Management and Ranger Services
Reference:	Section 9.10 Local Government Act 1995

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

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none">• Manager Approvals, Planning and Environmental Services• Coordinator Planning Approvals• Principal Building Surveyor• Principal Environmental Health Officer
Reference:	Section 9.10 Local Government Act 1995

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

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none">• Manager Approvals, Planning and Environmental Services• Coordinator Planning Approvals• Principal Environmental Health Officer
Reference:	Section 9.10 Local Government Act 1995

HEALTH LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none">• Manager Approvals, Planning and Environmental Services• Principal Environmental Health Officer• Senior Environmental Health Officer• Environmental Health Officers
Reference:	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 Relations Officer, Marketing 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
 - Administration Officer, Approval Services
- Reference:** Section 9.10 Local Government Act 1995

LOCAL LAWS – ISSUE OF NOTICES, CAUTIONS AND INFRINGEMENTS

Function to be performed:	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.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none">• Senior Ranger, Ranger Services• Administration Coordinator. Infrastructure Management and Ranger Services• All Rangers• Administration Officer, Infrastructure Management and Ranger Services• Manager Approvals, Planning and Environmental Services• Environmental Health Officers• Coordinator Planning Approvals• Principal Building Surveyor• Planning Liaison Officer• Manager Infrastructure Management & Ranger Services• Principal Environmental Health Officer• Senior Environmental Health Officer• Coordinator Swimming Pools• Swimming Pool Inspector
Reference:	Section 9.10 Local Government Act 1995

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

Function to be performed:	Power to appoint “authorised persons” to grant extension of time to pay, waive or reduce penalties and withdraw infringement notices 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:	<ul style="list-style-type: none">• All Directors• Manager Infrastructure Management & Ranger Services• Senior Ranger, Ranger Services• Administration Coordinator. Infrastructure Management and Ranger Services• Administration Officer, Infrastructure Management and Ranger Services• Manager Approvals, Planning and Environmental Services• Coordinator Planning Approvals• Principal Building Surveyor• Principal Environmental Health Officer
Reference:	Sections 6.12 and 9.10 Local Government Act 1995

LOCAL LAWS – APPOINTMENT OF PROSECUTION OFFICERS

Function to be performed:	<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"> • sign Enforcement Certificates to initiate prosecution (Section 16); • sign Withdrawal of Proceedings Notices (Section 22) for those matters already registered with Fines Enforcement; <p>relating to local laws.</p>
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<ul style="list-style-type: none"> • Manager Infrastructure Management & Ranger Services • Senior Ranger, Ranger Services • Administration Coordinator, Infrastructure Management and Ranger Services • Administration Officer, Infrastructure Management and Ranger Services
Reference:	Sections 16 and 22 Fines, Penalties and Infringement Notice Enforcement Act 1994

APPOINTMENT OF HONORARY PARKING INSPECTORS

Function to be performed:	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.
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 Services Coordinator Rangers and City Watch
Reference:	Section 5.42 Local Government Act 1995

LOCAL LAWS – APPOINTMENT OF BEACH INSPECTORS

Function to be performed:	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.
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
Reference:	Section 5.42 Local Government Act 1995

AUTHORISATION OF OFFICERS

Function to be performed:	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">• Local Government Act 1995• Dog Act 1976 and Regulations thereunder;• Bushfire Act 1954 and Regulations thereunder;• Control of Vehicles (Off Road Areas) Act and Regulations thereunder;• Litter Act 1979 and Regulations thereunder;• Spearguns Control Act 1955 and regulations thereunder.
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 5.42 Local Government Act 1995 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 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:	<ul style="list-style-type: none">▪ Director Corporate Services▪ Director Infrastructure Services▪ Manager Assets and Commissioning▪ Manager Infrastructure Management and Ranger Services
Reference:	Policy 2.5.5

STRATA TITLE CERTIFICATE OF LOCAL GOVERNMENT

Function to be performed:	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
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	Manager Approvals, Planning and Environmental Services. Principal Building Surveyor.
Reference:	Division 3 Section 23(4) and (5) of the Strata Titles Act 1985.

SELECTION COMMITTEE FOR A CHIEF EXECUTIVE OFFICER

Deleted by CJ121-06/05

DETERMINATION OF DEVELOPMENT APPLICATIONS

At its Meeting held on 22 February 2005, Council delegated authority to the Manager Approvals, Planning & Environmental Services under Clause 8.6 of the District Planning Scheme No 2 to determine development applications for the proposed purpose built special care facility on the Reserve 35844 (15) Chessell Drive, Duncraig that are generally in accordance with the plans attached to Report CJ018-02/05.

Item CJ018-02/05 refers.

**PURCHASE OF GOODS OR SERVICES
UNDER COMMON USE CONTRACTS**

Function to be performed:	Authority to purchase goods or services through the Council Purchasing Service of WA Local Government Association, or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government.
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:	Regulations 11(2)(b) and 11(2)(e) of the Local Government (Functions and General) Regulations 1996

AUTHORITY TO MAKE COMMENT TO THE MEDIA

The Chairman of Commissioners, Cmr John Paterson, issued the following notice to the Chief Executive Officer on 16 August 2005:

“I, John Paterson, Chairman of Commissioners, pursuant to Section 2.8 of the Local Government Act 1995 and in accordance with functions outlined under Section 5.41(f) of the Act, hereby delegate to the Chief Executive Officer, Garry Hunt, authority to make comment to the media or act as my spokesperson on matters relating to:

- 1 the day to day operations of the City, and
- 2 matters relating to the 2005 Panel Inquiry.”

DELEGATION OF AUTHORITY - OPTION TO EXTEND A CONTRACT

At its meeting held on 20 September 2005, Council resolved as follows:

MOVED Cmr Anderson, SECONDED Cmr Clough that Council in relation to Tender Number 001-05/06 for the sweeping of pavements, car parks and pathways in Joondalup City Centre:

- 1 CHOOSES Asteranch Pty Ltd trading as Clean Sweep as the successful tenderer for the Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre in accordance with Tender Number 001-05/06 Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre and the Schedule of Rates included as Attachment 1 to Report CJ189-09/05;
- 2 AUTHORIZES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Asteranch Pty Ltd trading as Clean Sweep in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Asteranch Pty Ltd trading as Clean Sweep;
- 3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;
- 4 DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of Asteranch Pty Ltd trading as Clean Sweep under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.

The Motion was Put and

CARRIED BY AN
ABSOLUTE MAJORITY (5/0)

Item CJ189-09/05 refers.

DELEGATION OF AUTHORITY - OPTION TO EXTEND A CONTRACT

At its meeting held on 20 September 2005, Council resolved as follows:

MOVED Cmr Clough, Seconded Cmr Smith that Council in relation to tender number 003-05/06:

- 1 CHOOSES RW & JA Olsen trading as Joondalup Plumbing Services as the successful tenderer for the Supply of Plumbing Maintenance Services in accordance with Tender Number 003-05/06 Supply of Plumbing Services and the Schedule of Rates included as Attachment 1 to Report CJ190-09/05;
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with RW & JA Olsen trading as Joondalup Plumbing Services in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and RW & JA Olsen trading as Joondalup Plumbing Services;
- 3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;
- 4 DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of RW & JA Olsen trading as Joondalup Plumbing Services under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.

The Motion was Put and

CARRIED BY AN
ABSOLUTE MAJORITY (5/0)

Item CJ190 - 09/05 refers.

DELEGATION OF AUTHORITY - OPTION TO EXTEND A CONTRACT

At its meeting held on 20 September 2005, Council resolved as follows:

MOVED Cmr Clough, SECONDED Cmr Fox that Council, in relation to tender number 008-05/06 for the supply of graffiti control services:

- 1 CHOOSES Graffiti Systems Australia as the successful tenderer for the Supply of Graffiti Control Services in accordance with Tender Number 001-05/06 Supply of Graffiti Control Services and the Schedule of Rates included as Attachment 1 to Report CJ191-09/05;
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Graffiti Systems Australia in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Graffiti Systems Australia;
- 3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;
- 4 DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of Graffiti Systems Australia under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.

The Motion was Put and

CARRIED BY AN
ABSOLUTE MAJORITY (5/0)

Item CJ191 - 09/05 refers.

AUTHORITY TO APPOINT AN ACTING CHIEF EXECUTIVE OFFICER

At its meeting held on 11 October 2005, Council resolved as follows:

MOVED Cmr Smith SECONDED Cmr Anderson that Council:

- 1 DELEGATES to the Chief Executive Officer the power to make appointments to the position of Acting Chief Executive Officer based on:
 - (a) the City employee holding the substantive position of 'Director' and is designated a 'Senior Employee' as required by the Local Government Act 1995;
 - (b) Appointments being for no longer than thirty-five (35) days, with all other appointments to the position of Acting Chief Executive Officer referred to the Council for determination;
- 2 NOTES that the Chief Executive Officer will advise elected members when a senior employee is to be designated Acting CEO, when circumstances require, for the following three (3) month period.

The Motion was Put and

CARRIED BY AN
ABSOLUTE MAJORITY (5/0)

Item CJ220 - 10/05 refers.

AUTHORITY FOR CHIEF EXECUTIVE OFFICER TO EXTEND CONTRACTS

At its meeting held on 1 November 2005, Council resolved as follows:

MOVED Cmr Anderson, SECONDED Cmr Smith that:

- 1 Council APPROVES the Delegated Authority to allow the Chief Executive Officer to approve any contract extensions, within the original terms and conditions approved by Council, subject to satisfactory performance;
- 2 a condition of this delegation is that the Chief Executive Officer reports to the Audit Committee on a six monthly basis on the exercising of this delegation.

The Motion was Put and

CARRIED BY AN
ABSOLUTE MAJORITY (5/0)

Item CJ231-11/05 refers.

AUTHORITY TO ACCEPT TENDERS

At its meeting held on 4 April 2006, Council resolved, in part, as follows:

- “4 DELEGATES to the Chief Executive Officer in accordance with Section 5.42 of the Local Government Act 1995 the authority to accept tenders for the construction of the works depot subject to the price of the tenders being within budget.”

Item CJ052-04/06 refers.