

City of Joondalup Delegations Review - 2023

The City commissioned Conway Highbury to undertake a review of the CoJ Delegation of Authority Register. The Consultant's recommendations are provided below and City's Actions / Comments.

Delegation No. NEW	Delegation No. OLD	Title	Responsible Directorate	Consultant Comment and Recommendation	CoJ Management Response	Change	Page No. (marked up copy)	Page No. (Final copy)	CoJ Comment / Recommendation
1.2.1	1.1	Acknowledge Receipt of Primary and Annual Returns	Governance & Strategy	CEO Delegation - If a single Register of Delegations is to be maintained, then delegations by the CEO should be in a separate part.	This recommendation is supported. The City will review the structure of the delegation manual as part of the 2023 review.	Change in structure is supported and will be incorporated into the final approved version of the Delegation Register. Change in delegation numbering from 1.1 to 1.2.1.	1	36	The Delegator for this delegation is the CEO to employee. It has been suggested by the Consultant that the structure of the Delegation Register be in separate parts being; Delegations from Council to CEO and Delegations from CEO to Officers. This is Supported.
1.1.1	1.2	Activities on private land	Infrastructure Services	The City's adoption of this delegation represents a thoroughness of approach, especially given its relevant Local Law does not address private land. Delegation is sound.	Noted. No review required.	No Change to the delegation. Only change in delegation numbering from 1.2 to 1.1.1.	2	6	No change is proposed to the delegation.
1.1.2	1.3	Administer the City's local laws	Governance & Strategy	The City's adoption of this Delegation represents a thorough approach. Delegation is sound.	Noted. No review required other than ensuring all local laws are captured in the statutory framework section. The City has undertaken its eight-year review report and submitted to Council in 2022.	Under Statutory Framework, the following local laws have been added: * <i>Fencing Local Law 2014</i> * <i>Meeting Procedures Local Law 2013</i> Change in delegation numbering from 1.3 to 1.1.2.	3	7	The consultant's recommendation is supported. The addition of the two local laws is included to ensure that all City of Joondalup Local Laws are captured under the Statutory Framework section.
1.1.3	1.4	Agreement for payment of rates and service charges	Corporate Services	The application of the relevant City Policies could be by way of conditions to the delegation instrument, or by reference in the instrument - the latter being the City of Joondalup approach, which is sound - see general comment at commencement of Report. The use of Policy provides greater flexibility to address time frames and processes, rather than as a condition of the delegation. The City should confirm that its relevant Policies are comprehensive in addressing the matters highlighted in the WALGA and Stirling conditions. The delegation is sound.	Noted. No review required; however, comments will be taken into consideration during the 2023 review of the delegations.	No change to the delegation, except for hyperlinks being applied to Council Policies and change in delegation numbering from 1.4 to 1.1.3.	4	8	No change is proposed to the delegation. The policies referred to are kept up to date in accordance with the policy review schedule and considered adequate for purposes of this delegation. WALGA template has been reviewed.
1.1.4	1.5	Amendment to the rate record	Corporate Services	The delegation is sound.	Noted. No review required.	No change to the delegation, except for change in delegation numbering from 1.5 to 1.1.4.	5	9	No change is proposed to the delegation.
1.2.2	1.6	Appointment of authorised persons	Planning and Community Development / Corporate Services	CEO Delegation -If a single Register of Delegations is to be maintained, then delegations by the CEO should be in a separate part.	This recommendation is supported. The City will review the structure of the delegation manual as part of the 2023 review.	Change in structure is supported and incorporated into the final approved version of the Delegation Register. Function of the Delegation has been updated to align with the WALGA template relating to Authorised Persons. Change in delegation numbering from 1.6 to 1.2.2.	6	37	The Delegator for this delegation is the CEO to Officers. It has been suggested by the Consultant that the structure of the Delegation Register be in separate parts being; Delegations from Council to CEO and Delegations from CEO to Officer This is Supported. In addition, the function of the Delegation has been updated to align with the WALGA template.
1.1.5	1.7	Choice of acceptable tenders from an expression of interest	Corporate Services	The City could contemplate adopting the condition as per the WALGA template, although City Policies may already require same? The City should contemplate adopting the Stirling condition, unless it is already an "internal" requirement to do so, and applying generally to City of Joondalup procurement and purchasing?	Noted. No review required; however, comments will be taken into consideration during the 2023 review of the delegations.	No change to the delegation, except for hyperlinks being applied to Council Policies and change in delegation numbering from 1.7 to 1.1.5.	8	10	No change proposed to the delegation. The Stirling condition requiring that specific legislation be followed appears redundant, given that the City is required to comply with all relevant legislation regardless of whether authority is exercised under delegation or not.
1.1.6	1.8	Choice of tender	Corporate Services	The current threshold at which Council must determine tenders is low, for a City dealing with such a magnitude of tenders, by volume and price. Comparable local governments have significantly higher thresholds for tender to be determined by Council - City of Perth has \$2m. The City should assess the effect of lifting the threshold (by way of increasing the delegation to the CEO) by: *Evaluating the procurement patterns over the previous 12 months (or more) to evaluate the number of tenders which had to be determined by Council, being more than \$500,000 and less than (say) \$750,00 or \$1m to understand: *Assessment of tenders which were determined by Council in previous 12 months - how many times were the officer's recommendations rejected by Council? If none, or few, it is indication that the officer's assessments are sound and valid, and an increase could be considered in the threshold. *Assessment of how many tenders in previous 12 months would not have needed to be determined by Council, had the threshold been \$750,000 or \$1m? Whatever the number of examples, had the CEO been able to determine those tenders, it would have meant the tender could have been determined and actioned, without the need of a wait of up to 4 weeks for Ordinary Council Meeting to determine.	Noted. No review required however, comments will be taken into consideration during the 2023 review of the delegations. The threshold for tenders is a matter for the Council to determine	No change to the delegation, except for hyperlinks being applied to Council Policy and change in delegation numbering from 1.8 to 1.1.6.	9	11	It is noted that comparable local governments in the metropolitan area do have considerable higher delegated values for choice of tender. It is also noted that it is rare for a tender recommendation to be rejected or changed when presented to Council. Despite this, unless there is an appetite from Council to increase the threshold, it is not proposed to amend this delegation, as retaining the level of tenders proceeding through Council ensures these are in the public domain, are appropriately scrutinised at Council level and the very low rate of rejections/changes by Council provide comfort that tender processes are working appropriately.
1.1.7	1.9	Closing certain thoroughfare to vehicles	Infrastructure Services	The City should adopt the additional delegations and conditions, as per the WALGA template, unless such provisions are adequately covered otherwise. The City should consider the City of Wanneroo condition whereby all proposals for permanent closure are determined by Council?	The City will consider as part of the 2023 review whether WALGA delegation conditions are appropriate for the City's circumstances, or the local law meets the City's legislative obligations.	Inclusion of additional function and conditions to align with the WALGA template and change in delegation numbering from 1.9 to 1.1.7.	10	12	These additional delegations and conditions are not currently adequately covered and should be included in the delegation.

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1.1.8	1.10	Complaints - Model Code of Conduct	Governance & Strategy	The delegation is sound.	Noted. No review required.	No change to the delegation, except for hyperlinks being applied to Council Policy and change in delegation numbering from 1.10 to 1.1.8.	11	13	No change is proposed to the delegation.
1.1.9	1.11	Disposing of property	Infrastructure Services	The Delegation is sound and consistent with the WALGA Template and that of the other Cities, but consideration should be given to attaching some of the conditions, especially those in the WALGA template to the City of Joondalup delegation.	Noted. No review required; however, comments will be taken into consideration during the 2023 review of the delegations.	Inclusion of additional function and conditions to align with the WALGA template and change in delegation numbering from 1.11 to 1.1.9.	12	14	Consultant's recommendation is supported. Conditions have been reviewed and incorporated based on the WALGA template, including a reduction in the maximum value of a property that may be disposed of under delegation, from \$900,000 to \$500,000.
1.1.10	1.12	Acquisition of interest in land by lease or other short term instrument	Infrastructure Services	Delegation and conditions are sound which presumably has been adopted for specific circumstances at the City of Joondalup. It may be possible to apply it as a condition on an existing, or related Delegation?	Noted. No review required.	No change to delegation, except for a change in delegation numbering from 1.12 to 1.1.10.	14	15	The delegation was only recently introduced and it is not recommended that any amendments are applied at this stage.
1.1.11	1.13	Entry in an emergency Title change to: 'Power of Entry'	Planning and Community Development	Generally consistent with WALGA template and delegations of other Cities although the relevant Delegations at 1.13, 1.18 could be combined, as per WALGA template 1.2.3Powers of Entry. In addition, it is noted that the City's delegations on these matters do not address s.3.28 When this Subdivision applies, s.3.32 Notice of entry and s.3.33 Entry under warrant – the City should consider a single Delegation as per WALGA template WALGA template 1.2.3Powers of Entry.	The City will review the extension of the delegation as part of the 2023 review.	Delegations 1.13 and 1.18 consolidated into a single delegation as recommended and consistent with WALGA template. Incorporating delegation per WALGA template also captures other relevant delegations (s3.28, s3.32 and s3.33). Conditions of current CoJ delegations retained. Delegation 1.13 renamed more broadly to more accurately reflect the broader number of matters it now incorporates. Change in Delegation title from "Entry in an Emergency" to "Power of Entry". Change in delegation numbering from 1.13 to 1.1.11.	15	16	City has consolidated 1.13 and 1.18 into one delegation "Powers of Entry" as per the consultants recommendation. The change combines and simplifies multiple current delegations and also incorporates additional delegations identified in the WALGA template.
1.1.12	1.14	Establishing panels of pre-qualified suppliers	Corporate Services	This Delegation cannot be made unless the Council has adopted a Policy (Panels of Pre-Qualified Suppliers) in accordance with the <i>Local Government (Functions and General) Regulations 1996 24AC</i> – it is presumed that the City of Joondalup has such a Policy.	Noted. Comments will be taken into consideration during the 2023 review. It is noted that the City does have policy provisions related to pre-qualified suppliers.	No change to delegation, except for change in delegation numbering from 1.14 to 1.1.12.	16	17	The City's <i>Purchasing Policy</i> includes specific provisions addressing the requirements in Reg 24AC regarding Panels of Pre-Qualified Suppliers. There does not appear to be requirement to have a separate policy to this effect.
1.1.13	1.15	Extension of existing contracts	Corporate Services	The City should also consider adopting the WALGA template conditions.	Noted. No review required however, comments will be taken into consideration during the 2023 review of the delegations.	No change to delegation, except for change in delegation numbering from 1.15 to 1.1.13.	17	18	It is considered that the conditions in the existing delegation are appropriate, and adopting the WALGA template conditions is not considered necessary
1.2.3	1.16	Infringements - Extension of time to pay and withdrawal of notices	Planning and Community Development	CEO Delegation - If a single Register of Delegations is to be maintained, then delegations by the CEO should be in a separate part.	This recommendation is supported. The City will review the structure of the delegation manual as part of the 2023 review.	Change in structure is supported and will be incorporated into the final approved version of the Delegation Register. Change in delegation numbering from 1.16 to 1.2.3.	18	38	The Delegator for this delegation is the CEO to Officers. It has been suggested by the Consultant that the structure of the Delegation Register be in separate parts being; Delegations from Council to CEO and Delegations from CEO to Officers. This is Supported.
1.1.14	1.17	Objection to the rate record	Corporate Services	Delegation sound, but City should consider including WALGA template condition.	Noted. No review required however, comments will be taken into consideration during the 2023 review of the delegations.	No change to delegation, except for change in delegation numbering from 1.17 to 1.1.14.	19	19	WALGA template conditions are not considered necessary, as they do not add value to the existing delegation
REVOKED	1.18	Opening of fences	Infrastructure Services	Delegation and condition are sound.	Noted. No review required.	Removal of delegation, and incorporated into 1.13 - Entry in an Emergency (old) / 1.1.11 - Power of Entry (new).	20		City has consolidated 1.13 and 1.18 into one delegation "Powers of Entry" as per the consultants recommendation.
1.1.15	1.19	Payments from municipal fund - Incurring liabilities and making payments	Corporate Services	Delegation and conditions are sound and consistent with WALGA template and other Cities.	Noted. No review required.	No change to delegation, except for change in delegation numbering from 1.19 to 1.1.15.	21	20	No change to the delegation proposed.
1.1.16	1.20	Authorising payment from the trust fund	Corporate Services	Delegation and conditions are sound and consistent with WALGA template and other Cities.	Noted. No review required.	No change to delegation, except for change in delegation numbering from 1.20 to 1.1.16.	27	25	No change to the delegation proposed.
1.1.17	1.21	Payments from municipal fund and trust fund - Signatories to bank accounts	Corporate Services	Not clear why this delegation condition is needed as such matters could be addressed as a function of the CEO under the Local Government (Functions and General) Regulations 1996 or under delegated authority to the CEO to determine by way of a condition? That said it is open to Council to attach whatever conditions it sees fit.	Noted. No review required however, comments will be taken into consideration during the 2023 review of the delegations.	No change to delegation, except for change in delegation numbering from 1.21 to 1.1.17.	28	26	The delegation is proposed to be retained as the conditions set by Council are very specific with regard to thresholds and sub-delegations. Retaining this allows for visibility in the public domain and clarity for staff.

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1.1.18	1.22	Power to invest	Corporate Services	The delegation is sound but would benefit from the addition of conditions, especially those in the WALGA template.	Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.	Change in subdelegate conditions: Manager Financial Services (00075) - increased from \$3M to \$4.5M. Senior Management Accountant (00083) and Senior financial Accountant (00078) - Increase from \$1.5M to \$3M. Hyperlinks applied to Policy references. Change to delegation numbering from 1.22 to 1.1.18.	30	28	Rationale: Change is proposed to sub-delegation limits. The current limits have remained unchanged for several years and were set when the investment portfolio was significantly lower than present. Increasing the limits allows the City to take advantage of Term Deposit (TD) rates offered for larger placements without having to place these as separate TDs, which impacts workflow efficiency, especially during high-volume times of the year (rates season). Limits proposed compare favourably with other LG's. Stirling and Wanneroo have no separate Investment delegation and presumably utilise the payments delegation to cover this function, with no limits applied at all to sub-delegates. Comments: Conditions in the WALGA template do not appear to necessarily strengthen the delegation, as they simply reiterate the requirement to comply with legislation, report monthly, etc all of which are already provided for within the broader legislation and policy documents. Repeating them here as conditions is not necessary. Sub-delegation limits increase proposed to improve workflow efficiency and recognise growth of investment portfolio since limits first set more than ten years prior. City of Stirling: No Power to Invest delegation at all; presumably utilises delegation "Payments from Municipal, Reserve and Trust Funds", which has no \$ limits assigned to any of the sub-delegations. City of Perth: Power to Invest delegation; sub-delegations have limit of \$10m for short-term money market placements per transaction and \$5m for other markets per transaction City of Wanneroo: No separate Power to Invest delegation; presumably utilises delegation "Payments from Municipal and Trust Fund", which applies no \$ limits to sub-delegations, other than for approval of invoices, not applying to funds transfer City of Gosnells: Investments delegation; contains sub-delegations to Director Business Services and Chief Financial Officer only. No \$ limits applied, and no further sub-delegations.
1.1.19	1.23	Recovery of rates and service charges	Corporate Services	The City should consider the addition of the s6.64 of the Local Government Act 1995 delegation as per WALGA template.	The City will consider as part of the 2023 review.	The inclusion of the provision 6.64(3) of the Local Government Act 1995 (in line with WALGA template), in respect to: Authority to lodge (and withdraw) a caveat to preclude dealing in respect of land where payment of rates or service charges imposed on the land in arrears. Inclusion of sub-delegate conditions in respect to section 6.56 and 6.64 (3) of the Act. Change in delegation numbering from 1.23 to 1.1.19.	31	29	Rationale: Lodgement and withdrawal of caveats currently requires the CEO and the Mayor to sign off. The WALGA template includes provision for this function to be delegated from Council to the CEO. Comment: Noting that the amendment proposes that the delegation under section 6.64(3) be sub-delegated to Director Corporate Services.
1.1.20	1.24	Recovery of rates and service charges from lessee	Corporate Services	Delegation is sound.	Noted. No review required.	No change to delegation, except for change in delegation numbering from 1.24 to 1.1.20.	32	30	No change proposed to delegation.
1.1.21	1.25	Payments from municipal fund - Incurring liabilities and making payments for court fees in respect of lodgements of rates claims (WA Magistrates' court)	Corporate Services	It is not clear why this delegation is needed, given Delegation 1.19? It is also noted that neither the WALGA template, nor the other Cities have a similar delegation. Consultant Recommendation - N/A	Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.	No change to delegation, except for change in delegation numbering from 1.25 to 1.1.21.	33	31	Rationale: Delegation is required because the limits proposed for two of the officers with sub-delegation are higher than their corresponding limits under 1.19 delegation. It is considered appropriate to retain this delegation to maintain the different limits for this purpose. Comment: Delegation is considered appropriate to retain.
1.1.22	1.26	Seeking expressions of interest	Corporate Services	The delegation is sound and generally consistent with the WALGA template and the other Cities. It is noted that the Delegation references only Reg 21, whereas the WALGA template also references Reg 23, and the City should contemplate including same.	Noted. No review required; however, comments will be taken into consideration during the 2023 review of the delegations.	No change to delegation, except for change in delegation numbering from 1.26 to 1.1.22.	34	32	Potential Delegation under Reg 23 is already addressed in current delegation 1.7 (refer). No change proposed to delegation.
1.1.23	1.27	Waiver of fees and granting of concessions	Corporate Services	The delegation is sound but the conditions in the WALGA template may add value to the City's delegation and bear consideration.	Noted. No review required however, comments will be taken into consideration during the 2023 review of the delegations.	Change to sub-delegation conditions Part 3 (b) and Part 4 (b) to include waiving of printing fees by library employees so that request from members of the public at libraries for City Minutes and Agendas can be provided at no cost from 1 July 2023, as hardcopy minutes and agendas are available upon request at public libraries. Inclusion of Part 8 in the sub-delegates conditions to Manager Community Safety (00912) - Limited to waiving of parking fees and abandoned vehicle fees. Inclusion of hyperlinks to Policy reference, and change to delegation numbering from 1.28 to 1.1.23.	35	33	WALGA template conditions are not considered to add value to the delegation. No change proposed to delegation, except for additional sub-delegation conditions to improve operational efficiencies.

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1.1.24	1.28	Write off of monies	Corporate Services	The delegation is sound although consideration should be given to reviewing and amending the "individual" limit, and to take account of cumulative provisions.	Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.	No change to delegation, except for change in delegation numbering from 1.28 to 1.1.24.	37	35	Rationale: Applying a cumulative limit is not considered appropriate for exercise of this delegation. Not entirely clear whether the consultant's review report has considered that write-offs are at debtor level, not simply individual invoice level. Where the debtor balance owing is within the prescribed limits, the delegation can be exercised. Should also be noted that the requirement to report regularly to the Audit and Risk Committee provides Council with sufficient detail of the extent to which the delegation is exercised. Comment: The regular reporting to Audit and Risk Committee mitigates the risk of the delegation being exercised in an unreasonable manner, as Council has sight of those instances where this is exercised currently.
1.1.25	NEW	Control Reserves and Certain Unvested Facilities	Governance & Strategy	This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person. Accordingly, the City should review its Register of Delegations to address this issue – see also Issues Report.	The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.	To be included as a new delegation.	38	37	The City would benefit from including a new delegation in line with the WALGA template, in relation to Control Reserves and certain Unvested Facilities. The delegation functions allows: Authority to agree to the method for control and management of an unvested facility within two LG districts in line with the Parks and Reserves Act 1985 [s. 3.54(1)]. This new delegation is Supported.
1.1.26	NEW	Obstruction of Footpaths and Thoroughfares	Infrastructure Services	This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person – see WALGA template 1.29. Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law – see also Issues Report.	The City will review the requirement for such a delegation during the 2023 review of the delegations.	To be included as a new delegation.	39	38	The City would benefit from including a new delegation in line with the WALGA template, in relation to Obstruction of Footpaths and Thoroughfares. The function of the delegation includes: Providing authority to approve / refuse works over or near a footpath on land that is local government property to protect footpath whilst works are being undertaken. Authority to require an owner or occupier of land to remove anything obstructing a public thoroughfare. This new delegation is Supported.
1.1.27	NEW	Crossing - Construction, Repair and Removal	Infrastructure Services	This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.12. Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law – see also Issues Report.	The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.	To be included as a new delegation.	40	39	The City would benefit from including a new delegation in line with the WALGA template, in relation to Crossing - Construction, Repair and Removal. The function of the delegation includes: Authority to approve / refuse application for the construction of a crossing giving access from public thoroughfare to land or private thoroughfares servicing land. This new delegation is Supported.
1.1.28	NEW	Private Works on, over or under Public Places	Infrastructure Services	This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.13. Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law – see also Issues Report.	The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.	To be included as a new delegation.	41	40	The City would benefit from including a new delegation in line with the WALGA template, in relation to Private Works on, over or Under Public Places. The function of the delegation includes: Authority to give notice to a landowner or occupier if it is considered that clearing the owners or occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift. This new delegation is Supported.
1.1.29	NEW	Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	Infrastructure Services	This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.15. Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law – see City of Wanneroo Site Erosion and Sand Drift Prevention Local Law 2016) – see also Issues Report.	The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.	To be included as a new delegation.	42	41	The City would benefit from including a new delegation in line with the WALGA template, in relation to Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift. The function of the delegation includes: Authority to grant / refuse permission to construct a specified thing, on, over, or under a specified public thoroughfare or public place that is local government property. This new delegation is Supported.
4.1.1	3.1	Amendments to the parking schemes	Planning and Community Development	The delegation is sound, but it is not clear why it is needed, given the function relates to City of Joondalup Parking Local Law 2013 and it (along with other City of Joondalup Local Laws) is addressed with Delegation 1.3?	Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.	Sub delegation broadened to include Manager Community Safety (00912). Addition of hyperlinks to the Council Policies Manual to respective policies relating to the delegation.	44	68	Rationale: As parking schemes including the implementation, alteration and removal of all parking restrictions are managed by the Manager Community Safety, delegation is required to allow approval at this level. Comment: Amendments to parking schemes are an operational matter and can be more implemented efficiently by extending the sub-delegation to the Manager Community Safety in addition to the Director Planning and Community Development.

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3.1.1	3.2	Authorised persons under the Building Act 2011	Planning and Community Development	The delegation is sound, but it may be prudent to include the condition, as per WALGA template - An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Regulation. 70.	Comments noted, however a note as per the WALGA template rather than a condition is considered appropriate.	An additional function to also authorise revoking of appointment of authorised persons has been added. A note has been added to clarify that the delegation does not refer to authorised persons for the purposes of Building Regulation 70. Section 99(3) of the Building Act 2011 has been included in reference to the statutory framework.	45	46	Rationale: The ability to revoke appointment of authorised persons has been added as per the WALGA template. Section 99(3) of the Building Act 2011 which deals with this matter has been added. A note has been included for clarity, to ensure it is understood that the authorised person is not authorised for the purposes of Building Regulation 70 - which refers to the <i>Criminal Procedures Act 2004</i> and in turn would otherwise give ability to those authorised, to issue infringement notices. Comment: Changes in delegation in line with WALGA template relating to the ability to revoke appointment of authorised persons.
3.1.2	3.3	Building Act 2011 - Issuing certificates of building compliance and design compliance	Planning and Community Development	The delegation is sound and consistent with the WALGA template, and delegations of the other Cities.	Noted. No review required.	No change to delegation, except for change in delegation numbering from 3.3 to 3.1.2.	46	47	No changes are proposed to this delegation.
3.1.3	3.4	Building Act 2011 - Granting building and demolition permits, building approval certificates and occupancy permits	Planning and Community Development	The delegation is sound and consistent with the WALGA template, and delegations of the other Cities. It is noted that Delegations 3.4, 3.5.1, 3.5.2 deal with granting or refusing and cancelling or extending building and demolition permit applications, building approval certificates and occupancy permits – accordingly they could be combined into a single instrument of Delegation, although it is noted that the WALGA template has 2 instruments - 2.1.1 Grant a Building Permit and 2.1.2 Demolition Permits.	Noted. No review required.	No change to delegation, except for change in delegation numbering from 3.4 to 3.1.3.	47	48	No changes are proposed to this delegation.
3.1.4	3.5.1	Building Act 2011 - Refusing and cancelling building and demolition permit applications, building approval certificates and occupancy permits	Planning and Community Development	It is noted that Delegations 3.4, 3.5.1, 3.5.2 deal with granting or refusing and cancelling or extending building and demolition permit applications, building approval certificates and occupancy permits – accordingly they could be combined into a single instrument of Delegation, although it is noted that the WALGA template has 2 instruments - 2.1.1 Grant a Building Permit and 2.1.2 Demolition Permits.	WALGA template has 3 instruments including 2.1.3 Occupancy Permits or Building Approval Certificates. The City's delegations have the same number of instruments (3) as the WALGA template, however these are structured by function rather than by permit type.	No change to delegation, except for change in delegation numbering from 3.5.1 to 3.1.4.	48	49	No changes are proposed to the delegation as the existing structure allows for appropriate subdelegates based on the functions being delegated.
3.1.5	3.5.2	Building Act 2011 - Extending the duration of building and demolition permits, building approval certificates and occupancy permits	Planning and Community Development	The delegation is sound and consistent with the WALGA template, and delegations of the other Cities. It is noted that Delegations 3.4, 3.5.1, 3.5.2 deal with granting or refusing and cancelling or extending building and demolition permit applications, building approval certificates and occupancy permits – accordingly they could be combined into a single instrument of Delegation, although it is noted that the WALGA template has 2 instruments - 2.1.1 Grant a Building Permit and 2.1.2 Demolition Permits.	WALGA template has 3 instruments including 2.1.3 Occupancy Permits or Building Approval Certificates. The City's delegations have the same number of instruments (3) as the WALGA template, however these are structured by function rather than by permit type.	Change in delegation numbering from 3.5.2 to 3.1.5.	49	50	No changes are proposed to the delegation as the existing structure allows for appropriate subdelegates based on the functions being delegated.
3.1.6	3.6	Building Act 2011 - Building Orders	Planning and Community Development	The delegation is sound and consistent with that of the WALGA template and the other Cities. It is noted that the legislative reference for the function at the Delegation is quoted as Division 5 of Part 8 of the Building Act 2011 – this covers Sections 110 – 118 which are all the relevant provisions, but it may be preferable to spell out the provisions in detail, as the WALGA template does, and to be consistent with the approach taken in other Delegations – see also Issue Report.	Noted. Comments have been taken into account and changes reflected in the delegations.	Relevant functions under Division 5 of Part 8 of the <i>Building Act 2011</i> have now been detailed. A condition has been included to reflect the significance of functions 5 and 6 as now detailed in the delegation. Section 133 of the <i>Building Act 2011</i> has been included in the statutory framework as this relates to initiating prosecution for non-compliance with a building order. New Delegations being 3.1.7, 3.1.8 and 3.1.9 are proposed in relation to provision in the <i>Building Act 2011</i> and <i>Building Regulations 2012</i> . Also change in delegation numbering from 3.6 to 3.1.6.	50	51	Rationale: The changes provide further detail and clarification regarding all matters currently undertaken by the City's administration in relation to the issuing of a building permit, which are not limited only to serving a building order. Comment: The changes provide clarity that a range of functions in relation to building orders are undertaken administratively by the City. The conditions proposed are recommended in order to reflect current administrative practice.
3.1.7	NEW	Inspection and Copies of Building Records	Planning and Community Development	The City does not appear to have adopted a delegation to address this function, and should consider doing so, ideally to align with the WALGA template. If the City does not do so, then such requests must be determined by Council.	The City considers there to be limited benefit to such a delegation however, the requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.	To be included as a new delegation.	51	52	New delegation in line with the WALGA template. Although this matter is considered administrative in nature, it has been included as a new delegation (3.1.7) in accordance with the recommendation.
3.1.8	NEW	Private Pool Barrier Alternative and Performance Solutions	Planning and Community Development	The City does not appear to have a delegation to address this issue, and should do so, ideally to align with the WALGA template. If the City does not do so, then such requests must be determined by Council.	The requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.	To be included as a new delegation.	52	53	New delegation in line with the WALGA template. This has been included as a new delegation (3.1.8) in accordance with the recommendation, although such requests are rarely received.
3.1.9	NEW	Smoke Alarms - Alternative Solutions	Planning and Community Development	The City does not appear to have a delegation to address this issue, and should do so, ideally to align with the WALGA template. If the City does not do so, then such requests must be determined by Council.	The requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.	To be included as a new delegation.	53	54	New delegation in line with the WALGA template. This delegation has been included as a new delegation (3.1.9) in accordance with the recommendation, although such requests are rarely received.

Delegation No. NEW	Delegation No. OLD	Title	Responsible Directorate	Consultant Comment and Recommendation	CoJ Management Response	Change	Page No. (marked up copy)	Page No. (Final copy)	CoJ Comment / Recommendation
3.2.1	3.7	Bush Fires Act 1954 - Functions of a local government	Planning and Community Development	This delegation is sound and as an englobo approach applies to everything that the local government may do under the Act, however it does not address one matter which the Act requires to be addressed in a different manner - see Issues Report.	Noted. No review required; however, comments will be taken into consideration during the 2023 review of the delegations.	No change to delegation, except for change in delegation numbering from 3.7 to 3.2.1.	54	55	No changes are proposed to this delegation.
3.3.1	3.8	Cat Act 2011 - Powers and duties of a local government	Planning and Community Development	The delegation is sound and applies an englobo approach to all possible delegations under the Cat Act 2011.	Noted. No review required.	No change to delegation, except for change in delegation numbering from 3.8 to 3.3.1.	55	56	No changes are proposed to this delegation.
3.4.1	3.9	Dog Act 1976 - Powers and duties of a local government	Planning and Community Development	The delegation is sound and applies an englobo approach to all possible delegations under the Dog Act 1976. The Delegation includes the required provision permitting the CEO to sub delegate (s10AA (3)) Care needs to be taken to ensure that delegates are aware that there are several matters at s31 Control of dogs in certain public places, which cannot be delegated because they require an absolute majority.	Noted. No review required.	No change to delegation, except for change in delegation numbering from 3.9 to 3.4.1.	56	57	No changes are proposed to this delegation.
3.5.1	3.10	Food Act 2008 - Functions of an enforcement agency	Planning and Community Development	The delegation is sound, adopting an englobo approach to all matters capable of being delegated, and delegating all possible matters to the CEO. Consideration should be given to addressing some issues not specified, with limits, or conditions, such as in relation to s70(2), (3) – determining compensation, where in the absence of any limits, the CEO has infinite discretion to determine – noting that may be Council's specific intention, in which case no further edit is needed. However, while the CEO may "work through" other employees in fulfilling the functions, it may be preferable that the Council delegates to other employees, as well as the CEO, given there are no powers to sub delegate under the Act.	Noted. Although the inclusion of specific references to each section of the Food Act 2008 (the Act) that references 'local government' would provide greater transparency on the administration of those provisions, it is acknowledged that these functions of the Act that include the issuing of Food Business Registration certificates and Prohibition Orders can be undertaken under the principles of 'working through' the Chief Executive Officer. The Chief Executive Officer has also appointed Environmental Health Officers as authorised officers and designated officers under the Act, which is presented in the City's authorised persons register. It is noted that the Chief Executive Officer is not provided with a limit in regard to compensation claims relating to the service of a Prohibition Order or the seizing of equipment, however, such claims have never occurred.	No change to delegation, except for change in delegation numbering from 3.10 to 3.5.1.	57	58	No changes are proposed to this delegation.
3.6.1	3.11	Graffiti Vandalism Act 2016 - Powers and duties of a local government	Planning and Community Development	The delegation is sound, adopting an englobo approach to all matters capable of being delegated, and delegating all possible matters to the CEO.	Noted. No review required.	No change to delegation, except for change in delegation numbering from 3.11 to 3.6.1.	58	59	No changes are proposed to this delegation.
3.7.1	3.12.1	Local Planning Scheme No. 3 - Delegations - General	Planning and Community Development	The delegation appears sound, with no equivalent in WALGA template, or other Cities due to unique nature of planning matters.	The City has identified some amendments to this delegation to streamline processing of applications including: • To allow Senior Planners to determine applications where objections are not valid or where proposal is amended/conditions imposed so the element meets the relevant deemed-to-comply or design standard.	Change to delegation a(i) to allow Senior Planners to determine applications where objections are not valid or where proposal is amended/condition imposed so the element meets the relevant deemed-to-comply or design standard. Changes also allow Coordinator Planning Services to determine applications where up to 3 objections have been received. Change to delegation numbering from 3.12.1 to 3.7.1.	59	60	Rationale: Changes are recommended to this delegation to streamline processing of development applications and minimise unnecessary escalation, and to improve processing times for business applications (signage). Comment: It is proposed to make changes relating to dealing with applications where objections are received, boundary walls and signage applications to avoid unnecessary escalation of applications and time delays in relation to the following issues: 1. current delegations require any application where an objection has been received to be determined by the Manager Planning Services or Manager Regulatory Services. This practice is inefficient and results in unnecessary delays to timeframes when objections have no planning merit, relate to elements of the proposal which are compliant with the relevant development standards, where the proposal is amended to address the objection or a condition is imposed on a development approval resulting in that element becoming compliant. It is also proposed to provide delegation the Coordinator Planning Approvals (00112 and 01313) to determine applications where up to 3 relevant objections are received as the exercise of discretion should not vary simply due to an objection being received. More than 3 valid objections will be escalated to the Manager. 2. In relation to boundary walls, the current controls result in applications with very minor departures being escalated to the Manager. In addition, any the majority of applications for all grouped dwellings on a parent lot are required to be escalated to the Manager as boundary walls are often proposed on internal boundary walls in addition to one or two parent lot boundary walls. 3. The City is currently looking to improve approval timeframes for local businesses. The current delegations impact this as they require applications for signage that propose a departure more than 10% to be escalated to the Manager.
3.7.2	3.12.2	Local Planning Scheme No. 3 - Delegations - General	Planning and Community Development	The delegation appears sound, with no equivalent in WALGA template, or other Cities due to unique nature of planning matters.	Noted. No review required.	No change to delegation, except for change in delegation numbering from 3.12.2 to 3.7.2.	62	63	No changes are proposed to this delegation.
3.7.3	3.13	Planning and Development Act 2005 - Power as to illegal development	Planning and Community Development	Delegation is sound.	Noted. No review required.	No change to delegation, except for change in delegation numbering from 3.13 to 3.7.3.	64	65	No changes are proposed to this delegation.
3.7.4	3.14	Planning and Development (Local Planning Schemes) Regulations 2015 - Determine development applications for	Planning and Community Development	Sound.	Noted. No review required.	No change to delegation, except for change in delegation numbering from 3.14 to 3.7.4.	65	66	No changes are proposed to this delegation.

Delegation No. NEW	Delegation No. OLD	Title	Responsible Directorate	Consultant Comment and Recommendation	CoJ Management Response	Change	Page No. (marked up copy)	Page No. (Final copy)	CoJ Comment / Recommendation
3.8.1	3.15	Public Health Act 2016 - Functions of an enforcement agency	Planning and Community Development	<p>Delegation is sound although consideration should be given to the adoption of a specific delegation regarding Health (Asbestos) Regulations 1992 - see WALGA template 8.1.1 – see Issues Report.</p> <p>Englobo delegation to CEO is sound, and although the CEO can use “working through” on many matters, it may be prudent for Council to delegate some functions to other employees, as well as the CEO:</p> <p>- see WALGA template 8.1.2 Enforcement Agency Reports to the Chief Health Officer, - see WALGA template 8.1.3 Designate Authorised Officers</p> <p>see WALGA template 8.1.4 Determine Compensation for Seized Items - where in the absence of any limits, the CEO has infinite discretion to determine – noting that may be Council’s specific intention, in which case no further edit is needed.</p>	Noted. Although the inclusion of specific references to each section of the <i>Public Health Act 2008</i> (the Act) that references ‘local government’ would provide greater transparency on the administration of those provisions, it is acknowledged that these functions of the Act can be undertaken under the principles of ‘working through’ the Chief Executive Officer. Although the inclusion of specific references to each section of the <i>Public Health Act 2008</i> (the Act) that references ‘local government’ would provide greater transparency on the administration of those provisions, it is acknowledged that these functions of the Act can be undertaken under the principles of ‘working through’ the Chief Executive Officer.	No change to delegation, except for change in delegation numbering from 3.15 to 3.8.1	66	67	No changes are proposed to this delegation.
Not Applicable.	All delegations	Administrative changes	Governance & Strategy	<p>Some delegations quote specific legislative references in support of, or as the function being delegated – for example Delegation 1.19 which references Regulations 5, 11 and 12 of the Local Government (Financial Management) Regulations 1996, others reference a Part of an Act - for example delegation 3.6 which references Division 5 of Part 8 of the Building Act 2011.</p> <p>In the same way some Delegations provide an englobo reference - for example Delegation 3.8, which while sound would be better (and consistent with other Delegations) if the relevant legislative references were clearly stated.</p> <p>That the City consider a uniform approach to the legislative references in Delegations, using the WALGA template which specifies each legislative provision being delegated.</p>	This recommendation is supported.	Change to delegations to include a reference to the “Express Power to Delegate” and “Express Power or Duty Delegated” as per the consultant’s recommendation.	N/A	All	A reference to the “Express Power to Delegate” and “Express Power or Duty Delegated” has been included as per the recommendation. This is supported.
Not Applicable.	All delegations	Administrative changes	Governance & Strategy	<p>Some delegations require compliance with the relevant City Policy/ies, others do not.</p> <p>Whilst all delegates must comply with relevant City Policies and procedures, it is a question for the City to determine as to whether such a condition needs to be imposed.</p> <p>As a matter of policy, the City should also consider providing a hyperlink on all delegations to the relevant Policy or Procedure.</p> <p>This has the advantage of ensuring the delegate/s are aware of the relevant Policy/Procedure, and applicants for the exercise of a discretion can use the link to become aware of the Policy/Procedure.</p> <p>For example, the City may have a Policy/Procedure regarding assessing application to keep 3-6 dogs under delegated authority and which might address:</p> <ul style="list-style-type: none"> •The extent and duration of any calling for submissions on the proposal •The requirement for the assessment to include a search to determine if the applicant has been the subject of complaints relating to dogs, any convictions etc, which may be relevant factors in determining the application •The adequacy of the gates, fences, and latches at the property the subject of the application, having regard to the size and breed of the dogs <p>Thus, a potential applicant can ascertain the processes and requirements to be addressed and met.</p> <p>If the City decides to impose a condition on all delegations for the delegate/s to comply with relevant City Policies/Procedures, then the City should consider providing a hyperlink on all delegations to the relevant Policy or Procedure.</p>	Any hyperlinks will only be to City policies which are publicly available. City protocols, procedures and processes are internal operational documents to assist delegated officers.	Change to delegations to include hyperlinks where applicable, as per the consultant’s recommendation.	N/A	All	Change to delegations to include hyperlinks where applicable, as per the consultant’s recommendation. This is supported.
Not Applicable.	Some delegations	Administrative changes	Governance & Strategy	<p>Some Delegations are englobo delegations, such as 3.8 (Cat Act 2011), 3.9 (Dog Act 1976), which while addressing all possible delegations would benefit from the attachment of conditions pertaining to some delegations.</p> <p>The City should consider using the WALGA template approach, rather than englobo delegations, to ensure that full details of functions, and conditions where relevant are properly addressed by delegates.</p>	The City will review these delegations as part of the 2023 review.	Individual delegations hve been reviewed and changes made, where applicable.	N/A	N/A	Individual delegations have been reviewed and changes made, where applicable.
Not Applicable.	Some delegations	Administrative changes	Governance & Strategy	The City’s Register of Delegations appears to contain no delegations in relation to the Local Government (Uniform Local Provisions) Regulations 1996 - unless covered by the City’s Local Laws?	The City will review these delegations as part of the 2023 review.		N/A	N/A	As part of the 2023 delegation review the City has proposed four new delegations (aligned to WALGA template) with expressed power / duty in relation to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> . These new delegations being: 1.1.26 Obstruction of Footpaths and Thoroughfares. 1.1.27 Crossing - Construction, Repair and Removal. 1.1.28 Private Works on, over or under Public Places. 1.1.29 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand drift.

City of Joondalup Delegations Review - 2023

Matters in WALGA template or other Cities' Delegations not specifically addressed in City of Joondalup Register of Delegations.

WALGA template No.	Subject	Responsible Directorate	Consultant Comment and Recommendation	CoJ Management Response	CoJ Comment / Recommendation
1.2.1	Performing Functions Outside the District	Infrastructure Services	The City should consider adopting this delegation, as per WALGA template 1.2.1, unless Council has determined that it does not wish to do so.	The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.	It is considered there would be limited circumstances where it may be appropriate for the City of Joondalup's functions to be performed outside of the district, and as such it is considered there is limited benefits in adopting a delegated authority related to this function. The WALGA delegation related to <i>Performing Functions Outside the District</i> is not proposed at this time.
1.2.2	Compensation - Damage Incurred when Performing Executive Functions	Corporate Services	The City should consider adopting this delegation, as per WALGA template 1.2.2, unless Council has determined that it does not wish to do so.	The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.	It is considered appropriate that any action in the context of compensation of this nature ought to be a decision of Council, rather than a decision under delegated authority. The delegation is Not Supported.
1.2.4	Declare Vehicle is Abandoned Vehicle Wreck	Planning and Community Development	The CEO is able, as of right, pursuant to s9.10 <i>Local Government Act 1995</i> to appoint Authorised Persons for the purpose of this function but there is a requirement for a delegation to the CEO to cover s3.40A, which is function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person. Accordingly, the City should review its Register of Delegations to address this issue – see also Issues Report.	The City will review the requirement for such a delegation during the 2023 review of the delegations and whether the City's local laws are sufficient.	Pursuant to s9.10 <i>Local Government Act 1995</i> the CEO has appointed Authorised Persons in the Community Safety Business Unit to perform function relating to this WALGA delegation. This WALGA Delegation relating to <i>Declare vehicle is Abandoned Vehicle Wreck</i> is not required at this time.
1.2.5	Confiscated or Uncollected Goods	Planning and Community Development	This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person. Accordingly, the City should review its Register of Delegations to address this issue – see also Issues Report.	The City will review the requirement for such a delegation during the 2023 review of the delegations and whether the City's local laws are sufficient.	Pursuant to s9.10 <i>Local Government Act 1995</i> the CEO has appointed Authorised Persons in the Community Safety Business Unit to perform function relating to this WALGA delegation. This WALGA Delegation relating to <i>Confiscated or Uncollected Goods</i> is not required at this time.
1.2.6	Disposal of Sick or Injured Animals	Planning and Community Development	This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person. Accordingly, the City should review its Register of Delegations to address this issue – see also Issues Report.	The City will review the requirement for such a delegation during the 2023 review of the delegations and whether the City's local laws are sufficient.	Pursuant to s9.10 <i>Local Government Act 1995</i> the CEO has appointed Authorised Persons in the Community Safety Business Unit to perform function relating to this WALGA delegation. This WALGA Delegation relating to <i>Disposal of Sick or Injured Animals</i> is not required at this time.

WALGA template No.	Subject	Responsible Directorate	Consultant Comment and Recommendation	CoJ Management Response	CoJ Comment / Recommendation
1.2.8	Control Reserves and Certain Unvested Facilities	Infrastructure Services	<p>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.</p> <p>Accordingly, the City should review its Register of Delegations to address this issue – see also Issues Report.</p>	<p>The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.</p>	<p>The City would benefit from including a new delegation in line with the WALGA template, in relation to Control Reserves and certain Unvested Facilities.</p> <p>The delegation functions allows: Authority to agree to the method for control and management of an unvested facility within two LG districts in line with the Parks and Reserves Act 1985 [s. 3.54(1)].</p> <p>New delegation 1.1.25 to be included in the Register.</p> <p>The new delegation is Supported.</p>
1.2.9	Obstruction of Footpaths and Thoroughfares	Infrastructure Services	<p>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person – see WALGA template 1.29.</p> <p>Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.</p>	<p>The City will review the requirement for such a delegation during the 2023 review of the delegations.</p>	<p>The City would benefit from including a new delegation in line with the WALGA template, in relation to Obstruction of Footpaths and Thoroughfares.</p> <p>The function of the delegation includes: Providing authority to approve / refuse works over or near a footpath on land that is local government property to protect footpath whilst works are being undertaken. Authority to require an owner or occupier of land to remove anything obstructing a public thoroughfare.</p> <p>New delegation 1.1.26 to be included in the Register.</p> <p>The new delegation is Supported.</p>
1.2.10	Gates Across Public Thoroughfares	Infrastructure Services	<p>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.10.</p> <p>Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.</p>	<p>The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.</p>	<p>This delegation is not relevant to City of Joondalup.</p> <p>The delegation is Not Supported.</p>
1.2.11	Public Thoroughfare - Dangerous Excavations	Infrastructure Services	<p>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.11.</p> <p>Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.</p>	<p>The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.</p>	<p>The City of Joondalup <i>Local Government and Public Property Local Law 2014</i> allows authorised persons to perform relevant functions covered by the WALGA delegation.</p> <p>This WALGA Delegation relating to <i>Public Thoroughfare - Dangerous Excavations</i> is not required at this time.</p>

WALGA template No.	Subject	Responsible Directorate	Consultant Comment and Recommendation	CoJ Management Response	CoJ Comment / Recommendation
1.2.12	Crossing - Construction, Repair and Removal	Infrastructure Services	<p>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.12.</p> <p>Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.</p>	The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.	<p>The City would benefit from including a new delegation in line with the WALGA template, in relation to Crossing - Construction, Repair and Removal.</p> <p>The function of the delegation includes:</p> <p>Authority to approve / refuse application for the construction of a crossing giving access from public thoroughfare to land or private thoroughfares servicing land.</p> <p>New delegation 1.1.27 to be included in the Register.</p> <p>The new delegation is Supported.</p>
1.2.13	Private Works on, over or under Public Places	Infrastructure Services	<p>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.13.</p> <p>Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.</p>	The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.	<p>The City would benefit from including a new delegation in line with the WALGA template, in relation to Private Works on, over or Under Public Places.</p> <p>The function of the delegation includes:</p> <p>Authority to give notice to a landowner or occupier if it is considered that clearing the owners or occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift.</p> <p>New delegation 1.1.28 to be included in the Register.</p> <p>The new delegation is Supported.</p>
1.2.15	Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	Infrastructure Services	<p>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.15.</p> <p>Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law – see City of Wanneroo Site Erosion and Sand Drift Prevention Local Law 2016) – see also Issues Report.</p>	The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.	<p>The City would benefit from including a new delegation in line with the WALGA template, in relation to Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift.</p> <p>The function of the delegation includes:</p> <p>Authority to grant / refuse permission to construct a specified thing , on, over, or under a specified public thoroughfare or public place that is local government property.</p> <p>New delegation 1.1.29 to be included in the Register.</p> <p>This new delegation is Supported.</p>
1.2.19	Tenders for Goods and Services - Exempt Procurement	Corporate Services	The City does not appear to have a delegation which addresses this issue and should determine whether it may be prudent to determine a delegation, ideally based on WALGA template 1.2.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options. – unless Council has determined not to make such a delegation.	The City considers there to be limited benefit to such a delegation given these matters are addressed in the Council's procurements policies and protocols however, the delegation will be reviewed as part of the 2023 review of the delegations.	<p>This WALGA delegation is not considered necessary as the elements of tender exempt procurement, as provided in the <i>Local Government (Functions and General) Regulations 1996</i> are adequately provided for in the City's <i>Purchasing Policy</i>.</p> <p>The delegation is Not Supported.</p>
1.2.28	Determine Due Date for Rates or Service Charges	Corporate Services	This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.28 – unless the Council has determined not to do so.	The City considers there to be limited benefit to such a delegation given these matters are addressed in Council's resolution regarding the budget adoption, however the delegation will be reviewed as part of the 2023 review of the delegations.	<p>It is considered appropriate that Council exercise this authority, as part of the Annual Budget adoption. As such, no delegation of authority is proposed.</p> <p>The delegation is Not Supported.</p>

WALGA template No.	Subject	Responsible Directorate	Consultant Comment and Recommendation	CoJ Management Response	CoJ Comment / Recommendation
1.2.31	Recovery of Rates Debts - Actions to Take Possession of the Land	Corporate Services	<p>Council has determined not to do so.</p> <p>It is noted that City of Joondalup Delegation 1.23 addresses related matters but only mentions s6.56 Local Government Act 1995.</p>	The City considers there to be limited benefit to such a delegation, however the requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.	<p>It is considered appropriate that an action of this nature be a decision of Council, rather than a decision under delegated authority.</p> <p>The delegation is Not Supported.</p>
2.1.6	Inspection and Copies of Building Records	Planning and Community Development	<p>The City does not appear to have adopted a delegation to address this function, and should consider doing so, ideally based on WALGA template 2.1.6.</p> <p>If the City does not do so, then such requests must be determined by Council.</p>	The City considers there to be limited benefit to such a delegation however, the requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.	<p>Although this matter is considered administrative in nature, it has been included as a new delegation (3.6.2) in accordance with the recommendation.</p> <p>New delegation 3.1.7 to be included in the Register.</p> <p>The new delegation is Supported.</p>
2.1.8	Private Pool Barrier - Alternative and Performance Solutions	Planning and Community Development	<p>The City does not appear to have a delegation to address this issue, and should do so, ideally based on WALGA template 2.1.8.</p> <p>If the City does not do so, then such requests must be determined by Council.</p>	The requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.	<p>This has been included as a new delegation (3.6.3) in accordance with the recommendation, although such requests are rarely received.</p> <p>New delegation 3.1.8 to be included in the Register.</p> <p>The new delegation is Supported.</p>
2.1.9	Smoke Alarms - Alternative Solutions	Planning and Community Development	<p>The City does not appear to have a delegation to address this issue, and should do so, ideally based on WALGA template 2.1.9.</p> <p>If the City does not do so, then such requests must be determined by Council.</p>	The City considers there to be limited benefit to such a delegation however, the requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.	<p>This has been included as a new delegation (3.6.4) in accordance with the recommendation, although there is no record of such a request ever being received.</p> <p>New delegation 3.1.9 to be included in the Register.</p> <p>The new delegation is Supported.</p>
2.1.10	Appointment of approved officers and authorised officers	Planning and Community Development	<p>The City does not appear to have a delegation to address this issue (although it has addressed the appointment of Authorised Persons under the Building Act 2011), and should do so, ideally based on WALGA template 2.1.10.</p> <p>If the City does not do so, then such requests must be determined by Council.</p>	The requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.	<p>No changes proposed to current delegations</p> <p>This relates to the CEO appointing approved officers under the <i>Building Regulations 2012</i> for the purpose of issuing infringement notices. There is no current intention to appoint approved officers for this purpose.</p> <p>The City's current practice is not to issue infringement notices but to achieve compliance with Building requirements through building orders and in some circumstances through prosecution.</p>

DELEGATIONS

PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995

Delegation	1-1 1.2.1 ACKNOWLEDGE RECEIPT OF PRIMARY AND ANNUAL RETURNS
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Chief Executive Officer (00001)
Function	To provide written acknowledgement of the receipt of Primary and Annual Returns in accordance with section 5.77 of the <i>Local Government Act 1995</i> .
Delegates	Director Governance and Strategy (00648)
Conditions	Nil
Statutory framework	5.77 of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	25 June 2013
Adoption references	CJ094-06/13
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.2 1.1.1 ACTIVITIES ON PRIVATE LAND
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> , even though the land on which it is done is not local government property and the local government does not have the consent to do it.
Delegates	Chief Executive Officer (00001)
Conditions	Limited to those activities as listed in Schedule 3.2 of the <i>Local Government Act 1995</i> .
Statutory framework	Section 3.27 of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	24 June 2014
Adoption references	CJ091-06/14
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.3 1.1.2 ADMINISTER THE CITY'S LOCAL LAWS
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the City's local laws.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Statutory framework	Sections 3.18 and 5.42 of the <i>Local Government Act 1995</i> <i>Animals Local Law 1999</i> <i>Fencing Local Law 2014</i> <i>Health Local Law 1999</i> <i>Local Government and Public Property Local Law 2014</i> <i>Meeting Procedures Local Law 2013</i> <i>Parking Local Law 2013</i> <i>Pest Plant Local Law 2012</i> <i>Waste Local Law 2017</i>
Policy	Not applicable.
Date adopted	19 October 2010
Adoption references	CJ175-10/10
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.4 1.1.3 AGREEMENT FOR PAYMENT OF RATES AND SERVICE CHARGES
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Nil.
Statutory framework	Section 6.49 of the <i>Local Government Act 1995</i> .
Policy	Payments of Rates and Charges Policy. Rates Hardship Policy.
Date adopted	25 June 2019
Adoption references	CJ078-06/19
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.5 1.1.4 AMENDMENT TO THE RATE RECORD
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to amend the rate record for the five years preceding the current financial year.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Nil.
Statutory framework	Section 6.39(2)(a) of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	25 June 2019
Adoption references	CJ078-06/19
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.6 1.2.2 APPOINTMENT OF AUTHORISED PERSONS
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Chief Executive Officer (00001)
Function	<p>Authority:</p> <p>1. To appoint and authorise persons to exercise the powers and duties of an authorised person as set out in the <i>Local Government Act 1995</i> and listed hereunder:</p> <p>-</p> <p>1.1 Section 3.25 – Notices requiring certain things to be done by owner or occupier of land;</p> <p>1.2 Section 3.26 – Additional powers when notices are given;</p> <p>1.3 Section 3.27 – Particular things local government can do on land that is not local government property;</p> <p>1.4 Section 3.31 – Power to enter property;</p> <p>1.5 Sections 3.39 to 3.48 – Power to remove, impound and disposal;</p> <p>1.6 Section 9.10 – Power to appoint authorised persons to perform particular functions;</p> <p>1.7 Section 9.11 – Persons committing breach of Act to give name, address and date of birth;</p> <p>1.8 Section 9.13 – Onus of proof in vehicle offences;</p> <p>1.9 Section 9.16 – Issue infringement notices;</p> <p>1.10 Section 9.17 – Receive payment of modified penalties;</p> <p>1.11 Section 9.24 – Commencing prosecutions.</p> <p>1. Authority to appoint persons or classes of persons as authorised persons [s.9.10(2)] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act and Regulations:</p> <p>a) <i>Local Government Act 1995</i> and its subsidiary legislation, including <i>Local Government Act Regulations</i>, <i>the Local Government (Miscellaneous Provisions) Act 1960</i> and <i>Local Laws</i> made under the <i>Local Government Act</i>;</p> <p>b) <i>Caravan Parks and Camping Grounds Act 1995</i>;</p> <p>c) <i>Cat Act 2011</i>;</p> <p>d) <i>Cemeteries Act 1986</i>;</p> <p>e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</p> <p>f) <i>Dog Act 1976</i>;</p> <p>g) <i>Graffiti Vandalism Act 2016</i> – refer s. 15; and</p> <p>h) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</p> <p>2. To appoint and authorise persons to exercise the powers and duties of an authorised person under the City's local laws.</p>
Delegates	Manager Leisure and Cultural Services (00159)
Conditions	<p>Manager Leisure and Cultural Services (00159):</p> <p>1. Authority extended to appoint members of a Surf Life Saving Club as authorised persons for the purposes of clause 5.3 of the <i>City of Joondalup Local Government and Public Property Local Law 2014</i> (patrol, close beaches).</p> <p>2. A register of Authorised Persons is to be maintained as a local government record.</p>

City of Joondalup – Delegation of Authority Register

Statutory framework	Sections 3.24 and 9.10 of the <i>Local Government Act 1995</i> . Section 9.10 of the <i>Local Government Legislation Amendment Act 2019</i> .
Policy	Not applicable.
Date adopted	28 June 2011
Adoption references	CJ107-06/11
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.7 1.1.5-CHOICE OF ACCEPTABLE TENDERS FROM AN EXPRESSION OF INTEREST
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to choose acceptable tenderers from expressions of interest received, from those persons who are considered to be capable of satisfactorily supplying the goods or services.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	Regulation 23(3) of the <i>Local Government (Functions and General) Regulations 1996</i> .
Policy	Purchasing Policy .
Date adopted	18 August 1998
Adoption references	CJ60-08/98
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.8 1.1.6 CHOICE OF TENDER
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to decide which tender to accept. Authority to decline to accept any tender.
Delegates	Chief Executive Officer (00001)
Conditions	Authority to accept tenders valued up to \$500,000.
Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	Section 3.57 and 5.43 of the <i>Local Government Act 1995</i> . Regulation 18 of the <i>Local Government (Functions and General) Regulations 1996</i> .
Policy	Purchasing Policy .
Date adopted	21 November 2006
Adoption references	CJ208-11/06
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.9 1.1.7 CLOSING CERTAIN THOROUGHFARE TO VEHICLES
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	<p>Authority to close any thoroughfare that the City manages, wholly or partially, to the passage of vehicles.</p> <ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to: <ul style="list-style-type: none"> • give, public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50 (1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50 (6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Delegates	Chief Executive Officer (00001)
Conditions	<ol style="list-style-type: none"> 1. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. 2. Maintain access to adjoining land [s.3.52(3)].
Subdelegates	Director Infrastructure Services (00184) Manager Engineering Services (00186)
Subdelegate conditions	Nil.
Statutory framework	Sections 3.50 and 3.50A of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	21 November 2006
Adoption references	CJ208-11/06
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.10 1.1.8 COMPLAINTS – MODEL CODE OF CONDUCT
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1 deal with a complaint; 2 dismiss a complaint; and 3 establish procedures for dealing with complaints; <p>under clauses 12, 13 and 15(2) of Schedule 1 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>.</p>
Delegates	Chief Executive Officer (00001)
Conditions	Authority includes the relevant powers and duties within the same clauses specified in the <i>Code of Conduct for the Council Members, Committee Members and Candidates</i> adopted by Council in accordance with section 5.104(1) of the <i>Local Government Act 1995</i> .
Subdelegates	<p>Director Governance and Strategy (00648)</p> <p>Integrity Officer (01580)</p> <p>Principal Legal Officer (00640)</p>
Subdelegate conditions	<ol style="list-style-type: none"> 1. Authority includes the relevant powers and duties within the same clauses specified in the <i>Code of Conduct for the Council Members, Committee Members and Candidates</i> adopted by Council in accordance with section 5.104(1) of the <i>Local Government Act 1995</i>. 2. Authority only extends to complaints lodged by the Chief Executive Officer.
Statutory framework	Sections 5.42 and 5.104(1) of the <i>Local Government Act 1995</i> .
Policy	Complaints Investigation Policy .
Date adopted	18 May 2021
Adoption references	CJ071-05/21
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.11 1.1.9 DISPOSING OF PROPERTY
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	<p>Authority to dispose of property –</p> <p>-</p> <p>(1) at public auction;</p> <p>(2) by public tender;</p> <p>(3) by private treaty.</p> <p>1. Authority to dispose of property to:</p> <p>(a) the highest bidder at public auction [s.3.58(2)(a)].</p> <p>(b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)].</p> <p>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</p>
Delegates	Chief Executive Officer (00001)
Conditions	<p>Authority limited to property valued at less than \$900,000.</p> <p>-</p> <p>“Property” includes the whole or any part of the interest of a local government in property, but does not include money.</p> <p>-</p> <p>“Dispose” includes to sell, lease or otherwise dispose of, whether absolutely or not.</p> <p>“Property” includes the whole or any part of the interest of a local government in property, but does not include money.</p> <p>-</p> <p>“Dispose” includes to sell, lease or otherwise dispose of, whether absolutely or not.</p> <p>(a) In accordance with s. 5.43, disposal of property for any single project, or where not part of a project but part of a single transaction, is limited to a maximum value of \$500,000 or less.</p> <p>(b) When determining the method of disposal:</p> <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ○ Reserve price has been set by independent valuation. ○ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a 10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a 10% variance on the valuation; and ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. <p>Following the disposal of City land property, the detail of the disposal is to be reported to a relevant Committee of the Council for its information.</p>

City of Joondalup – Delegation of Authority Register

Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	Section 3.58 of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	21 November 2006
Adoption references	CJ208-11/06
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.12 1.1.10 ACQUISITION OF INTEREST IN LAND BY LEASE OR OTHER SHORT TERM INSTRUMENT
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	<ol style="list-style-type: none"> 1. Authority to acquire an interest in land (includes buildings), by lease or other short term instrument ONLY, where the total value of the consideration and anything done by the City is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)]. 2. Authority to acquire an interest in land by lease or other short term instrument ONLY through an exempt land transaction [s.3.59(1), r8(1)]: <ol style="list-style-type: none"> a. Without intending to produce a profit to the Local Government; and b. Without intending that another person will be sold, or given joint or exclusive
Delegates	Chief Executive Officer (00001)
Conditions	<ol style="list-style-type: none"> a. Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than five years. b. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$500,000 or less. c. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s. 9.49A.
Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	<p><i>Local Government Act 1995</i> [s.3.59, s. 9.49A, s.6.2]. <i>Local Government (Functions and General) Regulations 1995</i> [r.8A, r. 8]. <i>Residential Tenancy Act 1987</i>. <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>.</p>
Policy	Not applicable.
Date adopted	28 June 2022
Adoption references	CJ092-06/22
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.13 ENTRY IN AN EMERGENCY 1.1.11 POWERS OF ENTRY
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to lawfully enter any land, premises or thing immediately and without notice and perform any functions as is considered appropriate to deal with an emergency.
Delegates	Chief Executive Officer (00001)
Conditions	<p>An emergency exists where the City or the Chief Executive Officer is of the opinion that the circumstances are such that compliance with the requirements for obtaining entry other than under section 3.34 of the <i>Local Government Act 1995</i> would be impractical or unreasonable because of, or because of the imminent risk of:</p> <ul style="list-style-type: none"> (a) injury or illness to any person (b) a natural or other disaster or emergency or (c) such other occurrence as is prescribed under the <i>Local Government (Functions and General) Regulations 1996</i> for the purposes of section 3.34 of the <i>Local Government Act 1995</i>. <p>Delegation under section 3.36 is limited to those activities that expressly states such authority under Schedule 3.2 of the <i>Local Government Act 1995</i>.</p>
Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	<p>Section 3.28 of the <i>Local Government Act 1995</i>.</p> <p>Section 3.32 of the <i>Local Government Act 1995</i>.</p> <p>Section 3.33 of the <i>Local Government Act 1995</i>.</p> <p>Section 3.34 (1) of the <i>Local Government Act 1995</i>.</p> <p>Section 3.36 of the <i>Local Government Act 1995</i>.</p>
Policy	Not applicable.
Date adopted	25 June 2019
Adoption references	CJ078-06/19
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.14 1.1.12 ESTABLISHING PANELS OF PRE-QUALIFIED SUPPLIERS
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	<p>Authority to decide which applications to accept for inclusion on a panel of pre-qualified suppliers.</p> <p>Authority to decline to accept any application for inclusion on a panel of pre-qualified suppliers.</p> <p>Authority to enter into a contract or contracts, for the supply of goods or services with a pre-qualified supplier.</p>
Delegates	Chief Executive Officer (00001)
Conditions	Authority extends to the supply of goods/services valued up to \$500,000.
Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	<p><i>Local Government Act 1995.</i></p> <p>Regulations 24AB, 24AH and 24AJ of the <i>Local Government (Functions and General) Regulations 1996.</i></p>
Policy	Purchasing Policy.
Date adopted	28 June 2016
Adoption references	CJ091-06/16
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.15 1.1.13 EXTENSION OF EXISTING CONTRACTS
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to approve any contract extensions on tenders approved by the Council.
Delegates	Chief Executive Officer (00001)
Conditions	Authority subject to: <ol style="list-style-type: none"> 1. the extension being within the original terms and conditions approved by the Council; 2. satisfactory performance of the contractor(s); 3. the Chief Executive Officer reporting to the Audit and Risk Committee on a six monthly basis on the exercise of this delegation.
Subdelegates	Director Corporate Services (00063)
Subdelegate conditions	Only in the event when the Chief Executive Officer declares a conflict of interest in extending a contract.
Statutory framework	Section 3.57 of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	1 November 2005
Adoption references	CJ231-11/05
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.16 1.2.3 INFRINGEMENTS – EXTENSION OF TIME TO PAY AND WITHDRAWAL OF NOTICES
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Chief Executive Officer (00001)
Function	Authority to extend the period within which a modified penalty may be paid or withdraw an infringement notice.
Delegates	Business Compliance Analyst (00948) Coordinator Field Services (00607) Director Planning and Community Development (00105) Manager Community Safety (00912)
Conditions	Nil.
Subdelegate conditions	Nil.
Statutory framework	Sections 9.19 and 9.20 of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	18 April 2018
Adoption references	INT18/15225
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.17 1.1.14 OBJECTION TO THE RATE RECORD
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	<p>Authority to:</p> <ul style="list-style-type: none"> • consider any objection to the rate record and either disallow it or allow it, wholly or in part; • extend the time for making an objection to the rate record for such period as is deemed fit.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Nil.
Statutory framework	Section 6.76 of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	21 November 2006
Adoption references	CJ208-11/06
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.18 OPENING OF FENCES -REVOKED
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to open a fence on private land.
Delegates	Chief Executive Officer (00001)
Conditions	Limited to those activities that expressly states such authority under Schedule 3.2 of the <i>Local Government Act 1995</i> .
Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	Section 3.36 of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	24 June 2014
Adoption references	CJ091-04/14
Last reviewed	28 June 2022

City of Joondalup – Delegation of Authority Register

Delegation	1.19 1.1.15 PAYMENTS FROM MUNICIPAL FUND – INCURRING LIABILITIES AND MAKING PAYMENTS
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to incur liabilities and make payments from the municipal fund.
Delegates	Chief Executive Officer (00001)
Conditions	<ol style="list-style-type: none"> 1. Authority subject to funds being provided in the Annual Budget. 2. Authority to Chief Executive Officer is unlimited. 3. Incurring liabilities and making payments to be undertaken in accordance with the City's procedures and systems for incurring liabilities and making payments. 4. Authority which may be Delegated by the Chief Executive Officer to employees is subject to the maximum individual amount limits on payments defined by categories A, B, C, D, E and F as follows: <ol style="list-style-type: none"> i. Category A – unlimited individual amounts subject to annual budget limitations. ii. Category B – limited to \$2 million. (\$2.2 million including GST). iii. Category C – limited to \$250,000. (\$275,000 including GST). iv. Category D – limited to \$100,000. (\$110,000 including GST). v. Category E – limited to \$25,000. (\$27,500 including GST). vi. Category F – limited to \$5,000. (\$5,500 including GST).

City of Joondalup – Delegation of Authority Register

Subdelegates	<p>Administration Officer – Economic Development (01525) Administration Officer Leisure and Cultural Services (00160) Branch Librarian – Duncraig (00521) Branch Librarian – Joondalup (00519) Branch Librarian – Whitford (00520) Branch Librarian – Woodvale (00522) Collection Management Team Leader (00528) Contracts and Finance Officer (00906) Coordinator Building Approvals (00113) Coordinator Building Capital Works (00195) Coordinator Business Support Services (01656) Coordinator Business Systems (00095) Coordinator Civil Design and Construction (01119) Coordinator Community and Youth Development (01617) Coordinator Compliance and Regulatory Performance (01094) Coordinator Contract Administration and Purchasing Services (00068) Coordinator Cultural Services (00166) Coordinator Engineering Operations (00227) Coordinator Field Services (00607) Coordinator Fleet Management and Mechanic Workshop (00069) Coordinator Infrastructure Asset Management (00205) Coordinator IT Infrastructure (00770) Coordinator Joondalup Libraries (01653) Coordinator Leisure Centres (00612) Coordinator Leisure Planning (00849) Coordinator Organisational Development (00789) Coordinator Park Operations (00806) Coordinator Projects and Conservation (01120) Coordinator Property Management (00497) Coordinator Rating Services (00079) Coordinator Recreation Services (00611) Coordinator Transport Engineering (00203) Coordinator Urban Design and Policy (00111) Coordinator Waste Services (00762) Coordinator Waste Services (01628) Customer Experience Lead (01545) Director Corporate Services (00063) Director Governance and Strategy (00648) Director Infrastructure Services (00184) Director Planning and Community Development (00105) Electrical Project Engineer (01244) Electrical Project Engineer (01390) Environment Development Coordinator (00783) Executive Assistant to the Chief Executive Officer (00002) Executive Assistant to the Mayor (00003) Finance Analyst (01660) Inventory Controller (00945) Library Systems and Administration Officer (00514) Local History and Reference Team Leader (00526) Manager Asset Management (00065) Manager Audit and Risk Services (01193) Manager City Projects (00859) Manager Communications and Stakeholder Relations (01162) Manager Community Development and Library Services (00390) Manager Community Safety (00912) Manager Economic Development and Advocacy (00502) Manager Engineering Services (00186) Manager Financial Services (00075)</p>
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City of Joondalup – Delegation of Authority Register

	<p> Manager Governance (00010) Manager Human Resource (00054) Manager Information Technology (00094) Manager Leisure and Cultural Services (00159) Manager Parks and Natural Environment (00220) Manager Planning Services (00108) Manager Regulatory Services (01093) Manager Strategic and Organisational Development (00503) Manager Waste Services (01684) Parking Project Officer (00853) Principal Environmental Health Officer (00114) Principal Landscape Architect (00211) Principal Landscape Architect (00883) Principal Legal Officer (00640) Principal Projects Officer Landscaping (00224) Road Network Engineer (01405) Senior Civil Projects Officer (00208) Senior Development Engineer (00490) Senior Financial Accountant (00078) Senior Management Accountant (00083) Senior Project Engineer (00210) Senior Projects Officer (00005) Senior Projects Officer (00937) Senior Projects Officer (01154) Senior Projects Officer Casual (01563) Senior Team Leader Customer Care (00027) Service Desk Team Leader (00101) Strategic Planning and Engagement Coordinator (00843) Systems Administrator (01436) Systems Support Officer (00800) Team Leader Aquatic and Facility Operations (01435) Team Leader Community Development (01224) Team Leader Community Venues (00173) Team Leader Events (00168) Team Leader Field Officers (00212) Team Leader Field Officers (00219) Team Leader Health and Fitness (01433) Team Leader Leisure and Aquatic Programs (01434) Team Leader Library Program and Events (01652) Team Leader Marketing and Customer Experience (01432) Team Leader Natural Areas (00506) Team Leader Sport and Recreation (00172) Team Leader Youth Development (00182) Waste Design and Contract Officer (00197) </p>
<p>Subdelegate conditions</p>	<p>Category A</p> <ul style="list-style-type: none"> • Director Corporate Services (00063). <p>Category B</p> <ul style="list-style-type: none"> • Manager City Projects (00859). • Director Infrastructure Services (00184). • Director Planning and Community Development (00105). • Director Governance and Strategy (00648).

City of Joondalup – Delegation of Authority Register

	<p>Category C</p> <ul style="list-style-type: none">• Manager Financial Services (00075).• Manager Information Technology (00094).• Manager Infrastructure Management Services (00186).• Manager Parks and Natural Environment (00220).• Manager Asset Management (00065).• Manager Rangers Parking and Community Safety (00912).• Manager Leisure and Cultural Services (00159).• Manager Community Development and Library Services (00390).• Manager Engineering Services (00186).• Manager Waste Services (01684).• Coordinator Engineering Operations (00227).• Coordinator Park Operations (00806).• Coordinator Projects and Conservation (01120).• Coordinator Civil Design and Construction (01119).• Coordinator Waste Services (00762).• Coordinator Waste Services (01628).• Senior Projects Officer (00937). <p>Category D</p> <ul style="list-style-type: none">• Manager Audit and Risk Services (01193).• Coordinator Building Capital Works (00195).• Coordinator Building Maintenance (00228).• Principal Landscape Architect (00211).• Principal Landscape Architect (00883).• Principal Project Officer Landscaping (00224).• Coordinator Fleet Management and Mechanic Workshop (00069).• Senior Development Engineer (00490).• Senior Projects Officer Casual (01563).• Electrical Project Engineer (01244).• Electrical Project Engineer (01390).• Finance Analyst (01660). <p>Category E</p> <ul style="list-style-type: none">• Manager Strategic and Organisational Development (00503).• Manager Governance (00010).• Manager Human Resources (00054).• Manager Planning Services (00108).• Manager Regulatory Services (01093).• Coordinator Business Systems (00095).• Coordinator IT Infrastructure (00770).• Team Leader Library Program and Events (01652).• Coordinator Joondalup Libraries (01653).• Team Leader Natural Areas (00506).• Coordinator Field Services (00607).• Coordinator Transport Engineering (00203).• Coordinator Infrastructure Asset Management (00205).• Waste Design and Contract Officer (00197).• Coordinator Community and Youth Development (01617).• Coordinator Leisure Centres (00612).• Coordinator Recreation Services (00611).• Coordinator Cultural Services (00166).• Coordinator Urban Design and Policy (00111).• Principal Environmental Health Officer (00114).• Team Leader Events (00168).
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City of Joondalup – Delegation of Authority Register

	<ul style="list-style-type: none"> • Principal Legal Officer (00640). • Parking Project Officer (00853). • Systems Support Officer (00800). • Coordinator Property Management (00497). • Manager Communications and Stakeholder Relations (01162). • Senior Projects Officer (00005). • Senior Projects Officer (01154). • Senior Civil Projects Officer (00208). • Senior Project Engineer (00210). • Coordinator Leisure Planning (00849). • Network Asset Engineer Roads (01405). • Inventory Controller (00945). • Manager Economic Development and Advocacy (00502). • Customer Experience Lead (01545). • Contracts and Finance Officer (00906). • Executive Assistant to the CEO (00002). • Coordinator Business Support Services (01656). <p>Category F</p> <ul style="list-style-type: none"> • Executive Assistant to the Mayor (00003). • Senior Financial Accountant (00078). • Senior Management Accountant (00083). • Coordinator Rating Services (00079). • Coordinator Contract Administration and Purchasing Services (00068). • Service Desk Team Leader (00101). • Administration Officer Leisure and Cultural Services (00160). • Coordinator Building Approvals (00113). • Branch Librarian – Joondalup (00519). • Branch Librarian – Whitford (00520). • Branch Librarian – Woodvale (00522). • Branch Librarian – Duncraig (00521). • Local History and Reference Team Leader (00526). • Team Leader Field Officers (00212, 00219). • Collection Management Team Leader (00528). • Team Leader Youth Development (00182). • Team Leader Community Development (01224). • Team Leader Marketing and Customer Experience (01432) • Team Leader Leisure and Aquatic Programs (01434). • Team Leader Aquatic and Facility Operations (01435). • Systems Administrator (01436). • Team Leader Health and Fitness (01433). • Coordinator Organisational Development (00789). • Strategic Policy Development Coordinator (00843). • Environment Development Coordinator (00783). • Team Leader – Community Venues (00173). • Team Leader Sport and Recreation (00172). • Administration Officer – Economic Development (01525) • Coordinator Compliance and Regulatory Performance (01094). • Library Systems and Administration Officer (00514). • Senior Team Leader Customer Care (00027).
<p>Statutory framework</p>	<p>Regulations 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i>.</p>
<p>Policy</p>	<p>Not applicable.</p>

City of Joondalup – Delegation of Authority Register

Date adopted	21 November 2006
Adoption references	CJ208-11/06
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.20 1.1.16 AUTHORISING PAYMENT FROM THE TRUST FUND
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to make payments from the Trust Fund.
Delegates	Chief Executive Officer (00001)
Conditions	Making payments to be undertaken in accordance with the City's procedures and systems for making payments from the trust fund.
Subdelegates	Director Corporate Services (00063) Director Governance and Strategy (00648) Director Infrastructure Services (00184) Director Planning and Community Development (00105) Manager Asset Management (00065) Manager Financial Services (00075) Manager Governance (00010) Manager Infrastructure Management Services (00186) Manager Leisure and Cultural Services (00159) Manager Operation Services (00220) Manager Regulatory Services (01093)
Subdelegate conditions	Nil.
Statutory framework	Regulations 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .
Policy	Not applicable.
Date adopted	23 June 2015
Adoption references	CJ095-06/15
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.21 1.1.17 PAYMENTS FROM MUNICIPAL FUND AND TRUST FUND – SIGNATORIES TO BANK ACCOUNTS
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to make payments from the Municipal Fund or the Trust Fund.
Delegates	Chief Executive Officer (00001)
Conditions	<p>Authority is subject to payments being made strictly in accordance with the signatory requirements set out in the following:</p> <p>Cheque Payments (only)</p> <ul style="list-style-type: none"> • Payments up to \$10,000 - Any one Category A or Category B signatory. • Payments of \$10,001 and over to payments up to \$250,000 - Any two Category A or Category B signatories. • Payments of \$250,001 and over - Any 1 of Category A and 1 of Category B signatories; or any 2 Category A signatories. <p>Electronic Funds Transfer (EFT) Payments (only)</p> <ul style="list-style-type: none"> • Payments up to \$10,000 – Any 2 Category A or Category B Signatories; or Any 1 of Category A or Category B signatories and Any 1 of Category C signatories. • Payments of \$10,001 and over to payments up to \$250,000 – Any two Category A or Category B signatories. • Payments of \$250,001 and over – Any 1 Category A and 1 of Category B signatories; or any 2 Category A signatories. <p>Category A Signatories</p> <p>Chief Executive Officer (00001). Director Planning and Community Development (00105). Director Corporate Services (00063). Director Infrastructure Services (00184). Director Governance and Strategy (00648). Manager Financial Services (00075).</p> <p>Category B Signatories</p> <p>Senior Management Accountant (00083). Senior Financial Accountant (00078).</p> <p>Category C Signatories</p> <p>Financial Accountant (00084) Management Accountant (00087)</p>
Subdelegates	

City of Joondalup – Delegation of Authority Register

	<p>Director Corporate Services (00063) Director Governance and Strategy (00648) Director Infrastructure Services (00184) Director Planning and Community Development (00105) Financial Accountant (00084) Management Accountant (00087) Manager Financial Services (00075) Senior Financial Accountant (00078) Senior Management Accountant (00083)</p>
Subdelegate conditions	Nil.
Statutory framework	Sections 6.7 and 6.9 of the <i>Local Government Act 1995</i> . Regulation 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .
Policy	Not applicable.
Date adopted	21 November 2006
Adoption references	CJ208-11/06
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.22 1.1.18 POWER TO INVEST
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to invest funds 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, in accordance with Part III of the <i>Trustees Act 1962</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Authority is unlimited.
Subdelegates	Director Corporate Services (00063) Manager Financial Services (00075) Senior Financial Accountant (00078) Senior Management Accountant (00083)
Subdelegate conditions	Director Corporate Services (00063). Unlimited Manager Financial Services (00075). Up to \$ 4.5 million Senior Management Accountant (00083) and Senior Financial Accountant (00078). Up to \$ 3.5 million
Statutory framework	Section 6.14 of the <i>Local Government Act 1995</i> .
Policy	Investment of Available Funds Policy .
Date adopted	21 November 2006
Adoption references	CJ208-11/06
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.23 1.1.19 RECOVERY OF RATES AND SERVICE CHARGES
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to recover rates and service charges, as well as the costs of court proceedings, if any for that recovery, in a court of competent jurisdiction. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Nil. Authority in respect to section 6.56: Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075) Authority in respect to section 6.64(3): Director Corporate Services (00063)
Statutory framework	Section 6.56 of the <i>Local Government Act 1995</i> . Section 6.64(3) of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	25 June 2019
Adoption references	CJ078-06/19
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.24 1.1.20 RECOVERY OF RATES AND SERVICE CHARGES FROM LESSEE
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	<p>Authority to:</p> <ul style="list-style-type: none"> • give notice to the lessee of land requiring the lessee to pay to the City any rent as it falls due, in satisfaction of the imposed rate or service charge on the land; • recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Nil.
Statutory framework	Section 6.60(2) and (4) of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	25 June 2019
Adoption references	CJ078-06/19
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.25 1.1.21 PAYMENTS FROM MUNICIPAL FUND – INCURRING LIABILITIES AND MAKING PAYMENTS FOR COURT FEES IN RESPECT OF LODGEMENTS OF RATES CLAIMS (WA MAGISTRATES' COURT)
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to incur liabilities and make payments from the municipal fund for court fees in respect of lodgements of rates claims only (WA Magistrates' Court).
Delegates	Chief Executive Officer (00001)
Conditions	Making payments to be undertaken in accordance with the City's procedures and systems for making payments from the municipal fund.
Subdelegates	Coordinator Rating Services (00079) Manager Financial Services (00075) Senior Management Accountant (00083)
Subdelegate conditions	1. Manager Financial Services (00075) Payment limit over \$10,000 (excluding GST). 2. Senior Management Accountant (00083) and Coordinator Rating Services (00079). Payment limit up to \$10,000 (excluding GST).
Statutory framework	Regulations 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .
Policy	Not applicable.
Date adopted	28 June 2022
Adoption references	CJ092-06/22
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.26 1.1.22 SEEKING EXPRESSIONS OF INTEREST
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to seek expressions of interest with respect to the supply of goods or services, where it is considered that there is good reason to make a preliminary selection from among prospective tenderers.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Limited to the ability to seek expressions of interest only.
Statutory framework	Regulation 21 of the <i>Local Government (Functions and General) Regulations 1996</i> .
Policy	Not applicable.
Date adopted	26 June 2012
Adoption references	CJ108-06/12
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.27 1.1.23 WAIVER OF FEES AND GRANTING OF CONCESSIONS
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to waive or grant a concession in relation to any amount of money which is owed to the City other than rates and service charges.
Delegates	Chief Executive Officer (00001)
Conditions	Additional subsidies and waiver of hire fees under the <i>Facility Hire Subsidy Policy</i> limited to \$5,000 per request.
Subdelegates	<p>Adult and Seniors Services Officer (00525) Branch Librarian - Duncraig (00521) Branch Librarian - Joondalup (00519) Branch Librarian - Whitford (00520) Branch Librarian - Woodvale (00522) Cataloguer (00531) Cataloguer (00532) Collection Management Team Leader (00528) Coordinator Field Services (00607) Coordinator Joondalup Libraries (01653) Digital Services Officer (01126) Director Corporate Services (00063) Director Governance and Strategy (00648) Director Infrastructure Services (00184) Director Planning and Community Development (00105) Librarian (00539) Librarian (00549) Librarian (00558) Librarian (00559) Librarian (00560) Librarian (00575) Local History and Reference Team Leader (00526) Manager Community Development and Library Services (00390) Manager Community Safety (00912) Manager Leisure and Cultural Services (00159) Manager Regulatory Services (01093) Reference and Local History Librarian (00527) Team Leader Library Program and Events (01652) Youth and Children's Services Officer (00524) Youth and Children's Services Officer (01231)</p>
Subdelegate conditions	<p>1. Director Planning and Community Development (00105), Director Corporate Services, Director (00063), Infrastructure Services (00184) and Director Governance and Strategy (00648). Not applicable.</p> <p>2. Manager Leisure and Cultural Services (00159). Limited to individual items to \$5,000 and limited to the hire and use of City facilities.</p>

	<p>3. Librarian – Duncraig (00575), Librarians – Joondalup (00558), (00559), (00560), Librarian – Whitford (00539), Librarians – Woodvale (00549) (x2), Reference and Local History Librarian (00527); Adult and Seniors Officer (00525); Youth and Children’s Services Officer (00524); Youth and Children’s Services Officer (01231); Cataloguer (00532); Cataloguer (00531).</p> <p>(a) Limited to waiving fines to the value of \$50 and under and waiving fines up to any value when a lost or damaged item is paid for by the customer, SUBJECT TO a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.</p> <p>(b) Limited to the waiving of printing fees so that request from members of the public at libraries for City Minutes and Agendas can be provided at no cost from 1 July 2023.</p> <p>4. Coordinator Joondalup Libraries (01653), Team Leader Library Program and Events (01652), Branch Librarian – Joondalup (00519), Branch Librarian – Whitford (00520), Branch Librarian – Woodvale (00522), Branch Librarian – Duncraig (00521), Digital Services Officer (01126); Local History and Reference Team Leader (00526); Collection Management Team Leader (00528).</p> <p>(a) Limited to waiving fines to the value of \$100 and under; waiving fines up to any value when a lost or damaged item is paid for by the customer; waiving the \$12.80 debt collection fee in special circumstances; waiving accounts up to \$150 for lost or damaged items in special circumstances, SUBJECT TO a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.</p> <p>(b) Limited to the waiving of printing fees so that request from members of the public at libraries for City Minutes and Agendas can be provided at no cost from 1 July 2023.</p> <p>5. Manager Community Development and Library Services (00390).</p> <p>(a) Limited to waiving fines and accounts to the value of \$50 and over; waiving the \$12.80 debt collection fee in special circumstances, SUBJECT TO a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.</p> <p>(b) Limited to waiver of hire fees for use of library facilities to a maximum of \$1,000.</p> <p>(c) Limited to waiver of fees for community transport hire up to \$500 per group per year.</p> <p>(d) Limited to the waiver of fees or grant concessions for the Youth Holiday Programs.</p> <p>6. Manager Regulatory Services (01093).</p> <p>Limited to waiving the City’s Building Permit Application fee for applications submitted by not- for-profit charitable organisations.</p> <p>7. Manager Rangers, Parking and Community Safety (00912) and Coordinator Field Services (00607)</p> <p>Limited to waiving of fees to the value of the fee for release of an impounded animal from the RSPCA. SUBJECT TO approval of an application by the Manager or Coordinator following a review of the persons financial inability to pay the release fee and a quarterly report on fees.</p> <p>8. Manager Community Safety (00912)</p> <p>Limited to waiving of parking fees and abandoned vehicle fees, to allow parking fee waiver request to be managed by Manager Community Safety as the role that oversees parking fees within the City of Joondalup.</p>
Statutory framework	Section 6.12 of the <i>Local Government Act 1995</i> .
Policy	<u>Facility Hire Subsidy Policy.</u>
Date adopted	7 September 2007
Adoption references	CJ186-09/07
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.28 1.1.24 WRITE OFF OF MONIES
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	Authority to write off monies.
Delegates	Chief Executive Officer (00001)
Conditions	Subject to: (a) individual items to \$20,000; (b) a report being provided to the Audit and Risk Committee on a six monthly basis on the exercise of this delegation.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Community Development and Library Services (00390) Manager Financial Services (00075)
Subdelegate conditions	Additional sub-delegation conditions: 1. Director Corporate Services (00063). Not applicable. 2. Manager Financial Services (00075). Individual items to \$5,000. 3. Manager Community Development and Library Services (00390). Individual items to \$500. 4. Coordinator Rating Services (00079). Individual items to \$50.
Statutory framework	Section 6.12 of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	15 March 1999
Adoption references	CJ78-03/99
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	1.1.25 CONTROL RESERVES AND CERTAIN UNVESTED FACILITIES
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	<p>1 Authority to agree to the method for control and management of an unvested facility which is partially within two (2) or more local government districts [s. 3.53(3)].</p> <p>2 Authority to do anything for the purpose of controlling and managing land under the control and management of the City of Joondalup that the City could do under s. 5 of the <i>Parks and Reserves Act 1895</i> [s. 3.54(1)].</p>
Delegates	Chief Executive Officer (00001)
Conditions	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	s. 3.53(3) and s. 3.54(1) of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	27 June 2023
Adoption references	
Last reviewed	

City of Joondalup – Delegation of Authority Register

Delegation	1.1.26 OBSTRUCTION OF FOOTPATHS AND THOROUGHFARES
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	<p>1 Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:</p> <p>a. prevent damage to the footpath; or</p> <p>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</p> <p>2 Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r. 6(2) and (4)].</p> <p>3 Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</p> <p>4 Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</p> <p>5 Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</p>
Delegates	Chief Executive Officer (00001)
Conditions	<p>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>b. Permission may only be granted where, the proponent has:</p> <p>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</p> <p>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p>
Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i>
Policy	Not applicable.
Date adopted	27 June 2023
Adoption references	
Last reviewed	

City of Joondalup – Delegation of Authority Register

Delegation	1.1.27 CROSSING – CONSTRUCTION, REPAIR AND REMOVAL
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	<ol style="list-style-type: none"> 1 Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare servicing land [ULP r.12(1)]. 2 Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1) (a)]. 3 Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4 Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Delegates	Chief Executive Officer (00001)
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i>
Policy	Not applicable.
Date adopted	27 June 2023
Adoption references	
Last reviewed	

City of Joondalup – Delegation of Authority Register

Delegation	1.1.28 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	<p>1 Authority grant permission or refuse permission to construct a specified thing, on over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</p> <p>2 Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</p>
Delegates	Chief Executive Officer (00001)
Conditions	<p>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>b. Permission may only be granted where, the proponent has:</p> <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i>
Policy	Not applicable.
Date adopted	27 June 2023
Adoption references	
Last reviewed	

City of Joondalup – Delegation of Authority Register

Delegation	1.1.29 GIVE NOTICE TO PREVENT DAMAGE TO LOCAL GOVERNMENT PROPERTY FROM WIND EROSION AND SAND DRIFT
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Delegator	Council
Function	1 Authority to give notice to a landowner or occupier if it is considered that clearing the owner or occupier’s land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r. 21(1)].
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Nil.
Subdelegate conditions	Nil.
Statutory framework	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i>
Policy	Not applicable.
Date adopted	27 June 2023
Adoption references	
Last reviewed	

City of Joondalup – Delegation of Authority Register

2.0 DELEGATIONS TO COMMITTEES

Delegation	2.0 DELEGATIONS TO COMMITTEES
Category	PART 2 – DELEGATIONS TO COMMITTEES
Delegator	Council
Express power or duty delegated	No delegation to committees have been approved by Council at this time.
Delegates	Committee.
Conditions	Nil.
Statutory framework	Nil.
Policy	Not applicable.
Date adopted	3 November 2017
Adoption references	JSC03-11/17; CJ078-06/19.
Last reviewed	28 June 2022 27 June 2023

PART 3 – DELEGATIONS UNDER OTHER LEGISLATION

Delegation	3-1 4.1.1 AMENDMENTS TO THE PARKING SCHEMES
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to approve and implement amendments to parking schemes adopted by Council in relation to: <ul style="list-style-type: none"> • time limits, conditions and prohibitions in streets and parking stations; • the designation of visitor and authorised vehicle parking.
Delegates	Chief Executive Officer (00001)
Conditions	Authority to be exercised consistently with the provisions of the <i>City of Joondalup Parking Local Law 2013</i> .
Subdelegates	Director Planning and Community Development (00105) Manager Community Safety (00912).
Subdelegate conditions	Nil.
Statutory framework	<i>City of Joondalup Parking Local Law 2013</i> .
Policy	<i>Dedicated Car Parking for Seniors and Parents with Prams Policy</i> . <i>Joondalup City Centre Car Parking for Commercial Development Policy</i> . <i>Parking Schemes Policy</i> .
Date adopted	3 May 2008
Adoption references	CJ073-05/08
Last reviewed	28 June 2022 27 June 2023

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Delegation	3.2 3.1.1 AUTHORISED PERSONS UNDER THE BUILDING ACT 2011
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to appoint authorised persons and/or revoke appointment of authorised persons for the purposes of the <i>Building Act 2011</i> and <i>Building Regulations 2012</i> in relation to buildings and incidental structures located, or proposed to be located in the City's district.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Statutory framework	Section 96(3) of the <i>Building Act 2011</i> . Section 99(3) of the <i>Building Act 2011</i>. Section 127 of the <i>Building Act 2011</i>.
Policy	Not applicable.
Date adopted	20 March 2012
Adoption references	CJ027-03/12
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	3.3 3.1.2 BUILDING ACT 2011 - ISSUING CERTIFICATES OF BUILDING COMPLIANCE AND DESIGN COMPLIANCE
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to issue certificates of building compliance and design compliance.
Delegates	Assistant Building Surveyor (00154) Assistant Building Surveyor (01068) Building Surveyor (00150) Building Surveyor (00151) Building Surveyor (00615) Coordinator Building Approvals (00113) Director Planning and Community Development (00105) Manager Regulatory Services (01093) Senior Building Surveyor (00148) Senior Building Surveyor (00153)
Conditions	Subject to meeting the qualification requirements in accordance with <i>Building Services (Registration) Regulations 2011</i> .
Statutory framework	Division 2 of Part 2 of the <i>Building Act 2011</i> . Divisions 1, 2 and 3 of Part 4 of the <i>Building Act 2011</i> . Section 127 of the <i>Building Act 2011</i> . <i>Building Services (Registration) Regulations 2011</i> .
Policy	Not applicable.
Date adopted	20 March 2012
Adoption references	CJ027-03/12
Last reviewed	28 June 2022 27 June 2023

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Delegation	3.4 3.1.3 BUILDING ACT 2011 - GRANTING BUILDING AND DEMOLITION PERMITS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to administratively grant building and demolition permits, building approval certificates and occupancy permits.
Delegates	Chief Executive Officer (00001)
Conditions	Restricted to administratively granting certificates and permits that have the relevant certifications of building compliance, construction compliance and/or design compliance, as certified and issued by a person meeting the qualification requirements of the <i>Building Services (Registration) Regulations 2011</i> .
Subdelegates	Administration Officer (00110) Administration Officer (00131) Administration Officer (00132) Administration Officer (00133) Assistant Building Surveyor (00154) Assistant Building Surveyor (01068) Building Surveyor (00150) Building Surveyor (00151) Building Surveyor (00615) Coordinator Building Approvals (00113) Director Planning and Community Development (00105) Manager Regulatory Services (01093) Senior Building Surveyor (00148) Senior Building Surveyor (00153)
Statutory framework	Sections 20, 21, 58 and 127 of the <i>Building Act 2011</i> .
Policy	Not applicable.
Date adopted	20 March 2012
Adoption references	CJ027-03/12
Last reviewed	28 June 2022 27 June 2023

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Delegation	3.5.1 3.1.4 BUILDING ACT 2011 – REFUSING AND CANCELLING BUILDING AND DEMOLITION PERMIT APPLICATIONS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to refuse and cancel building and demolition permit applications, building approval certificates and occupancy permits.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Coordinator Building Approvals (00113) Director Planning and Community Development (00105) Manager Regulatory Services (01093) Senior Building Surveyor (00148) Senior Building Surveyor (00153)
Subdelegate conditions	Nil.
Statutory framework	Section 24 of the <i>Building Act 2011</i> . Section 60 of the <i>Building Act 2011</i> . Section 127 of the <i>Building Act 2011</i> .
Policy	Not applicable.
Date adopted	20 March 2012
Adoption references	CJ027-03/12
Last reviewed	28 June 2022 27 June 2023

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Delegation	3.5.2 3.1.5 BUILDING ACT 2011 - EXTENDING THE DURATION OF BUILDING AND DEMOLITION PERMITS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to extend the duration of building and demolition permits, building approval certificates and occupancy permits.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Coordinator Building Approvals (00113) Director Planning and Community Development (00105) Manager Regulatory Services (01093) Senior Building Surveyor (00148) Senior Building Surveyor (00153)
Subdelegate conditions	Nil.
Statutory framework	Section 32 of the <i>Building Act 2011</i> . Section 65 of the <i>Building Act 2011</i> . Section 127 of the <i>Building Act 2011</i> .
Policy	Not applicable.
Date adopted	28 June 2022
Adoption references	CJ092-06/22
Last reviewed	28 June 2022 27 June 2023

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Delegation	3-6 3.1.6 BUILDING ACT 2011 - BUILDING ORDERS
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	<p>Authority to serve a building order.</p> <ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work. b. Demolition work. c. An existing building or incidental structure {s.110(1)}. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recovery as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [.118(3)] 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Delegates	Chief Executive Officer (00001)
Conditions	<p>Nil.</p> <p>Functions 4, 5 and 6 require the written authorisation of the Director Planning and Community Development.</p>
Subdelegates	<p>Coordinator Compliance and Regulatory Performance (01094)</p> <p>Director Planning and Community Development (00105)</p> <p>Manager Regulatory Services (01093)</p>
Subdelegate conditions	Nil.
Statutory framework	<p>Division 5 of Part 8 of the <i>Building Act 2011</i>.</p> <p>Section 127 of the <i>Building Act 2011</i>.</p> <p>Section 133 of the <i>Building Act 2011</i>.</p>
Policy	Not applicable.
Date adopted	20 March 2012
Adoption references	CJ027-03/12
Last reviewed	28 June 2022 27 June 2023

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Delegation	(NEW) 3.1.7 BUILDING ACT 2011 - INSPECTION AND COPIES OF BUILDING RECORDS
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to determine an application from an interested person to inspect a building record and to provide the interested person a copy of a building record.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Coordinator Building Approvals (00113) Administration Officer (00110) Administration Officer (00131) Administration Officer (00132) Administration Officer (00133)
Subdelegate conditions	Nil.
Statutory framework	Section 131 of the <i>Building Act 2011</i> .
Policy	Not applicable.
Date adopted	27 June 2023
Adoption references	TBC
Last reviewed	27 June 2023

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Delegation	(NEW) 3.1.8 BUILDING ACT 2011 – PRIVATE POOL BARRIER ALTERNATIVE AND PERFORMANCE SOLUTIONS
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)]. 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]. 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirements [r.51(5)].
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Director Planning and Community Development (00105) Manager Regulatory Services (01093)
Subdelegate conditions	Nil.
Statutory framework	Section 127(1), (3) and (6A) of the <i>Building Act 2011</i> . Regulation 51 of the <i>Building Regulations 2012</i> .
Policy	Not applicable.
Date adopted	27 June 2023
Adoption references	TBC
Last reviewed	27 June 2023

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Delegation	(NEW) 3.1.9 BUILDING ACT 2011 – SMOKE ALARMS ALTERNATIVE SOLUTIONS
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirements of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Director Planning and Community Development (00105) Manager Regulatory Services (01093)
Subdelegate conditions	Nil.
Statutory framework	Section 127(1), (3) and (6A) of the <i>Building Act 2011</i> . Regulation 55 and 61 of the <i>Building Regulations 2012</i> .
Policy	Not applicable.
Date adopted	27 June 2023
Adoption references	TBC
Last reviewed	27 June 2023

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Delegation	3.7 3.2.1 BUSH FIRES ACT 1954 – FUNCTIONS OF A LOCAL GOVERNMENT
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to perform the functions of the local government under the <i>Bush Fires Act 1954</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Cannot be sub-delegated.
Statutory framework	Section 48 of the <i>Bush Fires Act 1954</i> .
Policy	Not applicable.
Date adopted	21 October 2014
Adoption references	CJ180-10/14
Last reviewed	28 June 2022 27 June 2023

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Delegation	3.8 3.3.1 CAT ACT 2011 – POWERS AND DUTIES OF A LOCAL GOVERNMENT
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to exercise the powers or discharge the duties of the local government under the <i>Cat Act 2011</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Director Planning and Community Development (00105) Manager Community Safety (00912)
Subdelegate conditions	Nil.
Statutory framework	Section 44 of the <i>Cat Act 2011</i>. <i>Cat Regulations 2012.</i> <i>Cat (Uniform Local provisions) Regulations 2013.</i>
Policy	Not applicable.
Date adopted	25 June 2013
Adoption references	CJ102-06/13
Last reviewed	28 June 2022 27 June 2023

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Delegation	3.9 3.4.1 DOG ACT 1976 – POWERS AND DUTIES OF A LOCAL GOVERNMENT
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to exercise the powers or discharge the duties of the local government under the <i>Dog Act 1976</i> including the authority to delegate the powers and duties of a local government to other persons.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Statutory framework	Section 10AA of the <i>Dog Act 1976</i> .
Policy	Not applicable.
Date adopted	21 October 2014
Adoption references	CJ180-10/14
Last reviewed	28 June 2022 27 June 2023

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Delegation	3.10 3.5.1 FOOD ACT 2008 – FUNCTIONS OF AN ENFORCEMENT AGENCY
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to exercise the powers or discharge the duties of the local government, as an enforcement agency under the <i>Food Act 2008</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Statutory framework	Section 118(2)(b) of the <i>Food Act 2008</i> . <i>Food Regulations 2009</i> .
Policy	Not applicable.
Date adopted	21 October 2014
Adoption references	CJ180-10/14
Last reviewed	28 June 2022 27 June 2023

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Delegation	3.11 3.6.1 GRAFFITI VANDALISM ACT 2016 – POWERS AND DUTIES OF A LOCAL GOVERNMENT
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to exercise the powers or discharge the duties of the local government under the <i>Graffiti Vandalism Act 2016</i> including the authority to delegate the powers and duties of a local government to other persons.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Manager Community Safety (00912)
Subdelegate conditions	Nil.
Statutory framework	Section 16 and 17 of the <i>Graffiti Vandalism Act 2016</i> .
Policy	Not applicable.
Date adopted	15 November 2016
Adoption references	CJ192-11/16
Last reviewed	28 June 2022 27 June 2023

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Delegation	3.12.1 3.7.1 LOCAL PLANNING SCHEME NO. 3 – DELEGATIONS - GENERAL
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	<p>The following powers conferred or imposed on Council or the local government under the Scheme:</p> <ul style="list-style-type: none"> a. the approval of an application for development approval for the purpose of a 'single house', or up to 5 'grouped dwellings', or any associated, ancillary or incidental development to a 'single house', 'grouped dwelling' or 'multiple dwelling' where: <ul style="list-style-type: none"> i. there have not been any objections to the application received; or the objection(s) received relates to matters that are not valid planning considerations for the subject application; or relate to elements of the proposal which meet the relevant deemed-to-comply requirements and/or development standard; or the proposal is amended or a condition imposed so elements the subject of the objection(s) meet the relevant deemed-to-comply requirement and/or development standards; and ii. the application is not required to be considered by the Joondalup Design Reference Panel; and iii. in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)</i> the development: <ul style="list-style-type: none"> a. has a Bushfire Attack Level of less than 40; and b. where the Bushfire Attack Level is 12.5, 19 or 29: <ul style="list-style-type: none"> i. is not a vulnerable land use as defined under SPP 3.7; and ii. complies with clause 6.5 of SPP 3.7; and iv. the Deemed-to-Comply requirements or Element Objectives of the <i>Residential Design Codes</i> and/or replacement Deemed-to-Comply requirements of the <i>Residential Development Local Planning Policy</i> or <i>Development in Housing Opportunity Areas Local Planning Policy</i> have been satisfied (where applicable), and the development satisfies any applicable standards and requirements of the Scheme, any applicable structure plan, activity centre plan or local development plan and all other applicable local planning policies; or v. the Local Housing Objectives of the <i>Residential Development Local Planning Policy</i> have been satisfied; or vi. in the case of applications for development approval where the development does not meet the Deemed-to-Comply requirements of the <i>Residential Design Codes</i> or the requirements of any applicable standards

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	<p>or requirements of the Scheme, any applicable structure plan, activity centre plan, local development plan, or local planning policy, provided:</p> <ul style="list-style-type: none"> a. the plot ratio of the development does not exceed the requirement of Table 2.1 of the Residential Design Codes; b. the building setbacks of development, including retaining walls, are not less than those specified under the Deemed-to-Comply requirements or Table 2.1 of the <i>Residential Design Codes</i>, or any applicable structure plan, activity centre plan, local development plan or local planning policy by more than 1.5 metres; c. any outbuilding is not in the primary or secondary setback area stipulated in Table 1 or Table 2.1 of the Residential Design Codes or any applicable structure plan, activity centre plan, local development plan or local planning policy; d. the height and/or length of boundary wall(s) does not exceed the amounts set out in the Deemed-to-Comply Requirements or Table 2.1 of the <i>Residential Design Codes</i> or any applicable structure plan, activity centre, plan, local development plan or local planning policy by more than 40% 25% of those requirements, and where there are boundary walls to no more than two (2) separate boundaries. Where the application is for all grouped dwellings on a parent lot, boundary walls to internal lot boundaries will not be included in the two wall calculation; e. the height of the proposed fill or retaining wall within the primary street setback area does not exceed 1.2 metres above natural ground level; and f. the height of non visually permeable fencing within the primary street setback area does not exceed 1.2 metres above natural ground level (as measured from the midpoint of the verge) for more than 25% of the frontage of the lot. <p>b. The approval of an application for development approval for the purposes of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme other than a 'single house', 'grouped dwelling', 'multiple dwelling', or any associated, ancillary or incidental development where:</p> <ul style="list-style-type: none"> i. there have not been any objections to the application received; and ii. the application is not required to be considered by the Joondalup Design Reference Panel; and iii. in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas</i> (SPP 3.7) the development: <ul style="list-style-type: none"> a. has a Bushfire Attack Level of less than 40: and b. where the Bushfire Attack Level is 12.5, 19 or 29: <ul style="list-style-type: none"> i. is not a vulnerable land use as defined under SPP3.7; and ii. complies with clause 6.5 of SPP 3.7; and
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	<ul style="list-style-type: none"> iv. the development satisfies any applicable standards and requirements of the Scheme, any applicable structure plan, activity centre plan or local development plan and all applicable local planning policies; with the exception of the following: v. setback requirements for patio(s), verandah(s), shade sail(s), portico(s), outbuilding(s) or retaining walls(s) not greater than 1.2 metres above natural ground level in height; or vi. the shortfall in car parking is not increasing from that previously approved; or vii. the application is a sign type under the <i>Advertisements Local Planning Policy</i> and the development does not exceed the applicable conditions by greater than 10%.
Delegates	Chief Executive Officer (00001)
Conditions	The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.
Subdelegates	<ul style="list-style-type: none"> Coordinator Planning Approvals (00112) Coordinator Planning Approvals (01313) Coordinator Urban Design and Policy (00111) Senior Planning Project Officer (00122) Senior Urban Planner (00115) Senior Urban Planner (00125) Senior Urban Planner (00609) Senior Urban Planner (00778) Senior Urban Planner (01479)
Subdelegate conditions	<p>Nil.</p> <p>The approval of an application for development approval for the purpose of a 'single house', or up to 5 'grouped dwellings' or any associated, ancillary or incidental development to a 'single house', 'grouped dwelling' or 'multiple dwelling' where between 1 – 3 objections not referred to in (i) above shall be determined by the Coordinator Planning Approvals (00112 and 01313).</p>
Statutory framework	<p>Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Section 5.42 of the <i>Local Government Act 1995</i>.</p>
Policy	Not applicable.
Date adopted	21 November 2006
Adoption references	CJ208-11/06
Last reviewed	28 June 2022 27 June 2023

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Delegation	3.12.1 3.7.2 LOCAL PLANNING SCHEME NO. 3 – DELEGATIONS - GENERAL
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	<p>The following powers conferred or imposed on the Council or the local government under the Scheme and the Planning and Development Act 2005:</p> <ul style="list-style-type: none"> a. the determination of an application for development approval for the purpose of a 'single house', and/or up to 5 'grouped dwellings', or any associated, ancillary or incidental development; b. the determination of an application for development approval for the purpose of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme or any associated, ancillary or incidental development (other than a 'single house', 'grouped dwelling' or 'multiple dwelling') provided: <ul style="list-style-type: none"> i. building setbacks for buildings other than for those set out in 1 (b) (v) of these delegations, as set out in the Scheme or any applicable structure plan, activity centre plan, local development plan or local planning policy, are not less than the required amount by more than 1.5 metres; ii. the amount of car parking provided is not less than the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10% or the shortfall in car parking is not increasing from that previously approved; iii. the landscaping between a car parking area and the street as set out under the Scheme, applicable local planning policy or an applicable structure plan, activity centre plan or local development plan achieves an average width of not less than 1.0 metre; iv. the overall amount of landscaping provided for the site does not vary the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10% of that requirement or the shortfall in landscaping is not increasing from that previously approved; and v. the development complies with the coastal area building height in the <i>Commercial, Mixed Use and Service Commercial Zone Local Planning Policy</i>. c. the direction under clauses 64(3), (4), (5), (6) and (7) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> to advertise an application for development approval; d. the determination under clause 64(2) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> whether a departure from the requirements of the Scheme is of a minor nature and whether to waive the requirement for the advertising of the application, providing it is not an application that would otherwise require advertising under the Scheme or local planning policy; e. the determination under clause 63(2) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulation 2015</i> whether to waive or vary the requirement for plans and other information to be submitted with an application; f. the determination under clause 61(1)(f) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> whether works are temporary for the purposes of the Scheme and the length of time that such 'development' is permitted to remain in the requested location;

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	g. the decision whether an application for development approval may affect any other statutory, public or planning authority, and shall therefore require them to be provided a copy of the application for objections and recommendation under clause 66(1) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Delegates	Chief Executive Officer (00001)
Conditions	The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.
Subdelegates	Director Planning and Community Development (00105) Manager Planning Services (00108) Manager Regulatory Services (01093)
Subdelegate conditions	Nil.
Statutory framework	Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> . Section 5.42 of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	21 November 2006
Adoption references	CJ208-11/06
Last reviewed	28 June 2022 27 June 2023

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Delegation	3.13 3.7.3 PLANNING AND DEVELOPMENT ACT 2005 - POWER AS TO ILLEGAL DEVELOPMENT
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to exercise all the powers and functions of the local government under sections 214 (2), (3) and (5) of the <i>Planning and Development Act 2005</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Statutory framework	Section 5.42(1)(b) of the <i>Local Government Act 1995</i> .
Policy	Not applicable.
Date adopted	21 October 2014
Adoption references	CJ180-10/14
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	3.14 3.7.4 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 - DETERMINE DEVELOPMENT APPLICATIONS FOR 'UNLISTED USE (BICYCLE HIRE)'
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to determine development applications for 'Unlisted Use (Bicycle Hire)'.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Director Planning and Community Development (00105) Manager Planning Services (00108)
Subdelegate conditions	Nil.
Statutory framework	Section 5.42 of the <i>Local Government Act 1995</i> . Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Policy	Not applicable.
Date adopted	20 September 2016
Adoption references	CJ135-09/16
Last reviewed	28 June 2022 27 June 2023

City of Joondalup – Delegation of Authority Register

Delegation	3.15 3.8.1 PUBLIC HEALTH ACT 2016 - FUNCTIONS OF AN ENFORCEMENT AGENCY
Category	PART 3 – DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Function	Authority to exercise all of the powers and duties conferred or imposed on a local government, as an enforcement agency, under the <i>Public Health Act 2016</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegates	Section 21 of the <i>Public Health Act 2016</i> .
Policy	Not applicable.
Date adopted	21 February 2017
Adoption references	CJ012-02/17
Last reviewed	28 June 2022 27 June 2023



City of Joondalup
Draft Delegations Register

REVIEW

Reviewed by	Date approved	References
Council	28 Jun 2011	CJ107-06/11
Council	26 Jun 2012	CJ108-06/12
Chief Executive Officer	30 May 2013	INT13/9868
Council	25 Jun 2013	CJ094-06/13
Council	24 Jun 2014	CJ091-06/14
Chief Executive Officer	30 Jun 2014	INT14/15493
Council	21 Oct 2014	CJ180-10/14
Chief Executive Officer	13 May 2015	INT15/11342
Council	23 Jun 2015	CJ095-06/15
Chief Executive Officer	1 Jun 2016	INT16/19021
Council	28 Jun 2016	CJ091-06/16
Chief Executive Officer	29 May 2017	INT17/24978
Council	27 Jun 2017	CJ091-06/17
Chief Executive Officer	4 Jun 2018	INT18/21364
Council	26 Jun 2018	CJ101-06/18
Council	21 Aug 2018	CJ133-08/18
Chief Executive Officer	7 May 2019	INT19/21782
Council	25 Jun 2019	CJ078-06/19
Chief Executive Officer	21 May 2020	INT20/19165
Council	23 Jun 2020	CJ079-06/20
Chief Executive Officer	10 May 2021	INT21/20088
Council	15 Jun 2021	CJ079-06/21
Chief Executive Officer	10 May 2022	INT22/18447
Council	28 Jun 2022	CJ092-06/22

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INTRODUCTION

Register of Delegation of Authority

The Delegations of Authority contained within are made to Committees pursuant to Section 5.16 and to the Chief Executive Officer pursuant to Section 5.42 of the *Local Government Act 1995* (the Act) and, where listed, some of these functions are delegated by the Chief Executive Officer to City of Joondalup employees pursuant to Section 5.44 of the Act. All delegations made by the Council must be by an **absolute majority** decision.

Section 5.43 of the Act provides that 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 of the Council.
- Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.
- Appointing an auditor.
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.
- Any of the local government's powers under sections 5.98, 5.98A, 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.
- The power under Section 9.49A (4) to authorise a person to sign documents on behalf of the local government.
- Any power or duty that requires the approval of the Minister or Governor.
- Such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of their 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 required.

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.

In addition to delegations made in accordance with the *Local Government Act 1995*, a number of delegations are also made to the Chief Executive Officer, or directly to other officers in some instances, in accordance with the provisions of other legislation.

The aim of the delegated authority register 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.

Each instrument of delegation describes the function being delegated and the relevant statutory reference which is the source of power for the exercise of the function. Also included is a reference to related documents such as policies of the Council which may provide guidance in the exercise of the delegation.

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

DELEGATIONS

PART 1. LOCAL GOVERNMENT ACT 1995

Local Government Act 1995

1.1 COUNCIL TO CEO

Delegation	1.1.1 ACTIVITIES ON PRIVATE LAND (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 3.27 Particular things local governments can do on land that is not local government property.
Function	Authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> , even though the land on which it is done is not local government property and the local government does not have the consent to do it.
Delegates	Chief Executive Officer (00001)
Conditions	Limited to those activities as listed in Schedule 3.2 of the <i>Local Government Act 1995</i> .
Policy	Not applicable.

Delegation	1.1.2 ADMINISTER THE CITY'S LOCAL LAWS (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.18 Performing Executive Functions
Function	Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the City's local laws.
Delegates	Chief Executive Officer (00001)
Conditions	Nil
Statutory framework	<i>Animals Local Law 1999</i> <i>Fencing Local Law 2014</i> <i>Health Local Law 1999</i> <i>Local Government and Public Property Local Law 2014</i> <i>Meeting Procedures Local Law 2013</i> <i>Parking Local Law 2013</i> <i>Pest Plant Local Law 2012</i> <i>Waste Local Law 2017</i>
Policy	Not applicable.

Delegation	1.1.3 AGREEMENT FOR PAYMENT OF RATES AND SERVICE CHARGES (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges.
Function	Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Nil.
Policy	Payments of Rates and Charges Policy. Rates Hardship Policy.

Delegation	1.1.4 AMENDMENT TO THE RATE RECORD (DRAFT)
Category	PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 6.39(2)(b) Rate record.
Function	Authority to amend the rate record for the five years preceding the current financial year.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Nil.
Policy	Not applicable.

Delegation	1.1.5 CHOICE OF ACCEPTABLE TENDERS FROM AN EXPRESSION OF INTEREST (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21(3) Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	Authority to choose acceptable tenderers from expressions of interest received, from those persons who are considered to be capable of satisfactorily supplying the goods or services.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Subdelegate conditions	Nil.
Policy	Purchasing Policy .

Delegation	1.1.6 CHOICE OF TENDER (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services. <i>Local Government (Functions and General) Regulations 1996:</i> r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders.
Function	Authority to decide which tender to accept. Authority to decline to accept any tender.
Delegates	Chief Executive Officer (00001)
Conditions	Authority to accept tenders valued up to \$500,000.
Policy	Purchasing Policy .

DRAFT

Delegation	1.1.7 CLOSING CERTAIN THOROUGHFARE TO VEHICLES (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles. s.3.50A Partial closure of thoroughfare for repairs or maintenance. s.3.51 Affected owners to be notified of certain proposals.
Function	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to: <ul style="list-style-type: none"> • give, public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50 (1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50 (6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Delegates	Chief Executive Officer (00001)
Conditions	<ol style="list-style-type: none"> 1. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. 2. Maintain access to adjoining land [s.3.52(3)].
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Infrastructure Services (00184) Manager Engineering Services (00186)
Subdelegate conditions	Nil.
Policy	Not applicable.

Delegation	1.1.8 COMPLAINTS - MODEL CODE OF CONDUCT (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 5.104 Adoption of model code of conduct. <i>Local Government (Model Code of Conduct) Regulations 2021:</i> Clause 12 Dealing with a complaint. Clause 13 Dismissal of complaint.
Function	Authority to: 1 deal with a complaint; 2 dismiss a complaint; and 3 establish procedures for dealing with complaints; under clauses 12, 13 and 15(2) of Schedule 1 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Authority includes the relevant powers and duties within the same clauses specified in the <i>Code of Conduct for the Council Members, Committee Members and Candidates</i> adopted by Council in accordance with section 5.104(1) of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Governance and Strategy (00648) Integrity Officer (01580) Principal Legal Officer (00640)
Subdelegate conditions	1. Authority includes the relevant powers and duties within the same clauses specified in the <i>Code of Conduct for the Council Members, Committee Members and Candidates</i> adopted by Council in accordance with section 5.104(1) of the <i>Local Government Act 1995</i> . 2. Authority only extends to complaints lodged by the Chief Executive Officer.
Policy	Complaints Investigation Policy .

Delegation	1.1.9 DISPOSING OF PROPERTY (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property.
Function	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> a. the highest bidder at public auction [s.3.58(2)(a)]. b. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]. 2. Authority to dispose of property by private treaty only in accordance with section 3.58 (3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Delegates	Chief Executive Officer (00001)
Conditions	<ol style="list-style-type: none"> a. In accordance with s. 5.43, disposal of property for any single project, or where not part of a project but part of a single transaction, is limited to a maximum value of \$500,000 or less. b. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ◦ Reserve price has been set by independent valuation. ◦ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a 10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ◦ Negotiate the sale of the property up to a 10% variance on the valuation; and ◦ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. <p>Following the disposal of City property, the detail of the disposal is to be reported to a relevant Committee of the Council for its information.</p>
Policy	Not applicable.

Delegation	1.1.10 ACQUISITION OF INTEREST IN LAND BY LEASE OR OTHER SHORT TERM INSTRUMENT (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 3.59. Commercial enterprises by local governments. s. 9.49A. Execution of documents. s. 6.2 Local government to prepare annual budget. <i>Local Government (Functions and General) Regulations 1995:</i> r. 8A Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59). r. 8. Exempt land transactions prescribed (Act s. 3.59).
Function	<ol style="list-style-type: none"> 1. Authority to acquire an interest in land (includes buildings), by lease or other short term instrument ONLY, where the total value of the consideration and anything done by the City is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)]. 2. Authority to acquire an interest in land by lease or other short term instrument ONLY through an exempt land transaction [s.3.59(1), r8(1)]: <ol style="list-style-type: none"> a. Without intending to produce a profit to the Local Government; and b. Without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.
Delegates	Chief Executive Officer (00001)
Conditions	<ol style="list-style-type: none"> a. Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than five years. b. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$500,000 or less. c. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s. 9.49A.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	<i>Residential Tenancy Act 1987.</i> <i>Commercial Tenancy (Retail Shops) Agreements Act 1985.</i>
Policy	Not applicable.

Delegation	1.1.11 POWER OF ENTRY (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 3.28 When this Subdivision applies. s. 3.32 Notice of entry. s. 3.33 Entry under warrant. s. 3.34 Entry in emergency. s.3.36 Opening fences.
Function	Authority to lawfully enter any land, premises or thing immediately and without notice and perform any functions as is considered appropriate.
Delegates	Chief Executive Officer (00001)
Conditions	<p>An emergency exists where the City or the Chief Executive Officer is of the opinion that the circumstances are such that compliance with the requirements for obtaining entry other than under section 3.34 of the <i>Local Government Act 1995</i> would be impractical or unreasonable because of, or because of the imminent risk of:</p> <ul style="list-style-type: none"> a. injury or illness to any person b. a natural or other disaster or emergency or c. such other occurrence as is prescribed under the <i>Local Government (Functions and General) Regulations 1996</i> for the purposes of section 3.34 of the <i>Local Government Act 1995</i>. <p>Delegation under section 3.36 is limited to those activities that expressly states such authority under Schedule 3.2 of the <i>Local Government Act 1995</i>.</p>
Policy	Not applicable.

Delegation	1.1.12 ESTABLISHING PANELS OF PRE-QUALIFIED SUPPLIERS (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers. r.24AH Rejecting and accepting applications to join panel of pre-qualified suppliers. r.24AJ Contract with pre-qualified suppliers.
Function	Authority to decide which applications to accept for inclusion on a panel of pre-qualified suppliers. Authority to decline to accept any application for inclusion on a panel of pre-qualified suppliers. Authority to enter into a contract or contracts, for the supply of goods or services with a pre-qualified supplier.
Delegates	Chief Executive Officer (00001)
Conditions	Authority extends to the supply of goods/services valued up to \$500,000.
Policy	Purchasing Policy .

Delegation	1.1.13 EXTENSION OF EXISTING CONTRACTS (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services.
Function	Authority to approve any contract extensions on tenders approved by the Council.
Delegates	Chief Executive Officer (00001)
Conditions	Authority subject to: 1. the extension being within the original terms and conditions approved by the Council; 2. satisfactory performance of the contractor(s); 3. the Chief Executive Officer reporting to the Audit and Risk Committee on a six monthly basis on the exercise of this delegation.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Corporate Services (00063)
Subdelegate conditions	Only in the event when the Chief Executive Officer declares a conflict of interest in extending a contract.
Policy	Not applicable.

Delegation	1.1.14 OBJECTION TO THE RATE RECORD (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection.
Function	Authority to: <ul style="list-style-type: none"> • consider any objection to the rate record and either disallow it or allow it, wholly or in part; • extend the time for making an objection to the rate record for such period as is deemed fit.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Nil.
Policy	Not applicable.

Delegation	1.1.15 PAYMENTS FROM MUNICIPAL FUND - INCURRING LIABILITIES AND MAKING PAYMENTS (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government (Financial Management) Regulations 1996:</i> r. 5 CEO's duties as to financial management. r. 11 Payments, procedures for making. r. 12 Payments from municipal fund or trust fund, restrictions on making.
Function	Authority to incur liabilities and make payments from the municipal fund.
Delegates	Chief Executive Officer (00001)
Conditions	<ol style="list-style-type: none"> 1. Authority subject to funds being provided in the Annual Budget. 2. Authority to Chief Executive Officer is unlimited. 3. Incurring liabilities and making payments to be undertaken in accordance with the City's procedures and systems for incurring liabilities and making payments. 4. Authority which may be Delegated by the Chief Executive Officer to employees is subject to the maximum individual amount limits on payments defined by categories A, B, C, D, E and F as follows: <ol style="list-style-type: none"> i. Category A – unlimited individual amounts subject to annual budget limitations. ii. Category B – limited to \$2 million. (\$2.2 million including GST). iii. Category C – limited to \$250,000. (\$275,000 including GST). iv. Category D – limited to \$100,000. (\$110,000 including GST). v. Category E – limited to \$25,000. (\$27,500 including GST). vi. Category F – limited to \$5,000. (\$5,500 including GST).
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Administration Officer - Economic Development (01525) Administration Officer Leisure and Cultural Services (00160) Branch Librarian - Duncraig (00521)

Branch Librarian - Joondalup (00519)
 Branch Librarian - Whitford (00520)
 Branch Librarian - Woodvale (00522)
 Collection Management Team Leader (00528)
 Contracts and Finance Officer (00906)
 Coordinator Building Approvals (00113)
 Coordinator Building Capital Works (00195)
 Coordinator Building Maintenance (00228)
 Coordinator Business Support Services (01656)
 Coordinator Business Systems (00095)
 Coordinator Civil Design and Construction (01119)
 Coordinator Community and Youth Development (01617)
 Coordinator Compliance and Regulatory Performance (01094)
 Coordinator Contract Administration and Purchasing Services (00068)
 Coordinator Cultural Services (00166)
 Coordinator Engineering Operations (00227)
 Coordinator Field Services (00607)
 Coordinator Fleet Management and Mechanic Workshop (00069)
 Coordinator Infrastructure Asset Management (00205)
 Coordinator IT Infrastructure (00770)
 Coordinator Joondalup Libraries (01653)
 Coordinator Leisure Centres (00612)
 Coordinator Leisure Planning (00849)
 Coordinator Organisational Development (00789)
 Coordinator Park Operations (00806)
 Coordinator Projects and Conservation (01120)
 Coordinator Property Management (00497)
 Coordinator Rating Services (00079)
 Coordinator Recreation Services (00611)
 Coordinator Transport Engineering (00203)
 Coordinator Urban Design and Policy (00111)
 Coordinator Waste Services (00762)
 Coordinator Waste Services (01628)
 Customer Experience Lead (01545)
 Director Corporate Services (00063)
 Director Governance and Strategy (00648)
 Director Infrastructure Services (00184)
 Director Planning and Community Development (00105)
 Electrical Project Engineer (01244)
 Electrical Project Engineer (01390)
 Environment Development Coordinator (00783)
 Executive Assistant to the Chief Executive Officer (00002)
 Executive Assistant to the Mayor (00003)
 Finance Analyst (01660)
 Inventory Controller (00945)
 Library Systems and Administration Officer (00514)
 Local History and Reference Team Leader (00526)
 Manager Asset Management (00065)
 Manager Audit and Risk Services (01193)
 Manager City Projects (00859)
 Manager Communications and Stakeholder Relations (01162)
 Manager Community Development and Library Services (00390)
 Manager Community Safety (00912)
 Manager Economic Development and Advocacy (00502)
 Manager Engineering Services (00186)
 Manager Financial Services (00075)
 Manager Governance (00010)
 Manager Human Resource (00054)
 Manager Information Technology (00094)

	<p> Manager Leisure and Cultural Services (00159) Manager Parks and Natural Environment (00220) Manager Planning Services (00108) Manager Regulatory Services (01093) Manager Strategic and Organisational Development (00503) Manager Waste Services (01684) Parking Project Officer (00853) Principal Environmental Health Officer (00114) Principal Landscape Architect (00211) Principal Landscape Architect (00883) Principal Legal Officer (00640) Principal Projects Officer Landscaping (00224) Road Network Engineer (01405) Senior Civil Projects Officer (00208) Senior Development Engineer (00490) Senior Financial Accountant (00078) Senior Management Accountant (00083) Senior Project Engineer (00210) Senior Projects Officer (00005) Senior Projects Officer (00937) Senior Projects Officer (01154) Senior Projects Officer Casual (01563) Senior Team Leader Customer Care (00027) Service Desk Team Leader (00101) Strategic Planning and Engagement Coordinator (00843) Systems Administrator (01436) Systems Support Officer (00800) Team Leader Aquatic and Facility Operations (01435) Team Leader Community Development (01224) Team Leader Community Venues (00173) Team Leader Events (00168) Team Leader Field Officers (00212) Team Leader Field Officers (00219) Team Leader Health and Fitness (01433) Team Leader Leisure and Aquatic Programs (01434) Team Leader Library Program and Events (01652) Team Leader Marketing and Customer Experience (01432) Team Leader Natural Areas (00506) Team Leader Sport and Recreation (00172) Team Leader Youth Development (00182) Waste Design and Contract Officer (00197) </p>
<p>Subdelegate conditions</p>	<p>Category A</p> <ul style="list-style-type: none"> • Director Corporate Services (00063). <p>Category B</p> <ul style="list-style-type: none"> • Manager City Projects (00859). • Director Infrastructure Services (00184). • Director Planning and Community Development (00105). • Director Governance and Strategy (00648). <p>Category C</p> <ul style="list-style-type: none"> • Manager Financial Services (00075). • Manager Information Technology (00094). • Manager Infrastructure Management Services (00186).

- Manager Parks and Natural Environment (00220).
- Manager Asset Management (00065).
- Manager Rangers Parking and Community Safety (00912).
- Manager Leisure and Cultural Services (00159).
- Manager Community Development and Library Services (00390).
- Manager Engineering Services (00186).
- Manager Waste Services (01684).
- Coordinator Engineering Operations (00227).
- Coordinator Park Operations (00806).
- Coordinator Projects and Conservation (01120).
- Coordinator Civil Design and Construction (01119).
- Coordinator Waste Services (00762).
- Coordinator Waste Services (01628).
- Senior Projects Officer (00937).

Category D

- Manager Audit and Risk Services (01193).
- Coordinator Building Capital Works (00195).
- Coordinator Building Maintenance (00228).
- Principal Landscape Architect (00211).
- Principal Landscape Architect (00883).
- Principal Project Officer Landscaping (00224).
- Coordinator Fleet Management and Mechanic Workshop (00069).
- Senior Development Engineer (00490).
- Senior Projects Officer Casual (01563).
- Electrical Project Engineer (01244).
- Electrical Project Engineer (01390).
- Finance Analyst (01660).

Category E

- Manager Strategic and Organisational Development (00503).
- Manager Governance (00010).
- Manager Human Resources (00054).
- Manager Planning Services (00108).
- Manager Regulatory Services (01093).
- Coordinator Business Systems (00095).
- Coordinator IT Infrastructure (00770).
- Team Leader Library Program and Events (01652).
- Coordinator Joondalup Libraries (01653).
- Team Leader Natural Areas (00506).
- Coordinator Field Services (00607).
- Coordinator Transport Engineering (00203).
- Coordinator Infrastructure Asset Management (00205).
- Waste Design and Contract Officer (00197).
- Coordinator Community and Youth Development (01617).
- Coordinator Leisure Centres (00612).
- Coordinator Recreation Services (00611).
- Coordinator Cultural Services (00166).
- Coordinator Urban Design and Policy (00111).
- Principal Environmental Health Officer (00114).
- Team Leader Events (00168).
- Principal Legal Officer (00640).
- Parking Project Officer (00853).
- Systems Support Officer (00800).
- Coordinator Property Management (00497).
- Manager Communications and Stakeholder Relations (01162).
- Senior Projects Officer (00005).

	<ul style="list-style-type: none"> • Senior Projects Officer (01154). • Senior Civil Projects Officer (00208). • Senior Project Engineer (00210). • Coordinator Leisure Planning (00849). • Network Asset Engineer Roads (01405). • Inventory Controller (00945). • Manager Economic Development and Advocacy (00502). • Customer Experience Lead (01545). • Contracts and Finance Officer (00906). • Executive Assistant to the CEO (00002). • Coordinator Business Support Services (01656). <p>Category F</p> <ul style="list-style-type: none"> • Executive Assistant to the Mayor (00003). • Senior Financial Accountant (00078). • Senior Management Accountant (00083). • Coordinator Rating Services (00079). • Coordinator Contract Administration and Purchasing Services (00068). • Service Desk Team Leader (00101). • Administration Officer Leisure and Cultural Services (00160). • Coordinator Building Approvals (00113). • Branch Librarian – Joondalup (00519). • Branch Librarian – Whitford (00520). • Branch Librarian – Woodvale (00522). • Branch Librarian – Duncraig (00521). • Local History and Reference Team Leader (00526). • Team Leader Field Officers (00212, 00219). • Collection Management Team Leader (00528). • Team Leader Youth Development (00182). • Team Leader Community Development (01224). • Team Leader Marketing and Customer Experience (01432) • Team Leader Leisure and Aquatic Programs (01434). • Team Leader Aquatic and Facility Operations (01435). • Systems Administrator (01436). • Team Leader Health and Fitness (01433). • Coordinator Organisational Development (00789). • Strategic Policy Development Coordinator (00843). • Environment Development Coordinator (00783). • Team Leader – Community Venues (00173). • Team Leader Sport and Recreation (00172). • Administration Officer – Economic Development (01525) • Coordinator Compliance and Regulatory Performance (01094). • Library Systems and Administration Officer (00514). • Senior Team Leader Customer Care (00027).
Policy	Not applicable.

Delegation	1.1.16 AUTHORISING PAYMENT FROM THE TRUST FUND (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government (Financial Management) Regulations 1996:</i> r. 5 CEO's duties as to financial management. r. 11 Payments, procedures for making. r. 12 Payments from municipal fund or trust fund, restrictions on making.
Function	Authority to make payments from the Trust Fund.
Delegates	Chief Executive Officer (00001)
Conditions	Making payments to be undertaken in accordance with the City's procedures and systems for making payments from the trust fund.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Corporate Services (00063) Director Governance and Strategy (00648) Director Infrastructure Services (00184) Director Planning and Community Development (00105) Manager Asset Management (00065) Manager Engineering Services (00186) Manager Financial Services (00075) Manager Governance (00010) Manager Leisure and Cultural Services (00159) Manager Parks and Natural Environment (00220) Manager Regulatory Services (01093) Manager Waste Services (01684)
Subdelegate conditions	Nil.
Policy	Not applicable.

Delegation	1.1.17 PAYMENTS FROM MUNICIPAL FUND AND TRUST FUND - SIGNATORIES TO BANK ACCOUNTS (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 6.7 Municipal fund. s. 6.9 Trust fund. <i>Local Government (Financial Management) Regulations 1996:</i> r. 5 CEO's duties as to financial management. r. 11 Payments, procedures for making. r. 12 Payments from municipal fund or trust fund, restrictions on making.
Function	Authority to make payments from the Municipal Fund or the Trust Fund.
Delegates	Chief Executive Officer (00001)

DRAFT

Conditions	<p>Authority is subject to payments being made strictly in accordance with the signatory requirements set out in the following:</p> <p>Cheque Payments (only)</p> <ul style="list-style-type: none"> • Payments up to \$10,000 - Any one Category A or Category B signatory. • Payments of \$10,001 and over to payments up to \$250,000 - Any two Category A or Category B signatories. • Payments of \$250,001 and over - Any 1 of Category A and 1 of Category B signatories; or any 2 Category A signatories. <p>Electronic Funds Transfer (EFT) Payments (only)</p> <ul style="list-style-type: none"> • Payments up to \$10,000 – Any 2 Category A or Category B Signatories; or Any 1 of Category A or Category B signatories and Any 1 of Category C signatories. • Payments of \$10,001 and over to payments up to \$250,000 – Any two Category A or Category B signatories. • Payments of \$250,001 and over – Any 1 Category A and 1 of Category B signatories; or any 2 Category A signatories. <p>Category A Signatories Chief Executive Officer (00001). Director Planning and Community Development (00105). Director Corporate Services (00063). Director Infrastructure Services (00184). Director Governance and Strategy (00648). Manager Financial Services (00075).</p> <p>Category B Signatories Senior Management Accountant (00083). Senior Financial Accountant (00078).</p> <p>Category C Signatories Financial Accountant (00084) Management Accountant (00087)</p>
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.</p>
Subdelegates	<p>Director Corporate Services (00063) Director Governance and Strategy (00648) Director Infrastructure Services (00184) Director Planning and Community Development (00105) Financial Accountant (00084) Management Accountant (00087) Manager Financial Services (00075) Senior Financial Accountant (00078) Senior Management Accountant (00083)</p>
Subdelegate conditions	<p>Nil.</p>
Policy	<p>Not applicable.</p>

Delegation	1.1.18 POWER TO INVEST (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.6.14 Power to invest.
Function	Authority to invest funds 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, in accordance with Part III of the <i>Trustees Act 1962</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Authority is unlimited.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Corporate Services (00063) Manager Financial Services (00075) Senior Financial Accountant (00078) Senior Management Accountant (00083)
Subdelegate conditions	Director Corporate Services (00063). Unlimited Manager Financial Services (00075). Up to \$4.5 million Senior Management Accountant (00083) and Senior Financial Accountant (00078). Up to \$3 million
Policy	Investment of Available Funds Policy.

Delegation	1.1.19 RECOVERY OF RATES AND SERVICE CHARGES (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court. s. 6.64(3) Action to be taken.
Function	Authority to recover rates and service charges, as well as the costs of court proceedings, if any for that recovery, in a court of competent jurisdiction. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Authority in respect to section 6.56: Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075) Authority in respect to section 6.64(3): Director Corporate Services (00063)
Policy	Not applicable.

Delegation	1.1.20 RECOVERY OF RATES AND SERVICE CHARGES FROM LESSEE (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO. .
Express power or duty delegated	<i>Local Government Act 1995:</i> s.6.60 (2) and (4) Local government may require lessee to pay rent.
Function	Authority to: <ul style="list-style-type: none"> • give notice to the lessee of land requiring the lessee to pay to the City any rent as it falls due, in satisfaction of the imposed rate or service charge on the land; • recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Nil.
Policy	Not applicable.

Delegation	1.1.21 PAYMENTS FROM MUNICIPAL FUND – INCURRING LIABILITIES AND MAKING PAYMENTS FOR COURT FEES IN RESPECT OF LODGEMENTS OF RATES CLAIMS (WA MAGISTRATES' COURT) (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government (Financial Management) Regulations 1996:</i> r. 5 CEO's duties as to financial management. r. 11 Payments, procedures for making. r. 12 Payments from municipal fund or trust fund, restrictions on making.
Function	Authority to incur liabilities and make payments from the municipal fund for court fees in respect of lodgements of rates claims only (WA Magistrates' Court).
Delegates	Chief Executive Officer (00001)
Conditions	Making payments to be undertaken in accordance with the City's procedures and systems for making payments from the municipal fund.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Coordinator Rating Services (00079) Manager Financial Services (00075) Senior Management Accountant (00083)
Subdelegate conditions	1. Manager Financial Services (00075) Payment limit over \$10,000 (excluding GST). 2. Senior Management Accountant (00083) and Coordinator Rating Services (00079). Payment limit up to \$10,000 (excluding GST).
Policy	Not applicable.

Delegation	1.1.22 SEEKING EXPRESSIONS OF INTEREST (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government (Functions and General) Regulation 1996:</i> r.21 Limiting who can tender, procedure for.
Function	Authority to seek expressions of interest with respect to the supply of goods or services, where it is considered that there is good reason to make a preliminary selection from among prospective tenderers.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Corporate Services (00063) Manager Financial Services (00075)
Subdelegate conditions	Limited to the ability to seek expressions of interest only.
Policy	Not applicable.

Delegation	1.1.23 WAIVER OF FEES AND GRANTING OF CONCESSIONS (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts.
Function	Authority to waive or grant a concession in relation to any amount of money which is owed to the City other than rates and service charges.
Delegates	Chief Executive Officer (00001)
Conditions	Additional subsidies and waiver of hire fees under the <i>Facility Hire Subsidy Policy</i> limited to \$5,000 per request.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Adult and Seniors Services Officer (00525) Branch Librarian - Duncraig (00521) Branch Librarian - Joondalup (00519) Branch Librarian - Whitford (00520) Branch Librarian - Woodvale (00522) Cataloguer (00531) Cataloguer (00532) Collection Management Team Leader (00528) Coordinator Field Services (00607) Coordinator Joondalup Libraries (01653) Digital Services Officer (01126) Director Corporate Services (00063) Director Governance and Strategy (00648) Director Infrastructure Services (00184) Director Planning and Community Development (00105) Librarian (00539) Librarian (00549) Librarian (00558) Librarian (00559) Librarian (00560) Librarian (00575) Local History and Reference Team Leader (00526) Manager Community Development and Library Services (00390) Manager Community Safety (00912) Manager Leisure and Cultural Services (00159) Manager Regulatory Services (01093) Reference and Local History Librarian (00527) Team Leader Library Program and Events (01652) Youth and Children's Services Officer (00524) Youth and Children's Services Officer (01231)
Subdelegate	1. Director Planning and Community Development (00105), Director Corporate Services,

conditions

Director (00063), Infrastructure Services (00184) and Director Governance and Strategy (00648).

Not applicable.

2. Manager Leisure and Cultural Services (00159).

Limited to individual items to \$5,000 and limited to the hire and use of City facilities.

3. Librarian – Duncraig (00575), Librarians – Joondalup (00558), (00559), (00560), Librarian – Whitford (00539), Librarians – Woodvale (00549) (x2), Reference and Local History Librarian (00527); Adult and Seniors Officer (00525); Youth and Children’s Services Officer (00524); Youth and Children’s Services Officer (01231); Cataloguer (00532); Cataloguer (00531).

- a. Limited to waiving fines to the value of \$50 and under and waiving fines up to any value when a lost or damaged item is paid for by the customer, **SUBJECT TO** a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.
- b. Limited to the waiving of printing fees so that request from members of the public at libraries for City Minutes and Agendas can be provided at no cost from 1 July 2023.

4. Coordinator Joondalup Libraries (01653), Team Leader Library Program and Events (01652), Branch Librarian – Joondalup (00519), Branch Librarian – Whitford (00520), Branch Librarian – Woodvale (00522), Branch Librarian – Duncraig (00521), Digital Services Officer (01126); Local History and Reference Team Leader (00526); Collection Management Team Leader (00528).

- a. Limited to waiving fines to the value of \$100 and under; waiving fines up to any value when a lost or damaged item is paid for by the customer; waiving the \$12.80 debt collection fee in special circumstances; waiving accounts up to \$150 for lost or damaged items in special circumstances, **SUBJECT TO** a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.
- b. Limited to the waiving of printing fees so that request from members of the public at libraries for City Minutes and Agendas can be provided at no cost from 1 July 2023.

5. Manager Community Development and Library Services (00390).

- a. Limited to waiving fines and accounts to the value of \$50 and over; waiving the \$12.80 debt collection fee in special circumstances, **SUBJECT TO** a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.
- b. Limited to waiver of hire fees for use of library facilities to a maximum of \$1,000.
- c. Limited to waiver of fees for community transport hire up to \$500 per group per year.
- d. Limited to the waiver of fees or grant concessions for the Youth Holiday Programs.

6. Manager Regulatory Services (01093).

Limited to waiving the City’s Building Permit Application fee for applications submitted by not-for-profit charitable organisations.

7. Manager Rangers, Parking and Community Safety (00912) and Coordinator Field Services (00607)

Limited to waiving of fees to the value of the fee for release of an impounded animal from the RSPCA. **SUBJECT TO** approval of an application by the Manager or Coordinator following a review of the persons financial inability to pay the release fee and a quarterly report on fees.

8. Manager Community Safety (00912)

	Limited to waiving of parking fees and abandoned vehicle fees, to allow parking fee waiver request to be managed by Manager Community Safety as the role that oversees parking fees within the City of Joondalup.
Policy	<i>Facility Hire Subsidy Policy.</i>

DRAFT

Delegation	1.1.24 WRITE OFF OF MONIES (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts.
Function	Authority to write off monies.
Delegates	Chief Executive Officer (00001)
Conditions	Subject to: a. individual items to \$20,000; b. a report being provided to the Audit and Risk Committee on a six monthly basis on the exercise of this delegation.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Coordinator Rating Services (00079) Director Corporate Services (00063) Manager Community Development and Library Services (00390) Manager Financial Services (00075)
Subdelegate conditions	Additional sub-delegation conditions: 1. Director Corporate Services (00063). Not applicable. 2. Manager Financial Services (00075). Individual items to \$5,000. 3. Manager Community Development and Library Services (00390). Individual items to \$500. 4. Coordinator Rating Services (00079). Individual items to \$50.
Policy	Not applicable.

Delegation	1.1.25 CONTROL RESERVES AND CERTAIN UNVESTED FACILITIES (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities. s.3.54(1) Reserves under control of local government.
Function	<ol style="list-style-type: none"> 1. Authority to agree to the method for control and management of an unvested facility which is partially within two (2) or more local government districts [s. 3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the City of Joondalup that the City could do under s. 5 of the Parks and Reserves Act 1895 [s. 3.54(1)].
Delegates	Chief Executive Officer (00001)
Conditions	<ol style="list-style-type: none"> 1. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Policy	Not applicable.

Delegation	1.1.26 OBSTRUCTION OF FOOTPATHS AND THOROUGHFARES (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land. r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a). r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b). r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2).
Function	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r. 6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Delegates	Chief Executive Officer (00001)
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Policy	Not applicable.

Delegation	1.1.27 CROSSING - CONSTRUCTION, REPAIR AND REMOVAL (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2). r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3).
Function	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare servicing land [ULP r.12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1) (a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Delegates	Chief Executive Officer (00001)
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Policy	Not applicable.

Delegation	1.1.28 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17 Private works on, over, or under public places - Sch. 9.1.
Delegates	Chief Executive Officer (00001)
Conditions	<p>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>b. Permission may only be granted where, the proponent has:</p> <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Policy	Not applicable.

Delegation	1.1.29 GIVE NOTICE TO PREVENT DAMAGE TO LOCAL GOVERNMENT PROPERTY FROM WIND EROSION AND SAND DRIFT (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12.
Function	1. Authority to give notice to a landowner or occupier if it is considered that clearing the owner or occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r. 21(1)].
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Policy	Not applicable.

DRAFT

1.2 CEO TO OFFICERS

Delegation	1.2.1 ACKNOWLEDGE RECEIPT OF PRIMARY AND ANNUAL RETURNS (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Chief Executive Officer (00001)
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.5.77 Acknowledging receipt of returns.
Function	To provide written acknowledgement of the receipt of Primary and Annual Returns in accordance with section 5.77 of the <i>Local Government Act 1995</i> .
Delegates	Director Governance and Strategy (00648)
Conditions	Nil.
Policy	Not applicable.

DRAFT

Delegation	1.2.2 APPOINTMENT OF AUTHORISED PERSONS (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Chief Executive Officer (00001)
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 3.24 Authorising persons under this Subdivision. s. 9.10 Appointment of authorised persons. <i>Local Government Legislation Amendment Act 2019:</i> s.9.10 Appointment of authorised persons.
Function	<p>1. Authority to appoint persons or classes of persons as authorised persons [s.9.10(2)] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act and Regulations:</p> <ul style="list-style-type: none"> a. <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act; b. <i>Caravan Parks and Camping Grounds Act 1995</i>; c. <i>Cat Act 2011</i>; d. <i>Cemeteries Act 1986</i>; e. <i>Control of Vehicles (Off-road Areas) Act 1978</i>; f. <i>Dog Act 1976</i>; g. <i>Graffiti Vandalism Act 2016</i> –refer s. 15; and h. any other legislation prescribed for the purposes of s.9.10 of the Local Government Act 1995. <p>2. To appoint and authorise persons to exercise the powers and duties of an authorised person under the City's local laws.</p>
Delegates	Manager Leisure and Cultural Services (00159)
Conditions	<p>Manager Leisure and Cultural Services (00159):</p> <ol style="list-style-type: none"> 1. Authority extended to appoint members of a Surf Life Saving Club as authorised persons for the purposes of clause 5.3 of the <i>City of Joondalup Local Government and Public Property Local Law 2014</i> (patrol, close beaches). 2. A register of Authorised Persons is to be maintained as a local government record.
Policy	Not applicable.

Delegation	1.2.3 INFRINGEMENTS - EXTENSION OF TIME TO PAY AND WITHDRAWAL OF NOTICES (DRAFT)
Head of power	PART 1. LOCAL GOVERNMENT ACT 1995
Delegator	Chief Executive Officer (00001)
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 9.19 Extension of time. s. 9.20 Withdrawal of notice.
Function	Authority to extend the period within which a modified penalty may be paid or withdraw an infringement notice.
Delegates	Business Compliance Analyst (00948) Coordinator Field Services (00607) Director Planning and Community Development (00105) Manager Community Safety (00912)
Conditions	Nil.
Subdelegate conditions	Nil.
Policy	Not applicable.

PART 2. DELEGATIONS TO COMMITTEES

Delegations to Committees

Delegation	2.0 DELEGATIONS TO COMMITTEES (DRAFT)
Head of power	PART 2. DELEGATIONS TO COMMITTEES
Delegator	Council
Express power or duty delegated	No delegations to committees have been approved by Council at this time.
Delegates	Committee
Conditions	Nil
Statutory framework	Nil.
Policy	Not applicable.

DRAFT

PART 3. DELEGATIONS UNDER OTHER LEGISLATION

Delegations Under Other Legislation

3.1 – BUILDING ACT 2011

Delegation	3.1.1 AUTHORISED PERSONS UNDER THE BUILDING ACT 2011 (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011:</i> s. 96 (3) Authorised persons s. 99 (3) Limitations on power of authorised person
Function	Authority to appoint authorised persons and/or revoke appointment of authorised persons for the purposes of the <i>Building Act 2011</i> and <i>Building Regulations 2012</i> in relation to buildings and incidental structures located, or proposed to be located in the City's district.
Delegates	Chief Executive Officer (00001)
Conditions	Nil
Policy	Not applicable.

Delegation	3.1.2 BUILDING ACT 2011 - ISSUING CERTIFICATES OF BUILDING COMPLIANCE AND DESIGN COMPLIANCE (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<i>Building Act 2011:</i> Part 2 Division 2 Applications for building or demolition permits. Part 4 Division 1 Occupancy permits. Part 4 Division 2 Kinds of applications for occupancy permits and building approval certificates. Part 4 Division 3 Making and dealing with applications for occupancy permits and building approval certificates.
Function	Authority to issue certificates of building compliance and design compliance.
Delegates	Assistant Building Surveyor (00154) Assistant Building Surveyor (01068) Building Surveyor (00150) Building Surveyor (00151) Building Surveyor (00615) Coordinator Building Approvals (00113) Director Planning and Community Development (00105) Manager Regulatory Services (01093) Senior Building Surveyor (00148) Senior Building Surveyor (00153)
Conditions	Subject to meeting the qualification requirements in accordance with <i>Building Services (Registration) Regulations 2011</i> .
Statutory framework	<i>Building Services (Registration) Regulations 2011</i> .
Policy	Not applicable.

Delegation	3.1.3 BUILDING ACT 2011 - GRANTING BUILDING AND DEMOLITION PERMITS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<i>Building Act 2011:</i> s. 20 Grant of building permit. s. 21 Grant of demolition permit. s. 58 Grant of occupancy permit, building approval certificate.
Function	Authority to administratively grant building and demolition permits, building approval certificates and occupancy permits.
Delegates	Chief Executive Officer (00001)
Conditions	Restricted to administratively granting certificates and permits that have the relevant certifications of building compliance, construction compliance and/or design compliance, as certified and issued by a person meeting the qualification requirements of the <i>Building Services (Registration) Regulations 2011</i> .
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Administration Officer (00110) Administration Officer (00131) Administration Officer (00132) Administration Officer (00133) Assistant Building Surveyor (00154) Assistant Building Surveyor (01068) Building Surveyor (00150) Building Surveyor (00151) Building Surveyor (00615) Coordinator Building Approvals (00113) Director Planning and Community Development (00105) Manager Regulatory Services (01093) Senior Building Surveyor (00148) Senior Building Surveyor (00153)
Policy	Not applicable.

Delegation	3.1.4 BUILDING ACT 2011 – REFUSING AND CANCELLING BUILDING AND DEMOLITION PERMIT APPLICATIONS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<i>Building Act 2011:</i> s. 24 Notice of decision not to grant building or demolition permit. s. 60 Notice of decision not to grant occupancy permit or grant building approval certificate.
Function	Authority to refuse and cancel building and demolition permit applications, building approval certificates and occupancy permits.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Coordinator Building Approvals (00113) Director Planning and Community Development (00105) Manager Regulatory Services (01093) Senior Building Surveyor (00148) Senior Building Surveyor (00153)
Subdelegate conditions	Nil.
Policy	Not applicable.

Delegation	3.1.5 BUILDING ACT 2011 - EXTENDING THE DURATION OF BUILDING AND DEMOLITION PERMITS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<i>Building Act 2011:</i> s. 32 Duration of building or demolition permit. s. 65 Extension of period of duration.
Function	Authority to extend the duration of building and demolition permits, building approval certificates and occupancy permits.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Coordinator Building Approvals (00113) Director Planning and Community Development (00105) Manager Regulatory Services (01093) Senior Building Surveyor (00148) Senior Building Surveyor (00153)
Subdelegate conditions	Nil.
Policy	Not applicable.

Delegation	3.1.6 BUILDING ACT 2011 - BUILDING ORDERS (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<i>Building Act 2011:</i> Part 8 Division 5 Building orders. s. 133 Prosecutions.
Function	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work. b. Demolition work. c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recovery as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.
Delegates	Chief Executive Officer (00001)
Conditions	Functions 4, 5 and 6 require the written authorisation of the Director Planning and Community Development.
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Coordinator Compliance and Regulatory Performance (01094) Director Planning and Community Development (00105) Manager Regulatory Services (01093)
Policy	Not applicable.

Delegation	3.1.7 BUILDING ACT 2011 - INSPECTION AND COPIES OF BUILDING RECORDS (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records.
Function	Authority to determine an application from an interested person to inspect a building record and to provide the interested person a copy of a building record.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Administration Officer (00110) Administration Officer (00131) Administration Officer (00132) Administration Officer (00133) Coordinator Building Approvals (00113)
Subdelegate conditions	Nil.
Policy	Not applicable.

Delegation	3.1.8 BUILDING ACT 2011 – PRIVATE POOL BARRIER ALTERNATIVE AND PERFORMANCE SOLUTIONS (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority.
Function	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)]. 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]. 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirements [r.51(5)].
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Planning and Community Development (00105) Manager Regulatory Services (01093)
Subdelegate conditions	Nil.
Policy	Not applicable.

Delegation	3.1.9 BUILDING ACT 2011 – SMOKE ALARMS ALTERNATIVE SOLUTIONS (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval). r.61 Local Government approval of battery powered smoke alarms.
Function	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirements of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	Chief Executive Officer (00001)
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Planning and Community Development (00105) Manager Regulatory Services (01093)
Subdelegate conditions	Nil.
Policy	Not applicable.

3.2 – BUSH FIRES ACT 1954

Delegation	3.2.1 BUSH FIRES ACT 1954 - FUNCTIONS OF A LOCAL GOVERNMENT (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
Express power or duty delegated	<i>Bush Fires Act 1954</i>
Function	Authority to perform the functions of the local government under the <i>Bush Fires Act 1954</i> .
Delegates	Chief Executive Officer (00001)
Express power to subdelegate	Nil. - Sub-delegation is prohibited by s.48(3)
Policy	Not applicable.

DRAFT

3.3 – CAT ACT 2011

Delegation	3.3.1 CAT ACT 2011 - POWERS AND DUTIES OF A LOCAL GOVERNMENT (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government.
Express power or duty delegated	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i> <i>Cat (Uniform Local Provisions) Regulations 2013</i>
Function	Authority to exercise the powers or discharge the duties of the local government under the <i>Cat Act 2011</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Nil
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government.
Subdelegates	Director Planning and Community Development (00105) Manager Community Safety (00912)
Subdelegate conditions	Nil.
Policy	Not applicable.

3.4 - DOG ACT 1976

Delegation	3.4.1 DOG ACT 1976 - POWERS AND DUTIES OF A LOCAL GOVERNMENT (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties.
Express power or duty delegated	<i>Dog Act 1976</i>
Function	Authority to exercise the powers or discharge the duties of the local government under the <i>Dog Act 1976</i> including the authority to delegate the powers and duties of a local government to other persons.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Policy	Not applicable.

DRAFT

3.5 – FOOD ACT 2008

Delegation	3.5.1 FOOD ACT 2008 - FUNCTIONS OF AN ENFORCEMENT AGENCY (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation. (2)(b) Enforcement agency may delegate a function conferred on it. (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]. (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	<i>Food Act 2008</i> <i>Food Regulations 2009</i>
Function	Authority to exercise the powers or discharge the duties of the local government, as an enforcement agency under the <i>Food Act 2008</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Policy	Not applicable.

3.6 – GRAFFITI VANDALISM ACT 2016

Delegation	3.6.1 GRAFFITI VANDALISM ACT 2016 – POWERS AND DUTIES OF A LOCAL GOVERNMENT (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government.
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i>
Function	Authority to exercise the powers or discharge the duties of the local government under the <i>Graffiti Vandalism Act 2016</i> including the authority to delegate the powers and duties of a local government to other persons.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government.
Subdelegates	Manager Community Safety (00912)
Subdelegate conditions	Nil.
Statutory framework	Section 16 and 17 of the <i>Graffiti Vandalism Act 2016</i> .
Policy	Not applicable.

3.7 – PLANNING AND DEVELOPMENT ACT 2005

Delegation	3.7.1 LOCAL PLANNING SCHEME NO. 3 – DELEGATIONS - GENERAL (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 (1) (b) Delegation of some powers and duties to CEO.
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2 Deemed provisions for local planning schemes. Clause 82 Delegations by local government.
Function	<p>The following powers conferred or imposed on Council or the local government under the Scheme:</p> <ul style="list-style-type: none"> a. the approval of an application for development approval for the purpose of a 'single house', or up to 5 'grouped dwellings', or any associated, ancillary or incidental development to a 'single house', 'grouped dwelling' or 'multiple dwelling' where: <ul style="list-style-type: none"> i. there have not been any objections to the application received; or the objection (s) received relates to matters that are not valid planning considerations for the subject application; or relate to elements of the proposal which meet the relevant deemed-to-comply requirements and/or development standard; or the proposal is amended or a condition imposed so elements the subject of the objection(s) meet the relevant deemed-to-comply requirement and/or development standards; and ii. the application is not required to be considered by the Joondalup Design Reference Panel; and iii. in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)</i> the development: <ul style="list-style-type: none"> a. has a Bushfire Attack Level of less than 40; and b. where the Bushfire Attack Level is 12.5, 19 or 29: <ul style="list-style-type: none"> i. is not a vulnerable land use as defined under SPP 3.7; and ii. complies with clause 6.5 of SPP 3.7; and iv. the Deemed-to-Comply requirements or Element Objectives of the <i>Residential Design Codes</i> and/or replacement Deemed-to-Comply requirements of the <i>Residential Development Local Planning Policy</i> or <i>Development in Housing Opportunity Areas Local Planning Policy</i> have been satisfied (where applicable), and the development satisfies any applicable standards and requirements of the Scheme, any applicable structure plan, activity centre plan or local development plan and all other applicable local planning policies; or v. the Local Housing Objectives of the <i>Residential Development Local Planning Policy</i> have been satisfied; or vi. in the case of applications for development approval where the development

does not meet the Deemed-to-Comply requirements of the *Residential Design Codes* or the requirements of any applicable standards or requirements of the Scheme, any applicable structure plan, activity centre plan, local development plan, or local planning policy, provided:

- a. the plot ratio of the development does not exceed the requirement of Table 2.1 of the *Residential Design Codes*;
 - b. the building setbacks of development, including retaining walls, are not less than those specified under the Deemed-to-Comply requirements or Table 2.1 of the *Residential Design Codes*, or any applicable structure plan, activity centre plan, local development plan or local planning policy by more than 1.5 metres;
 - c. any outbuilding is not in the primary or secondary setback area stipulated in Table 1 or Table 2.1 of the *Residential Design Codes* or any applicable structure plan, activity centre plan, local development plan or local planning policy;
 - d. the height and/or length of boundary wall(s) does not exceed the amounts set out in the Deemed-to-Comply Requirements or Table 2.1 of the *Residential Design Codes* or any applicable structure plan, activity centre plan, local development plan or local planning policy by more than 25% of those requirements, and where there are boundary walls to no more than two (2) separate boundaries. Where the application is for all grouped dwellings on a parent lot, boundary walls to internal lot boundaries will not be included in the two wall calculation;
 - e. the height of the proposed fill or retaining wall within the primary street setback area does not exceed 1.2 metres above natural ground level; and
 - f. the height of non visually permeable fencing within the primary street setback area does not exceed 1.2 metres above natural ground level (as measured from the midpoint of the verge) for more than 25% of the frontage of the lot.
- b. the approval of an application for development approval for the purposes of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme other than a 'single house', 'grouped dwelling', 'multiple dwelling', or any associated, ancillary or incidental development where:
- i. there have not been any objections to the application received; and
 - ii. the application is not required to be considered by the Joondalup Design Reference Panel; and
 - iii. in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with *State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)* the development:
 - a. has a Bushfire Attack Level of less than 40; and
 - b. where the Bushfire Attack Level is 12.5, 19 or 29:
 - i. is not a vulnerable land use as defined under SPP 3.7; and
 - ii. complies with clause 6.5 of SPP 3.7; and
 - iv. the development satisfies any applicable standards and requirements of the

	<p>Scheme, any applicable structure plan, activity centre plan or local development plan and all applicable local planning policies; with the exception of the following:</p> <p>v. setback requirements for patio(s), verandah(s), shade sail(s), portico(s), outbuilding(s) or retaining wall(s) not greater than 1.2 metres above natural ground level in height; or</p> <p>vi. the shortfall in car parking is not increasing from that previously approved.</p>
Delegates	Chief Executive Officer (00001)
Conditions	The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	<p>Coordinator Planning Approvals (00112)</p> <p>Coordinator Planning Approvals (01313)</p> <p>Coordinator Urban Design and Policy (00111)</p> <p>Senior Planning Project Officer (00122)</p> <p>Senior Urban Planner (00115)</p> <p>Senior Urban Planner (00125)</p> <p>Senior Urban Planner (00609)</p> <p>Senior Urban Planner (00778)</p> <p>Senior Urban Planner (01479)</p>
Subdelegate conditions	The approval of an application for development approval for the purpose of a 'single house', or up to 5 'grouped dwellings' or any associated, ancillary or incidental development to a 'single house', 'grouped dwelling' or 'multiple dwelling' where between 1 – 3 objections not referred to in (i) above shall be determined by the Coordinator Planning Approvals (00112 and 01313).
Policy	Not applicable.

Delegation	3.7.2 LOCAL PLANNING SCHEME NO. 3 – DELEGATIONS - GENERAL (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 (1) (b) Delegation of some powers and duties to CEO.
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2 Deemed provisions for local planning schemes. Clause 82 Delegations by local government.
Function	<p>The following powers conferred or imposed on the Council or the local government under the <i>Scheme and the Planning and Development Act 2005</i>:</p> <ul style="list-style-type: none"> a. the determination of an application for development approval for the purpose of a 'single house', and/or up to 5 'grouped dwellings', or any associated, ancillary or incidental development; b. the determination of an application for development approval for the purpose of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme or any associated, ancillary or incidental development (other than a 'single house', 'grouped dwelling' or 'multiple dwelling') provided: <ul style="list-style-type: none"> i. building setbacks for buildings other than for those set out in 1(b)(v) of these delegations, as set out in the Scheme or any applicable structure plan, activity centre plan, local development plan or local planning policy, are not less than the required amount by more than 1.5 metres; ii. the amount of car parking provided is not less than the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10% or the shortfall in car parking is not increasing from that previously approved; iii. the landscaping between a car parking area and the street as set out under the Scheme, applicable local planning policy or an applicable structure plan, activity centre plan or local development plan achieves an average width of not less than 1.0 metre; iv. the overall amount of landscaping provided for the site does not vary the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10% of that requirement or the shortfall in landscaping is not increasing from that previously approved; and v. the development complies with the coastal area building height in the <i>Commercial, Mixed Use and Service Commercial Zone Local Planning Policy</i>. c. the direction under clauses 64(3), (4), (5), (6) and (7) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> to advertise an application for development approval; d. the determination under clause 64(2) of Schedule 2 of the <i>Planning and Development</i>

	<p><i>(Local Planning Schemes) Regulations 2015</i> whether a departure from the requirements of the Scheme is of a minor nature and whether to waive the requirement for the advertising of the application, providing it is not an application that would otherwise require advertising under the Scheme or local planning policy;</p> <p>e. the determination under clause 63(2) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> whether to waive or vary the requirement for plans and other information to be submitted with an application;</p> <p>f. the determination under clause 61(1)(f) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> whether works are temporary for the purposes of the Scheme and the length of time that such 'development' is permitted to remain in the requested location;</p> <p>g. the decision whether an application for development approval may affect any other statutory, public or planning authority, and shall therefore require them to be provided a copy of the application for objections and recommendations under clause 66(1) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
Delegates	Chief Executive Officer (00001)
Conditions	The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Planning and Community Development (00105) Manager Planning Services (00108) Manager Regulatory Services (01093)
Subdelegate conditions	Nil.
Policy	Not applicable.

Delegation	3.7.3 PLANNING AND DEVELOPMENT ACT 2005 - POWER AS TO ILLEGAL DEVELOPMENT (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 (1) (b) Delegation of some powers and duties to CEO.
Express power or duty delegated	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5).
Function	Authority to exercise all the powers and functions of the local government under sections 214 (2), (3) and (5) of the <i>Planning and Development Act 2005</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Policy	Not applicable.

DRAFT

Delegation	3.7.4 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 - DETERMINE DEVELOPMENT APPLICATIONS FOR 'UNLISTED USE (BICYCLE HIRE)' (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 (1) (b) Delegation of some powers and duties to CEO.
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2 Deemed provisions for local planning schemes. Clause 82 Delegations by local government.
Function	Authority to determine development applications for 'Unlisted Use (Bicycle Hire)'.
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Planning and Community Development (00105) Manager Planning Services (00108)
Subdelegate conditions	Nil.
Policy	Not applicable.

3.8 – PUBLIC HEALTH ACT 2016

Delegation	3.8.1 PUBLIC HEALTH ACT 2016 - FUNCTIONS OF AN ENFORCEMENT AGENCY (DRAFT)
Head of power	PART 3. DELEGATIONS UNDER OTHER LEGISLATION
Delegator	Council
Express power to delegate	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate.
Express power or duty delegated	<i>Public Health Act 2016</i>
Function	Authority to exercise all of the powers and duties conferred or imposed on a local government, as an enforcement agency, under the <i>Public Health Act 2016</i> .
Delegates	Chief Executive Officer (00001)
Conditions	Nil.
Policy	Not applicable.

DRAFT

PART 4. CITY OF JOONDALUP LOCAL LAWS

City Of Joondalup Local Laws

4.1 – CITY OF JOONDALUP PARKING LOCAL LAW 2013

Delegation	4.1.1 AMENDMENTS TO THE PARKING SCHEMES (DRAFT)
Head of power	PART 4. CITY OF JOONDALUP LOCAL LAWS
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>City of Joondalup Parking Local Law 2013.</i>
Function	Authority to approve and implement amendments to parking schemes adopted by Council in relation to: <ul style="list-style-type: none"> • time limits, conditions and prohibitions in streets and parking stations; • the designation of visitor and authorised vehicle parking.
Delegates	Chief Executive Officer (00001)
Conditions	Authority to be exercised consistently with the provisions of the <i>City of Joondalup Parking Local Law 2013.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Planning and Community Development (00105) Manager Community Safety (00912)
Subdelegate conditions	Nil.
Policy	<i>Dedicated Car Parking for Seniors and Parents with Prams Policy.</i> <i>Joondalup City Centre Car Parking for Commercial Development Policy.</i> <i>Parking Schemes Policy.</i>

[INSERT LOCAL GOVERNMENT NAME]
[INSERT CREST / LOGO]
DELEGATION REGISTER



Current as at [insert date of last decision to amend the register]

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1. Local Government Act 1995 Delegations

1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1.1.1 Audit and Risk Committee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Delegate:	Audit and Risk Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to meet with the City's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: <ol style="list-style-type: none"> a. examine the report of the Auditor and determine matters that require action to be taken by the <<Shire/Town/City>>; and b. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 3. Authority to review and endorse the <<Shire/Town/City>>'s report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be directed to the Council. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.7.1B.

Compliance Links:	Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees Audit and Risk Committee Terms of Reference
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Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

1. Local Government Act 1995 Delegations

1.1.2 Behaviour Complaints Committee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees
Express Power or Duty Delegated:	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> Clause 12 Dealing with a complaint Clause 13 Dismissal of complaint
Delegate:	Behaviour Complaints Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl. 12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl. 12(7)]. 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action [MCC.cl. 12(4)(a)]; or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl. 12(4)(b), (5) and (6)]. 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl. 13(1) and (2)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</p> <ol style="list-style-type: none"> a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy XXX Code of Conduct Behaviour Complaints Management. b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item. d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance.

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

	<p>NOTE TO Conditions (c) AND (d): The purpose of these Conditions is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p> <p><< Council has discretion to determine any other conditions limitations applicable to the use of delegated powers or duties >></p>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<p>Council Policy XXX Behaviour Complaints Committee Terms of Reference</p> <p>Council Policy XXX Code of Conduct Behaviour Complaints Management</p> <p>Council Policy XXX Code of Conduct for Council Members, Committee Members and Candidates</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.2 Council to CEO

1.2.1 Performing Functions Outside the District

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Determine the circumstances where it is appropriate for the Local Government’s functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

1. Local Government Act 1995 Delegations

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.2 Compensation - Damage Incurred when Performing Executive Functions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> Delegation is limited to settlements which do not exceed a material value of \$<<value>>. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.3 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. b. [Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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1. Local Government Act 1995 Delegations

	<p><u>Local Government Act 1995:</u> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

1. Local Government Act 1995 Delegations

1.2.4 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.5 Confiscated or Uncollected Goods

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

*Section.3.47 specifies that s.3.58 applies to disposal of goods under s.3.47. **Note** - that th s.3.57 tender requirements do not apply to disposal of confiscated or uncollected goods OR Disposal of Property under s.3.58. (s.3.57 applies only to “contracts... under which another person is to supply goods or service).*

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation:	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

Conditions on the original delegation also apply to the sub-delegations.	
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <u>Local Government Act 1995</u> : Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

1. Local Government Act 1995 Delegations

1.2.6 Disposal of Sick or Injured Animals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} <i>The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Delegation only to be used where the Delegate’s reasonable efforts to identify and contact an owner have failed. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

1. Local Government Act 1995 Delegations

1.2.7 Close Thoroughfares to Vehicles

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> <i>{Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] (relevant to the metropolitan area or a Townsite only). c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.8 Control Reserves and Certain Unvested Facilities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. Authority to do anything for the purpose of controlling and managing land under the control and management of the <<Shire/Town/City>> that the <<Shire/Town/City>> could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</p> <ol style="list-style-type: none"> Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

1. Local Government Act 1995 Delegations

1.2.9 Obstruction of Footpaths and Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has:

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[Insert Local Government Name]



1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. <p>c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>></p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

1. Local Government Act 1995 Delegations

1.2.10 Gates Across Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} <i>The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Each approval provided must be recorded in the <<Shire/Town/City>>'s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8. c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
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Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

1. Local Government Act 1995 Delegations

1.2.11 Public Thoroughfare – Dangerous Excavations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

	c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

1. Local Government Act 1995 Delegations

1.2.12 Crossing – Construction, Repair and Removal

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

1. Local Government Act 1995 Delegations

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p> <p>Refer also Delegation 1.4.1 under the <i>Template Activities in Thoroughfares and Public Places and Trading Local Law</i></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<p><<Detail how records of decisions are to be kept by delegates>></p>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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1. Local Government Act 1995 Delegations

1.2.13 Private Works on, over or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
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Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.14 Works Required for Supply of Gas or Water

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} This Delegation is rarely applicable as Local Governments are not generally responsible for supply of gas or water. Delete the Delegation if not applicable to your Local Government's operations.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.20(1) Works required for supply of gas or water — Sch. 9.1 cl. 11
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Where the Local Government is responsible for supplying water or gas, Authority, to carry out works that are necessary for the purpose of providing, maintaining or modifying the supply system [ULP r.20(1)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996 . b. Works may only be undertaken where there is an approved budget allocation. c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

1. Local Government Act 1995 Delegations

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.15 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The powers under ULP Regulation 21(1) (relate specifically to impact on local government property) differ from the powers of an authorised person to issue noticed under s.3.25, which relate to nuisance / risk impacts on any land.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.16 Expressions of Interest for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy [insert ref #] Purchasing Policy</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

1. Local Government Act 1995 Delegations

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

1. Local Government Act 1995 Delegations

1.2.17 Tenders for Goods and Services – Call Tenders

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

WALGA Template Purchasing Policy

This Delegation is drafted to align with the WALGA Template Purchasing Policy.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Council Conditions on this Delegation:	<p>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} <i>The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where : <ol style="list-style-type: none"> i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

	<p>iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</p> <p>b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>></p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.</p> <p>b. <<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>></p>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy [insert ref #] Purchasing Policy</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.2.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Varying a Contract with a Successful Tenderer [Functions and General Regulation 21A](#) (and its delegation or sub-delegation) enables contract variations after a contract has been formed with a successful tenderer.

*Making, varying or discharging contracts formed through procurement under the adopted Purchasing Policy or a tender exempt process (i.e. other than a tender), are **NOT** subject to F&G r.21A.*

Section.9.49B applies to contracts generally and requires that any person making decisions to make, vary or discharge a contract, must do so under the authority of the Local Government. Meaning there must either be; an express Council resolution enabling the CEO to administer the contract OR a contract matter determined under delegation OR the contract is operational in nature and may be administered by the CEO (or officers by Acting Through).

It is recommended that the Council set principles and limitations applicable to the administration of all contract variations (whether the contract was established by tender or not) by either:

- *Adopting a Contract Variations policy, which prescribes the principles and limitations by which the Local Government's Administration may determine appropriate variations; OR*
- *Including an additional resolution, made at the time of a resolution to form a contract, authorising the CEO to negotiate and administer variations within described limitations i.e. The CEO is authorised to negotiate minor contract variations to an aggregated value of not more than 5% of the total contract value of \$000,000, with any variations beyond this limitation being referred for Council decision.*

Contract Management

The CEO may assign operational contract management responsibilities via position descriptions or documented procedures.

Exercising Contract Extension Options

The Office of the Auditor General (OAG) Report '[Local Government Contract Extensions and Variations](#)' dated 4 May 2020 identified risks where Local Governments do not sufficiently manage and review performance of contractors throughout a contract and / or where this information is not adequately considered before a contract extension option is exercised.

This OAG Report included recommendation 1(e):

- (e) *improve review processes relating to contract extensions, including timely and documented reviews of contractor performance before exercising contract extension options.*

WALGA Template Purchasing Policy

This Delegation is drafted to align with the WALGA Template Purchasing Policy.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995: s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996: r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders

1. Local Government Act 1995 Delegations

	r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the \$<<value>> detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement <u>OR</u> the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond <<xx%>> or to a maximum of <<\$value>> whichever is the lesser value [F&G r.21A(a)]. 9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as

1. Local Government Act 1995 Delegations

	<p>specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ul style="list-style-type: none"> i. The total consideration under the resulting contract is \$<<value>> or less; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract <u>after</u> entry into the contract [F&G r.21A(a)] must comply with the adopted <<Council Policy 'Contract Variations'>> and must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p> <p>f. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>></p>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ul style="list-style-type: none"> a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. b. <<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy [insert ref #] Purchasing Policy</p>
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1. Local Government Act 1995 Delegations

	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.2.19 Tenders for Goods and Services - Exempt Procurement

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

WALGA Template Purchasing Policy

This Delegation is drafted to align with the WALGA Template Purchasing Policy.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government								
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO								
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2) When tenders have to be publicly invited (<i>exemptions</i>)								
Delegate:	Chief Executive Officer								
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)]. 								
Council Conditions on this Delegation:	<p>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</p> <p>a. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Category</th> <th>Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&G.r.11(2)(b)]</td> <td style="text-align: center;"><<\$value>></td> </tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]</td> <td style="text-align: center;"><<\$value>></td> </tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with</td> <td style="text-align: center;"><<\$value>></td> </tr> </tbody> </table>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	<<\$value>>	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	<<\$value>>	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with	<<\$value>>
Category	Maximum Value for individual contracts								
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	<<\$value>>								
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	<<\$value>>								
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with	<<\$value>>								

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

	delegation condition (b.) specified below [F&G.r.(2)(f)]	
	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	<<\$value>>
	Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	<<\$250,000* *as specified in F&G.r.11(2)(h)(ii)>>
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	<<\$value>>
	<p>b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and v. The expense is included in the adopted Annual Budget. <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$value delegated above, the decision is to be referred to Council.</p> <p>d. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>></p>	
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees	

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ul style="list-style-type: none"> a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. b. <<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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1. Local Government Act 1995 Delegations

	<p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy [insert ref #] Purchasing Policy</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.2.20 Panels of Pre-Qualified Suppliers for Goods and Services

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} This Delegation **cannot** be made unless the Council has adopted a Policy (Panels of Pre-Qualified Suppliers) in accordance with [Functions and General Regulation 24AC](#).

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3.. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].

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[Insert Local Government Name]



1. Local Government Act 1995 Delegations

Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</p> <p>a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$<<value>> or less and the expense is included in the adopted Annual Budget.</p> <p>b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>></p>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent’s position role and responsibilities.</p> <p>b. <<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>></p>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy <<insert ref #>> Purchasing Policy</p> <p>Council Policy <<insert ref #>> Pre-Qualified Supplier Panels</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.21 Application of Regional Price Preference Policy

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} This Delegation **cannot** be made unless the Council has adopted a Policy (Regional Price Preference) in accordance with [Functions and General Regulation 24E](#).

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government (Functions and General) Regulations 1996:: r.24G Adopted regional price preference policy, effect of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Council Conditions on this Delegation:	GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements. a. Check with Procurement Team re potential conditions. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. b. <<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy <<insert ref #>> Regional Price Preference <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.2.22 Disposing of Property

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Local Governments are encouraged to adopt Council Policy for Disposal of Property, as a pre-requisite to this Delegation. The Policy should align with the Local Government's Asset Management Plan and detail 'Exempt Disposals' under F&G r.30, establishing principles for identifying property for disposal and the approved methods of disposal appropriate to each circumstance. **Note** - s.3.57 tender requirements do not apply to the Disposal of Property under s.3.58. (s.3.57 applies only to "contracts ... under which another person is to supply goods or service).

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995: s.3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	<p>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</p> <ol style="list-style-type: none"> a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$<<value>> or less. c. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ○ Reserve price has been set by independent valuation. ○ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable

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1. Local Government Act 1995 Delegations

	<p>price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</p> <ul style="list-style-type: none"> • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a -10% variance on the valuation; and ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. <p>d. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal. <p>e. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>></p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 – s.3.58 Disposal of Property</p> <p>Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</p> <p>Council Policy <<insert ref #>> Disposal of Property</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1.2.23 Payments from the Municipal or Trust Funds

GUIDANCE NOTE {Delete prior to finalising the Register for Council adoption}

The Difference between Incurring Liabilities and Making Payments

The following information will assist in understanding the legislative framework that informs:

- **Incurring a Liability** as a procedural matter subject to CEO authorisations; and
- **Making Payments** as an express (written) statutory power which is capable of being delegated:

Incurring Liabilities (Procedures and Administrative Authorities)

Incurring liabilities is not described in the Local Government Act or Regulations as an express power or duty, rather it is only described as a requirement for the Local Government and the CEO to control by developing “systems and procedures” [see FM Regs 5 and 11].

Incurring liabilities is therefore not an express (written) power or duty which is capable of being delegated.

Therefore the CEO must establish systems and written procedures which give effect to compliance with legislation and purchasing policy and provide appropriate internal controls and risk mitigation for incurring liabilities.

- *Issuing a Requisition – the Requisition is only a proposal to purchase (FM Regs 5 & 11), describing the goods or services required to enable a decision to issue a Purchase Order. It does not incur a liability as the goods / services may only be provided on the basis of an appropriately issued Purchase Order. Administrative Procedures should establish which positions are authorised to issue Requisitions.*

A decision to issue a requisition and therefore Purchase Order, is informed by other, previous Council decisions, for example – the Budget adopted by Council, Council decisions to approve projects or implement policies. If, the Act or Regulations were drafted to require a Council decision to issue a Requisition or Purchase Order (with potential for these decisions to be delegated), then it would open up the ability for those previous Council decisions to be circumvented by a decision to issue or not issue a Requisition or Purchase Order. The decision to incur a liability is in fact and in operation a method of implementing a Council decision and therefore accords with the CEO’s duties under s.5.41(c) to cause council decisions to be implemented.

- *Issuing a Purchase Order – The Purchase Order, creates a contract between the supplier and the Local Government. It incurs a liability (FM Regs.5 & 11), provided that the goods or services are ultimately supplied in accordance with the requirements specified in the purchase order. Administrative procedures should establish which positions are authorised to issue Purchase Orders, with pre-requisite requirements for a Purchase Order to only be issued, where due diligence confirms:*
 - *Compliance with the Purchasing Policy*
 - *The committal value of the Purchase Order is within an appropriate and available budget allocation.*
 - *The proposed goods / services are within the scope of implementing a Council decision either specific or generally.*
- *Using a Credit or Transaction Card (store card, fuel card or corporate credit card) – Transaction Cards are a method of incurring a liability, with the goods or services received and a monthly statement provided to the Local Government for acquittal (verification of a liability) on a monthly basis. Procedures should prescribe the positions which are authorised to used Transaction Cards*

1. Local Government Act 1995 Delegations

and the limits and obligations for use for their use when incurring liabilities and the requirements for acquittal of statements to enable payment.

- *Verification of a Liability*
 - *Goods / Services Received – A record that evidences that the goods or services have been received in accordance with the Purchase Order.*
 - *Verification of Invoice – the charges align with the accepted quote or the contracted schedule of rates as relevant, which have been checked against the record of goods / services received.*
 - *Verification of Transaction Card Statements – transactions accord with the card holder limits and conditions, transactions are for a proper purpose (not personal) and the goods / services obtained are within the scope of implementing a Council decision either specific or generally.*

An element of the Internal Controls is the requirement to separate roles between incurring liabilities and making payments. Meaning that a person who has responsibility for incurring a liability should not also be responsible for verifying the liability or approving the relevant payment.

In addition, Council through its Audit Committee, may form an opinion as to its satisfaction the procedures prepared in accordance with FM 11, when it undertakes the review of Internal Controls in accordance with Audit Reg. 17(1)(b).

Making Payments (Delegated Authority)

*Financial Management Reg.12(1)(a) prescribes the ability for the Council to delegate to the CEO its power to make payments from the Municipal or the Trust Fund. Financial Management Reg.13 prescribes the procedural matters that the CEO must comply with **if** the power to make payments is delegated.*

Making a Payment - A Payment can only be made, where an opinion has been formed (delegated authority decision FM Reg12(1)(a)) that the goods or services specified in the Purchase Order have been satisfactorily received.

Procedural Reviews – *Whilst the Audit Regulations [r.17(1)(b) & (2)] require the CEO to review procedures and report the outcomes of the review to the Audit Committee at least once in every 3-financial years. WALGA recommends in the conditions on this delegation that the review occur annually, as a method of ensuring rigorous oversight and in preparation for Performance Auditing.*

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government (Financial Management) Regulations1996: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].

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Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Authority to make payments is subject to annual budget limitations. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> 1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the <<CEO, Director Corporate Services (senior positions only)>>. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval. 4. <<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO’s duties as to etc.</p> <p>Local Government (Audit) Regulations 1996</p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries: Accounting Manual</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

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Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1.2.24 Defer, Grant Discounts, Waive or Write Off Debts

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Council must determine conditions that apply to granting a concession in accordance with s.6.12(3). Conditions included below are for example purposes only. Council should also determine conditions and \$<<value>> limits scaled to the Local Government's size and operational needs.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995: s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the <<Shire/Town/City>> [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the <<Shire/Town/City>> [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the <<Shire/Town/City>> [s.6.12(1)(c)]
Council Conditions on this Delegation:	<p>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</p> <ol style="list-style-type: none"> a. Write-off a rates or service charge debt up to <<value>> in accordance with the Financial Hardship Policy [s.6.12(1)(c) &(2)]. b. A debt may only be waived where: <ol style="list-style-type: none"> i. <<insert limitations as appropriate i.e. only to charitable or not for profit community groups / in accordance with Policy XX>> c. A concession may only be granted where: <ol style="list-style-type: none"> i. <<insert limitations as appropriate i.e. only to charitable or not for profit community groups / in accordance with Policy XX>> d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the <<Shire/Town/City>>. <ol style="list-style-type: none"> i. Limited to individual debts valued below \$<<value>> or cumulative debts of a debtor valued below \$<<value>>. Write off of debts greater than these values must be referred for Council decision. e. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
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Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} <i>The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> 1. <<second line manager>> may only waive fees and charges related to their operational responsibilities and where such waiver is to rectify a service failure on the part of the <<Shire/Town/City>> limited to a value less than \$<<value>> per customer within a financial year. 2. <<first line manager>> may waive fees and charges related to their operational responsibilities where such waiver is either to: <ol style="list-style-type: none"> i. rectify a service failure on the part of the <<Shire/Town/City>> limited to a value less than \$<<value>> per customer within a financial year; or ii. assist a not for profit community group or charitable entity in fulfilling a service, social or cultural outcome within the <<Shire/Town/City>>. 3. Concessions may only be granted where the debtor is <<insert condition / limitation as appropriate>>. 4. <<first line manager>> may only write off debts limited to a value of less than \$<<value>> per debtor within a financial year. <p><<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>></p>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Collection of Rates Debts – refer Delegations:</p> <ul style="list-style-type: none"> <<insert Ref #>> Agreement as to Payment of Rates and Service Charges <<insert Ref #>> Recovery of Rates or Service Charges <<insert Ref #>> Recovery of Rates Debts – Require Lessee to Pay Rent <<insert Ref #>> Recovery of Rates Debts – Actions to Take Possession of the Land <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

1. Local Government Act 1995 Delegations

1.2.25 Power to Invest and Manage Investments

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

It is important for the Council and the CEO to develop conditions and limitations on this Delegation as a method of ensuring appropriate oversight and to reduce risk arising from overexposure in any market. In addition, whilst the Audit Regulations [r.17(1)(b) & (2)] require the CEO to review procedures and report the outcomes of the review to the Audit Committee at least once in every 3 financial years, WALGA recommends a conditions on this delegation requiring annual review as a method of providing rigorous oversight and preparedness for audits.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy <<XX – Investments>>. b. A report detailing the investment portfolio’s performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as ‘fit for purpose’ and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17] e. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
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Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} <i>The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> 1. A decision to invest must be jointly confirmed by two Delegates. 2. Investment decisions are limited to a maximum of \$<<value>> per transaction on the short-term money market and up to a value of \$<<value>> per transactions for other markets. 3. Where exposure to a single market or investment type will exceed \$<<value>>, the decision must be referred to the CEO. 4. <<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))</p> <p>Council Policy XX - Investments</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.26 Rate Record Amendment

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. Delegates must comply with the requirements of s.6.40 of the Act. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

1. Local Government Act 1995 Delegations

1.2.27 Agreement as to Payment of Rates and Service Charges

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

WALGA recommends a Financial Hardship and Rate Collection Policy is adopted to provide principles for consistency, fairness and equity in decisions affecting collection of overdue rates and service.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. Decisions under this delegation must comply with Council Policy <<# Rates Collection / Financial Hardship> Policy>. b. Agreements must be in writing and, subject to the Council Policy <<# Rates Collection / Financial Hardship> Policy>, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy <<# Rates Collection / Financial Hardship> Policy> <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

1. Local Government Act 1995 Delegations

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.28 Determine Due Date for Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the date on which rates or service charges become due and payable to the <<Shire/Town/City>> [s.6.50].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

1. Local Government Act 1995 Delegations

1.2.29 Recovery of Rates or Service Charges

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

WALGA recommends a Financial Hardship and Rate Collection Policy is adopted to provide principles for consistency, fairness and equity in decisions affecting collection of overdue rates and service.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policy <<# Rates Collection / Financial Hardship> Policy>. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.30 Recovery of Rates Debts – Require Lessee to Pay Rent

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

WALGA recommends a Financial Hardship and Rate Collection Policy is adopted to provide principles for consistency, fairness and equity in decisions affecting collection of overdue rates and service.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995: s.6.60 Local Government may require lessee to pay rent
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the <<Shire/Town/City>> [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policy <<# Rates Collection / Financial Hardship> Policy>. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60. Council Policy <<# Rates Collection / Financial Hardship> Policy> <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.2.31 Recovery of Rates Debts - Actions to Take Possession of the Land

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

WALGA recommends a Financial Hardship and Rate Collection Policy is adopted to provide principles for consistency, fairness and equity in decisions affecting collection of overdue rates and service.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.64(1) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the <<Shire/Town/City>> [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policy <<# Rates Collection / Financial Hardship> Policy>. b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

	<p>c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.</p> <p>d. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>></p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p>Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>Council Policy <<# Rates Collection / Financial Hardship> Policy></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.2.32 Rate Record – Objections

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} <i>The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.2.33 Renewal or Extension of Contracts during a State of Emergency

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}
These powers may only be exercised when a State of Emergency Declaration (made under section 56 of the Emergency Management Act 2005) is in force and applies to all or part of the Local Government district.

This Delegation is only relevant where an original contract formed through a public tender does not include a provision for the renewal or extension of the contract (or all such contract renewal or extension options have previously been exhausted) OR the renewal or extension of the contract results in a total value over \$250 000, which would otherwise require tenders to be called. The contract must be due to expire within 3 months. Contracts entered into through mechanisms other than a tender, and with a value under the tender threshold, may be renewed or extended using standard contract management mechanisms.

*This Delegation is drafted to align with the **WALGA Template Purchasing Policy**.*

Sub-delegation of this authority is not recommended. Therefore this Delegation has been drafted to include an example condition preventing further delegation.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(ja)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ul style="list-style-type: none"> contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and contracts formed through a public tender.
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}</i> <i>The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i>

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

	<p>a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies:</p> <ul style="list-style-type: none"> i. It is exercised at the sole discretion of the Local Government; ii. It is in the best interests of the Local Government; iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; iv. It has potential to promote local and/or regional economic benefits. <p>b. This authority may only be exercised where the total consideration for the renewal or extension is \$<<value>> or less.</p> <p>c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c).</p> <p>d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy.</p> <p>e. This authority may only be exercised where the total consideration under the resulting contract is \$<<value which is over \$250,000>> or less.</p> <p>f. The CEO cannot sub-delegate this authority.</p> <p>g. <<Council has discretion to determine any additional conditions / limitations applicable to the use of delegated powers or duties>></p>
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Compliance Links:	<p>Local Government (Functions and General) Regulations 1996</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy [insert ref #] Purchasing Policy</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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1. Local Government Act 1995 Delegations

1.2.34 Procurement of Goods or Services required to address a State of Emergency

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

These powers may only be exercised when a State of Emergency Declaration (made under section 56 of the Emergency Management Act 2005) is in force and applies to all or part of the Local Government District.

It is recommended that the Council consider what additional conditions and/or policy guidance may be required to enable the delegate to respond to emergency requirements, whilst ensuring the Council retains oversight that is appropriate in the circumstances.

*This Delegation is drafted to align with the **WALGA Template Purchasing Policy**, which includes adapted requirements for emergency procurement. If the Local Government's Purchasing Policy does not deal with emergency procurement it may not be possible to fully comply with the Policy, and this Delegation may need to be amended to require substantial or reasonable compliance.*

Sub-delegation of this authority is not recommended. Therefore this Delegation has been drafted to include an example condition preventing further delegation.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(aa) Associated definition under subregulation 11(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> Determine that particular goods or services with a purchasing value >\$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}</i> <i>The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> <ol style="list-style-type: none"> This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe.

1. Local Government Act 1995 Delegations

	<p>b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan.</p> <p>c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8.</p> <p>d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration.</p> <p>e. The CEO cannot sub-delegate this authority.</p> <p>f. <<Council has discretion to determine any additional conditions / limitations applicable to the use of delegated powers or duties>></p>
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Compliance Links:	<p>Local Government (Functions and General) Regulations 1996</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy [insert ref #] Purchasing Policy</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<p><<Detail how records of decisions are to be kept by delegates>></p>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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1. Local Government Act 1995 Delegations

1.3 CEO to Employees

1.3.1 Determine if an Emergency for Emergency Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
CEO Conditions on this Delegation:	a. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9: <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
CEO Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> <ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. c. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	This delegated authority is effective only in alignment with Delegated Authority 1.2.9 Obstructions of Footpaths and Thoroughfares.
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Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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1. Local Government Act 1995 Delegations

1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12: 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
CEO Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i> . a. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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1. Local Government Act 1995 Delegations

	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
CEO Conditions on this Delegation:	a. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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1. Local Government Act 1995 Delegations

1.3.5 Appoint Persons (other than employees) to Open Tenders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Functions and Genera) Regulations 1996:</i> r.16(3) Receiving and opening tenders, procedure for
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
CEO Conditions on this Delegation:	a. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.3.6 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

	which is less than 100 days since the last election day [s.4.37(3)].
CEO Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</p> <p>a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).</p> <p>b. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>></p>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Department of Local Government, Sport and Cultural Industries: Returning Officer Manual</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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1. Local Government Act 1995 Delegations

1.3.7 Destruction of Electoral Papers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
CEO Conditions on this Delegation:	a. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.3.8 Appoint Authorised Persons

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} NEW CEO Delegation inserted to comply with Act amendments proclaimed in Government Gazette 6 November 2020 (SL 2020/212) giving effect to prescribed amendment from the Local Government Amendment Act 2019.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Delegate:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations: <ol style="list-style-type: none"> (a) Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act. (b) <i>Caravan Parks and Camping Grounds Act 1995</i>; (c) <i>Cat Act 2011</i>; (d) <i>Cemeteries Act 1986</i>; (e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>; (f) <i>Dog Act 1976</i>; (g) Graffiti Vandalism Act 2016 – refer s.15; and (e) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>. 2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, <u>as a precondition</u> for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the <i>Criminal Procedure Act 2004</i>.
CEO Conditions on this Delegation:	<p>GUIDANCE NOTE: {Delete prior to finalising the Register for CEO Decision} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</p> <ol style="list-style-type: none"> a. A register of Authorised Persons is to be maintained as a Local Government Record.

Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

	<p>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</p> <p>c. <<CEO has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>></p>
Express Power to Sub-Delegate:	<i>NIL.</i>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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Delegation Register

[Insert Local Government Name]



1. Local Government Act 1995 Delegations

1.3.9 Information to be Available to the Public

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)]. 5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
CEO Conditions on this Delegation:	a. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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1. Local Government Act 1995 Delegations

	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.3.10 Financial Management Systems and Procedures

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

The CEO duties under Financial Management Regulation 5 are a primary and important control for effective financial management and the mitigation of risk. It is recommended that unless the CEO is fulfilling this duty themselves, they delegated authority to ensure the responsibility is clearly assigned. Also, whilst the Audit Regulations [r.17(1)(b) & (2)] requires the CEO to review procedures and report the outcomes of the review to the Audit Committee at least once in every 3 financial years, WALGA recommends as a condition on this delegation that the review occur annually, providing rigorous oversight and in preparedness for audits.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	Local Government (Financial Management) Regulations 1996: r.5 CEO's Duties as to financial management
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> i. Collection of money owed to the <<Shire/Town/City>>; ii. Safe custody and security of money collected or held by the <<Shire/Town/City>>; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority XXX; vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} <i>The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk

1. Local Government Act 1995 Delegations

	Committee at least once within each 3 financial years. [Audit r.17] c. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Local Government (Audit) Regulations 1996 Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.3.11 Audit – CEO Review of Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to conduct the review of the appropriateness and effectiveness of the <<Shire/Town/City>>'s systems and procedures in relation to i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
CEO Conditions on this Delegation:	<i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} <i>The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required. b. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Audit) Regulations 1996 <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1. Local Government Act 1995 Delegations

1.3.12 Infringement Notices

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

A Delegate who has been delegated authority to withdraw an infringement must NOT be appointed as an authorised person for the purposes of issuing an infringement notice.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
Delegate/s:	<<insert employee position title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
CEO Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. b. Delegation for Dog Act, Cat Act, Parking Local Law, <<insert other relevant Acts / Local Laws>> Infringement Notices is limited to the following listed positions ONLY: <ol style="list-style-type: none"> (i) <<insert position title/s>> (ii) <<insert position title/s>> c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an "Approved Officer" in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices: <ol style="list-style-type: none"> (i) <<insert position title/s>>

1. Local Government Act 1995 Delegations

	<p>(ii) <<insert position title/s>></p> <p><i>NOTE: Delegates must also be appointed as an “Approved Officer” – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</i></p> <p>d. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>></p>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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1.4 Local Law Delegations to the CEO

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Any decision which has the effect of granting, renewing, varying or cancelling a permission or authorisation under a Local Law is a decision that is subject to Part 9, Division 1 of the Local Government Act (objection and appeal rights – see s.9.1) and can be referred to the State Administration Tribunal. Example Local Law decision include approving, refusing, applying a condition, varying an approval or condition or cancelling a permit.

Such decisions are deemed ‘quasi-judicial’ and imply substantial scope for decision outcomes to differ on each occasion that a decision is made.

Therefore, as with other legislation, where a discretionary power or duty is assigned in a Local Law to the ‘Local Government’, the power or duty must be delegated to convey the authority to make decisions.

Local Governments should also check that their standard Local Law permits and advice of refusal of permits include the necessary objection and appeal rights information as required by s.9.4 of the Act.

1.4.1 Infrastructure Control – Template Activities in Thoroughfares and Public Places and Trading Local Law

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

This Delegation is an EXAMPLE ONLY based upon the WALGA Template Activities in Thoroughfares and Public Places and Trading Local Law. This example may assist Local Governments to draft Local Law delegations in context of their individual Local Law arrangements.

It is recommended that Council adopt a policy (refer cl.7.4 of the Template Local Law) which details the general conditions expected to be applied to Permits, including details of how security deposits against the failure of a permit holder to make good damage to the thoroughfare are to be calculated as well as conditions that ensure the safety of the public and permit holder activity.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> cl.2.5(2) Removal of redundant crossing cl.2.6 Interpretation – “acceptable material” cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17(1) Signs cl.5.3 Declaration of flora road cl.5.5 Signposting of flora roads cl.5.7 Designation of special environmental areas cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants

Delegation Register

[Insert Local Government Name]



	<p>cl.9.3 Notice to repair damage to thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare cl.10.2 Local government may undertake requirements of notice</p>
Delegate:	Chief Executive Officer
<p>Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>1. General Activity Control</p> <p>1A. Authority, limit to permits subject of this delegation, to:</p> <ol style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; e. determine the form of the permit [cl.7.2(2)]. <p>1B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ol style="list-style-type: none"> a. Temporary vehicle crossing [cl.2.4(1)] b. Any activity described as requiring a permit under cl.2.2(1); <ol style="list-style-type: none"> i. dig or otherwise create a trench through or under a kerb or footpath; ii. throw, place or deposit anything on a verge; iii. cause any obstruction to a vehicle or person using a thoroughfare; iv. cause any obstruction to a water channel; v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare; vi. damage a thoroughfare; vii. light any fire or burn anything on a thoroughfare other than under a permit issued under cl.5.13; viii. fell any tree onto a thoroughfare; ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare; x. provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;

	<ul style="list-style-type: none"> xi. use or do anything so as to create a nuisance; xii. place or cause to be placed in on a thoroughfare a bulk rubbish container; xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare; <ul style="list-style-type: none"> c. Drive or take a vehicle on a closed thoroughfare [cl.2.19]; d. Erect or place an advertising or directional sign [cl.3.2] e. Use of portable signs [cl.3.4]; f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5]; g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)]; h. Clear and maintain in a cleared state, the surface of a thoroughfare within 1m of the person's land [cl.5.11]. i. Burn, subject to the <i>Bush Fires Act 1954</i>, slash or apply herbicides to part of a thoroughfare to reduce fire hazard, with the method approved to be beneficial to the preservation and conservation of native flora and fauna [cl.5.15] <ul style="list-style-type: none"> b. Construct firebreaks on a thoroughfare [cl.5.17] <p>1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)].</p> <p>2. Use of Public Places</p> <p>2A. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)].</p> <p>3. Crossings</p> <p>3A. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge and other thoroughfare infrastructure [cl.2.5(2)].</p> <p>4. Thoroughfares and Verges</p> <p>4A. Authority to determine and maintain the list of "acceptable materials" which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6].</p> <p>4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11].</p>
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	<p>4C. Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned [cl.2.15].</p> <p>4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to:</p> <ul style="list-style-type: none"> a. Alter the direction of a sprinkler or other watering equipment [cl.9.1]; b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2]; <p>4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to:</p> <p style="padding-left: 40px;">Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3];</p> <p style="padding-left: 40px;">Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4].</p> <p>4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2].</p> <p>5. Flora and Fauna within Thoroughfares</p> <p>5A. Authority to declare a flora road and to signpost it, where roadside vegetation is determined as high quality [cl.5.3 and cl.5.5].</p> <p>5B. Authority to designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which has protected or rare flora or fauna or has environmental, aesthetic or cultural significance [cl.5.7].</p> <p>5C. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> a. Collecting native flora and / or native flora seeds [cl.5.20]; b. Planting or sowing any plant seeds in a thoroughfare [cl.5.9]. <p>5D. Authority to determine conditions [cl.7.2(4) and cl.7.8] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p>
<p>Council Conditions on this Delegation:</p>	<p>a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>></p>
<p>Express Power to Sub-Delegate:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position title/s>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>A register of all special environmental areas must be maintained under cl.5.8 of the <i>Activities in Thoroughfares and Public Places and Trading Local Law</i>.</p> <p>Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer CEO Delegations 1.3.3 and 1.3.4.</p> <p>Crossing permits are approved under Regulations 12 and 13 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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1.4.2 Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

This Delegation is an **EXAMPLE ONLY** based upon the WALGA Template Activities in Thoroughfares and Public Places and Trading Local Law. This example may assist Local Governments to draft Local Law delegations in context of their individual Local Law arrangements.

It is recommended that Council adopt a policy (refer cl.7.4 of the Template Local Law) which details the general conditions expected to be applied to Permits, including details of how security deposits against the failure of a permit holder to make good damage to the thoroughfare are to be calculated as well as conditions that ensure the safety of the public and permit holder activity.

Waiving or exempting a person from payment of any fee required to be paid for a stallholder or trader's permit under cl.6.7 of this Local Law must be determined under section 6.12 of the *Local Government Act 1995*.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> cl.6.6 Conditions of Permit (Stallholders and Traders) cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Permits General</p> <p>1A. Authority, limited to the permit types listed below, to:</p> <ul style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; e. determine the form of the permit [cl.7.2(2)]. <p>2. Stallholder, Trading and Performing</p> <p>2A. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to</p>

Delegation Register

[Insert Local Government Name]



	<p>conditions either prescribed in the Local Law [cl.6.6 and cl.7.3] or a policy adopted under cl.7.4 or determined as appropriate, limited to:</p> <ul style="list-style-type: none"> a. Stallholder [cl.6.2]; b. Trader [cl.6.3]; c. Perform in a public place [cl.6.10]. <p>2B. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>2C. Authority to authorise another person, as the permit holder's nominee for a specified period [cl.6.6(2)].</p> <p>3. Outdoor Eating Facilities</p> <p>3B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.18] or determined as appropriate, for the purposes of an outdoor eating facility [cl.6.16].</p> <p>3C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>3D Authority to give notice to an outdoor eating facility permit holder requiring them to carry out work [cl.6.18(2)].</p>
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position title/s>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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2. Building Act 2011 Delegations

2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}
Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>

2. Building Act 2011 Delegations

Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
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Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p><i>Building Act 2011</i> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor</p> <p><i>Building Regulations 2012</i> – r.25 <i>Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</i></p> <p><i>Building Services (Registration Act) 2011</i> – Section 7 <i>Home Building Contracts Act 1991</i> – Part 3A, Division 2 – Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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2. Building Act 2011 Delegations

2.1.2 Demolition Permits

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2. Building Act 2011 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Building Act 2011 s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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2. Building Act 2011 Delegations

2.1.3 Occupancy Permits or Building Approval Certificates

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<u>Building Act 2011</u> s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate
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2. Building Act 2011 Delegations

	<p>s.121 Occupancy permits and building approval certificates – application for review by SAT</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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2. Building Act 2011 Delegations

2.1.4 Designate Employees as Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. <p>NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.</p>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p><i>Building Act 2011:</i></p> <p>s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

2. Building Act 2011 Delegations

2.1.5 Building Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>

2. Building Act 2011 Delegations

Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
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Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<u><i>Building Act 2011:</i></u> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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2. Building Act 2011 Delegations

2.1.6 Inspection and Copies of Building Records

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine an application from a n interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Building Act 2011 - s.146 Confidentiality <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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2. Building Act 2011 Delegations

2.1.7 Referrals and Issuing Certificates

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Building Regulation 5.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the <<Shire/Town/City>>'s District [s.145A(2)].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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Delegation Register

[Insert Local Government Name]



2. Building Act 2011 Delegations

2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

2. Building Act 2011 Delegations

2.1.9 Smoke Alarms – Alternative Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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Delegation Register

[Insert Local Government Name]



2. Building Act 2011 Delegations

2.1.10 Appointment of approved officers and authorised officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A).</p> <p><i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i></p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2).</p> <p><i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></p>
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

2. Building Act 2011 Delegations

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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3 Bush Fires Act 1954 Delegations

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}
Any reference to CEO in the Bush Fires Act 1954 means the CEO of the Department of Biodiversity, Conservation and Attractions. No powers / duties are assigned to a Local Government CEO in this Act.

3.1 Council to CEO, Mayor and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to request on behalf of the <<Shire/Town/City>> that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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3.1.2 Prohibited Burning Times - Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	[President / Mayor] and Chief Bush Fire Control Officer (jointly)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. Decisions under s,17(7) must be undertake jointly by both the [President / Mayor] and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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Delegation Register

[Insert Local Government Name]



3.1.3 Prohibited Burning Times – Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the <<Shire/Town/City>> or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].

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[Insert Local Government Name]



Council Conditions on this Delegation:	<i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements. a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].

Delegation Register

[Insert Local Government Name]



	<p>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</p> <p>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> <p>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>9. Authority to recover the cost of measures taken by the <<Shire/Town/City>> or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p>
Council Conditions on this Delegation:	<p>a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>></p>
Express Power to Sub-Delegate:	<p><i>NIL – Sub-delegation is prohibited by s.48(3)</i></p>

Compliance Links:	<p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<p><<Detail how records of decisions are to be kept by delegates>></p>

Version Control:

1	<p><<insert reference / detail identifying decision to adopt, amend the delegation>></p>
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[Insert Local Government Name]



3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)] 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i>
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].

Delegation Register

[Insert Local Government Name]



Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

3.1.7 Firebreaks

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the <<Shire/Town/City>>: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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Delegation Register

[Insert Local Government Name]



3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the <<Shire/Town/City>> [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

3.1.9 Control and Extinguishment of Bush Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. <ol style="list-style-type: none"> a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the <<Shire/Town/City>> or those on behalf of the <<Shire/Town/City>> to do [s.58].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

3.1.11 Prosecution of Offences

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer [Local Government employee] [Bush Fire Control Officer]
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the <<Shire/Town/City>>'s District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> <i>{Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
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Delegation Register

[Insert Local Government Name]



CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>
--	--

Compliance Links:	Cat Regulations 2012 r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> . <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

4.1.2 Cat Control Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the <<Shire/Town/City>>'s District [s.26].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<i>Cat Regulations 2012 – r.20</i> Cat control notice [s.23(3)], prescribes the Form of the notice. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

[Insert Local Government Name]



4.1.3 Approval to Breed Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p>Cat Regulations 2012:</p> <ul style="list-style-type: none"> r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
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Delegation Register

[Insert Local Government Name]



	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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4.1.4 Recovery of Costs – Destruction of Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Cat Act 2011: s.44 Delegation by local government
Express Power or Duty Delegated:	Cat Act 2011: s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	
2	

Delegation Register

[Insert Local Government Name]



4.1.5 Applications to Keep Additional Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> <i>{Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i>. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	
2	

4.1.6 Reduce or Waiver Registration Fee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> . b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	
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4.2 Cat Act Delegations - CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	[insert position title]
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
CEO Conditions on this Delegation:	a. <<The CEO has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1)) <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

5. Dog Act 1974 Delegations

5 Dog Act 1974 Delegations

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

1. Note that any references to CEO in the Dog Act 1976 means the CEO of the Department of Local Government, Sporting and Cultural Industries. Therefore, no powers or duties are assigned to the CEO of a Local Government within this Act.
2. Note that whilst the Dog Act 1976 does not prescribe prohibitions on Delegations under this Act, the Act does contain a number of Powers which can only be exercised by an “Absolute Majority” (see below). These powers are **prohibited** from Delegation as a Delegate is unable to fulfil the requirements of s.1.4 of the Local Government Act 1995, for the decision to be made by:

“a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the Council”.

- **Section 10AA Delegation of local government powers and duties**

(1) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act.

- **S.31 Control of dogs in certain public places**

(2B) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —

- (a) at all times; or
- (b) at specified times.

(3A) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

5.1 Dog Act Delegations Council to CEO

5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
Delegate:	Chief Executive Officer

Delegation Register

[Insert Local Government Name]



5. Dog Act 1974 Delegations

Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$<<value>> [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<p><i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

5. Dog Act 1974 Delegations

5.1.2 Refuse or Cancel Registration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the <<Shire/Town/City>>'s District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]

Delegation Register

[Insert Local Government Name]



5. Dog Act 1974 Delegations

Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</p> <p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>></p>
Express Power to Sub-Delegate:	<p><i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<p><i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

5. Dog Act 1974 Delegations

5.1.3 Kennel Establishments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the <<insert LG name>> Dogs Local Law. c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

5. Dog Act 1974 Delegations

5.1.4 Recovery of Moneys Due Under this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner’s expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared) <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

5. Dog Act 1974 Delegations

5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund. c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

5. Dog Act 1974 Delegations

5.1.6 Declare Dangerous Dog

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Section 33E also provides that this power may be exercised by an Authorised Person. If the Local Government has appointed an Authorised Person for this purpose (specified in the Certificate of Authorisation for the purposes of s.33E), then this Delegation is not required.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	Dog Act 1976: s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements. a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

5. Dog Act 1974 Delegations

5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Delegation of the s.33F power to deal with an objection to a dangerous dog declaration **should not** be delegated to the same person / position who is delegated / authorised to exercise s.33E powers enabling the declaration of a dangerous dog.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) and (2) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Council Conditions on this Delegation:	<p>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</p> <ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
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5. Dog Act 1974 Delegations

CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>
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Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

5. Dog Act 1974 Delegations

5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Delegation of the s.33H(5) power to deal with an objection **should not** be delegated to the same person / position who is delegated / authorised to exercise s.33H(1) and (2).

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	Dog Act 1976: s.33H(5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Council Conditions on this Delegation:	GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements. a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

5. Dog Act 1974 Delegations

5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Delegation does not include s.33M(1)(b) as the setting of a fixed fee is recommended to occur by Council resolution in accordance with s.6.16 of the Local Government Act 1995.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

6. Food Act 2008 Delegations

6 Food Act 2008 Delegations

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Note that any references to CEO in the Food Act 2008 mean the CEO of the Department of Health. Therefore, no powers or duties are assigned to the CEO of a Local Government within this Act.

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

As there is no power of sub-delegation available, it is important for each delegation under the Food Act 2008 to be made to a Delegate or Delegates most suitable for fulfilling the power or duty.

6.1 Council to CEO

6.1.1 Determine Compensation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	<<Position title/s>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$<<value>>. Compensation requests above this value are to be reported to Council. c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>

6. Food Act 2008 Delegations

Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
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Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

6. Food Act 2008 Delegations

6.1.2 Prohibition Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	<<Position title/s>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

6. Food Act 2008 Delegations

6.1.3 Food Business Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	<<Position title/s>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</p> <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

6. Food Act 2008 Delegations

6.1.4 Appoint Authorised Officers and Designated Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	<<Position title/s>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

6. Food Act 2008 Delegations

Compliance Links:	<p>s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers</p> <p>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed</p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

6. Food Act 2008 Delegations

6.1.5 Debt Recovery and Prosecutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	<<Position title/s>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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6. Food Act 2008 Delegations

6.1.6 Abattoir Inspections and Fees

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Regulations 2009:</i> r.43 Local government may require security r.45 Withdrawal of inspection services
Delegate:	<<Position title/s>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> i. require a person to provide security, ii. determine the form that security is to be provided, and iii. discharge a security held by the <<Shire/Town/City>> [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE:</i> {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</p> <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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6. Food Act 2008 Delegations

6.1.7 Food Businesses List – Public Access

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
Delegate:	<<Position title/s>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

7. Graffiti Vandalism Act 2016 Delegations

7 Graffiti Vandalism Act 2016 Delegations

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}

Note that a reference to CEO in the Graffiti Vandalism Act 2016, only means a Local Government CEO, where the reference appears in Part 3 of the Act. In all other instances a reference to CEO in the Graffiti Vandalism Act will mean the CEO of the Public Sector Agency responsible for administration of the Act (i.e. Commissioner of Police as the head of the Police Service).

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
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7. Graffiti Vandalism Act 2016 Delegations

Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>
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Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

[Insert Local Government Name]



7. Graffiti Vandalism Act 2016 Delegations

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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7. Graffiti Vandalism Act 2016 Delegations

7.1.3 Obliterate Graffiti on Private Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. Subject to exercising Powers of Entry. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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7. Graffiti Vandalism Act 2016 Delegations

7.1.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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8. Public Health Act 2016 Delegations

8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)]. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

Compliance Links:	<i>Criminal Procedure Act 2004 – Part 2</i> <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

8. Public Health Act 2016 Delegations

8.1.2

8.1.3 Enforcement Agency Reports to the Chief Health Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} s.21 provides that powers may only be delegated to the CEO <u>OR</u> an Authorised Officer designated under s.24.</i> Chief Executive Officer OR <<Designated Authorised Officer - Position Title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the <<Shire/Town/City>> [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i> a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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8. Public Health Act 2016 Delegations

8.1.4 Designate Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} s.21 provides that powers may only be delegated to the CEO <u>OR</u> an Authorised Officer designated under s.24.</i></p> <p>Chief Executive Officer</p> <p><u>OR</u></p> <p><<Designated Authorised Officer - Position Title>></p>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ol style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<p><i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i></p> <ol style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27. c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>

8. Public Health Act 2016 Delegations

Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
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Compliance Links:	<p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority <p><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></p> <p><<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>></p>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
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8. Public Health Act 2016 Delegations

8.1.5 Determine Compensation for Seized Items

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate <i>Public Health Act 2016</i> s.264 Compensation
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.264 Compensation
Delegate:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} s.21 provides that powers may only be delegated to the CEO <u>OR</u> an Authorised Officer designated under s.24.</i> Chief Executive Officer OR <<Designated Authorised Officer - Position Title>>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Council Conditions on this Delegation:	<i>GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government’s requirements.</i> a. Compensation is limited to a maximum value of \$\$<<value>>, with any proposal for compensation above this value to be referred for Council’s determination. b. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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9. Planning and Development Act 2005 Delegations

9 Planning and Development Act 2005 Delegations

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}
The WALGA Guide for Planning Delegations – Development Assessment is available on-line through WALGA’s Local Government Planning Improvement Portal (PIP). It’s free to sign up on the WALGA website! If you would like more information, please contact our Planning Team on 9213 2000. For those already registered as PIP users click [here](#)

9.1 Council to CEO

9.1.1 Illegal Development

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Planning and Development Act 2005: Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Council Conditions on this Delegation:	a. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Delegation Register

[Insert Local Government Name]



9. Planning and Development Act 2005 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position title/s>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>

Compliance Links:	Part 13 of the Planning and Development Act 2005 <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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9.2 Local Planning Scheme – Council to CEO

GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption}
Delegations for Local Planning Schemes have not been included in this Template Delegations Register as there are substantial variations between Schemes. Please contact either WALGA's People and Place Team or WALGA's Governance Team if you need assistance with Local Planning Scheme Delegations.

9.2.1 [Delegation Title]

10 Statutory Authorisations and Delegations to Local Government from State Government Entities

10.1 Environmental Protection Act 1986

10.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

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Environment

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EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

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Environment

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Western Australia
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No. 232. 20-Dec-2013
Page: 6282 Pdf - 3Mb

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
 - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

10.1.3 Noise Management Plans – Construction Sites

Published by:
Environment

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Western Australia
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No. 71. 16-May-2014
Page: 1548 [Pdf](#) - [2Mb](#)

EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

10.2 Planning and Development Act 2005

10.2.1 Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the *2nd* day of *June* 2016



**HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS**

Delegation Register

[Insert Local Government Name]



Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyerjarraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Qualcarding
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Warneeroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickiepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yilgarn
Shire of York

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of *June* 2016

10.2.2 Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02)

GOVERNMENT GAZETTE Tuesday, 30 May 2017 No.14

GUIDANCE NOTE:

This delegation must be read in conjunction with amendments Gazetted on Tuesday, 18 December 2018 No.193 – please see inserted below.

PL403

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2017/02 Powers of Local Governments and Department of Transport

Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To delegate to the Managing Director, Policy, Planning and Investment—Transport, of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 3, Section A, subject to the conditions set out in clause 5 of Section B.
- C. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2011/02 Powers of local governments (MRS)” published in the *Government Gazette* on 10 June 2014, to give effect to this delegation,

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

SECTION A—Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (e) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

3. Large Format Digital Signage applications

Applications from any public authority for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a Primary Regional Road.

SECTION B—Conditions

1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning (DoP), as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
 - Category 1 road means that frontage access is not allowed (control of access);
 - Category 2 road means that frontage access may be allowed subject to approval; and
- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
 - Category 3 road means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“Category 1 road” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“Category 2 road” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“Category 3 road” applies where regional road reservation is not accurately defined or is under review.

For enquiries and assistance regarding—

- (a) PRR Category 1, 2 and 3—call Main Roads WA on 138 138.
- (b) ORR Category 1, 2 and 3—call Department of Planning on (08) 6551 9000.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves direct vehicle access to and/or from the regional road reservation. 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<p>1. Where a development application has one or more of the following characteristics—</p> <p>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</p> <p>(b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or</p>	<p>1. Where the local government first decides to refuse the application under the MRS; or</p> <p>2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p>

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<p>(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or</p> <p>(d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or</p> <p>(e) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$20 000; or <p>(f) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> • none of the proposed development is within the regional road reservation; and • has a construction value greater than \$150 000 	

Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<p>1. All development applications, other than those where local government first decides to refuse it.</p>	<p>1. Where the local government first decides to refuse the application under the MRS</p>

Notes—

- (1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.planning.wa.gov.au/1212.asp>)
- (2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's DC Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.
(<http://www.planning.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)
- (3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. (<http://www.planning.wa.gov.au/publications/1197.asp>)
- (4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.planning.wa.gov.au/publications/1182.asp>)
- (5) With regard to development application for the display of advertisements on land reserved under the MRS local government should have regard to the Commission's *DC Policy 5.4 Advertising on Reserved Land*. (<http://www.planning.wa.gov.au/publications/825.asp>)

2. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

3. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.

4. For the purpose of this Instrument of Delegation (excluding applications under clause 3, Section A)—

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

5. Referral Requirements for applications from a public authority for large format digital signage development on land within a Primary Regional Road reservation

Where applications for large format digital signage development relate to land that is reserved as Primary Regional Roads (PRR) reservation in the MRS, the following shall apply—

- (a) DoT shall refer the application to the relevant local government and Main Roads WA for comment and recommendation;
- (b) the local government and Main Roads WA shall provide their comments and recommendations, if any, to the delegate within 30 days of receipt of the application;
- (c) Once the 30 day period has elapsed, the delegate may determine the application, even in the absence of comments and recommendations; and
- (d) the delegate is not bound to follow any recommendation received.

Interpretation

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including—
 - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - (b) the carrying out on the land of any excavation or other works;
 - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building".
- "DoT" means the Department of Transport
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m² "local government" means a local government within the area covered by the MRS.
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following—
 - (a) a Minister of the Crown in right of the State;

- (b) a department of the Public Service, State trading concern, State instrumentality or State public utility;
- (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;
- “regional road” means any road designated under the region Scheme as follows—
 - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
 - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- “reserved land” means land reserved under Part II of the MRS.
- “road reservation” means land reserved for the purposes of a regional road in the MRS.
- “significant increase in traffic” means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission’s *Transport Impact Assessment Guidelines*

CORRECTION TO DELEGATION 2017/02 GOVERNMENT GAZETTE 2 June 2017

PL101

CORRECTION
PLANNING AND DEVELOPMENT ACT 2005
INSTRUMENT OF DELEGATION
Del 2017/02 Powers of Local Governments and Department of Transport
Metropolitan Region Scheme

Certain typographical errors were recorded in the Instrument of Delegation, made under the *Planning and Development Act 2005*, and published on 30 May 2017 from page 2738 to 2743 of the *Government Gazette*.

The errors are corrected as follows—

1. On page 2739, the text of Resolution C is deleted and replaced with the following words—
“TO REVOKE its delegation of powers and functions to local governments and the Department of Transport as detailed in the notice entitled “DEL 2015/02 Powers of local governments and Department of Transport (MRS)” published in the *Government Gazette* on 18 December 2015, to give effect to this delegation.”

AMENDMENT TO DELEGATION 2017/02 GOVERNMENT GAZETTE, Tuesday, 18 December 2019, No.193

GUIDANCE NOTE:

The below gazettal amends the above delegation and the two must be read in conjunction.

PL402

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENT AND DOT
Notice of amendment to the Instrument of Delegation, Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 12 December 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A. To amend the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme as gazetted on 30 May 2017, as set out in Schedule 1 below.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

Schedule 1

1. Instrument of delegation amended

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017 and as amended.

2. Amendment to Section A

1. The word “but excluding any application relating to large format digital signage” are deleted from clause 2.
2. Clause 3 is deleted.

3. Amendments to Section B

1. The words in brackets “(excluding applications under clause 3, Section A)” are deleted from the title to clause 4.
2. Clause 5 is deleted.
3. In the interpretation section the terms “Large format digital signage” and “Public Authority” and their respective definitions, are deleted.

10.2.3 Development Control Powers – Powers of Local Governments - Greater Bunbury Region Scheme (DEL.2014/01)**GUIDANCE NOTE:**

This delegation must be read in conjunction with amendments Gazetted on 22 August 2017, No.165 – please see inserted text below.

1420

GOVERNMENT GAZETTE, WA

9 May 2014

PL406*

PLANNING AND DEVELOPMENT ACT 2005**INSTRUMENT OF DELEGATION****DELEGATION POWERS OF LOCAL GOVERNMENTS (GBRS) DEL 2014/01****Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme****Preamble**

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 22 April 2014, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 20 April 2012 (pages 1717—1722).

TIM HILLYARD, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005**INSTRUMENT OF DELEGATION****SCHEDULE 1—Development on reserved land delegated to local governments**

1. Development on land in a regional road reservation where the local government accepts the recommendation and any advice of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.
3. Development on reserved land, which requires planning approval under the GBRS and which is—
 - (a) Ancillary and incidental development that does not conflict with the purposes of the reservation; and
 - (b) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.
4. Any extension and/or change to a non-conforming use which requires planning approval under the GBRS and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development for which the local government decides to refuse.

SCHEDULE 2—Development on zoned land delegated to local governments

Applications for development on zoned land, excluding public works undertaken by public authorities—

1. On land abutting regional open space reservations, development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the GBRs and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of Main Roads Western Australia.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
3. On land abutting an other regional roads reservation, development which requires planning approval under the GBRs and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development which—
 - i. complies with an approved access policy pertaining to other regional roads reservations submitted by the local government and endorsed by the WAPC, and
 - ii. is approved subject to conditions requiring compliance with that policy.
 - (c) Development for which the local government decides to refuse approval under the GBRs.
4. On land abutting a port installations, public purposes, railways, state forests or waterways reservation, development of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
5. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the GBRs and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Water and/or the Water Corporation, as the case may be.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
6. On land in the Kemerton industrial zone buffer special control area (SCA No. 2), development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of State Development and the Environmental Protection Authority.
 - (b) Development for which the local government decides to refuse under approval under the GBRs.
7. On land in the Glen Iris service corridor buffer special control area (SCA No. 3) development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority.
 - (b) Development for which the local government decides to refuse approval under the GBRs.

8. On land in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Water Corporation.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
9. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic agricultural resource policy area and which requires planning approval under the GBRs—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
10. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area and which requires planning approval under the GBRs—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Mines and Petroleum.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
11. Development of one or more of the following kinds which is on land partly or wholly within the land subject to the floodplain management policy area and which requires planning approval under the GBRs—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Water;
 - (b) Development for which the local government decides to refuse approval under the GBRs.
12. Development in an activity centre which is for shop-retail purposes and which requires planning approval under the GBRs and which is for one or more of the following kinds—
 - (a) Development generally in accordance with a WAPC endorsed activity centres structure plan;
 - (b) Development for which the local government decides to refuse approval under the GBRs.
13. Development in the rural zone, other than for an animal husbandry-intensive, which requires planning approval under the GBRs and for which the local government decides to refuse approval under the GBRs.
14. Development for an animal husbandry-intensive premises, or for any extension or addition in excess of 100 m² to the improvements of an existing animal husbandry-intensive premises and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or Environmental Protection Authority.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
15. Any extension and/or change to a non-conforming use which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development for which the local government decides to refuse.

SCHEDULE 3—Terms of delegations to determine development on reserved and zoned land

1. Under clause 36 of the GBRs, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC in seven days and make recommendations to the WAPC within 42 days, or such longer period as the WAPC allows.
2. An application for development on reserved land, excluding regional open space, shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.
3. An application for development on or abutting regional open space reservations, shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
4. An application for development in or abutting a primary regional roads reservation shall be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.

5. An application for development in or abutting an other regional roads reservation shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
6. An application for development abutting a port installations, public purposes, railways, state forests or waterways reservation shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.
7. An application for development within the water catchments special control area (SCA No. 1) shall be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.
8. An application for development in the Kemerton industrial zone buffer special control area (SCA No. 2) shall be referred within seven days to the Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.
9. An application for development in the Glen Iris service corridor buffer special control area (SCA No. 3) shall be referred within seven days to the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.
10. An application for development in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) shall be referred within seven days to the Water Corporation for advice and recommendation before being considered by the local government.
11. An application for development within, adjacent to or in close proximity to the strategic agricultural resource policy area shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government.
12. An application for development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area shall be referred within seven days to the Department of Mines and Petroleum for advice and recommendation before being considered by the local government.
13. An application for development partly or wholly within the floodplain management policy area shall be referred within seven days to the Department of Water for advice and recommendation before being considered by the local government.
14. An application for an animal husbandry-intensive premises shall be referred to the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or the Environmental Protection Authority for advice and recommendation before being considered by the local government.
15. An application for any extension and/or change to a non-conforming use shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
16. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or delegate of, or a local government acting under delegated power, may determine the application on that basis.
17. Following referral for advice and recommendation, an application which is to be determined by the WAPC shall be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all the advice agencies consulted together with the advice and recommendation of the local government.
18. Where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provided by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination.
19. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.
20. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

SCHEDULE 4—Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the GBRs. Unless the context otherwise requires—

- ‘Abutting’ reserved land means the zoned land shares a common boundary with reserved land.
- ‘Access’ means entry or exit (or both) from either a road or abutting development by a vehicle.
- ‘Activity centre’ means the category of activity centres set out in Table 2 of the *Activity Centres for Greater Bunbury Policy*, namely—
 - City Centre
 - District Centres
 - Neighbourhood centres
 - Special Centres
 - Town Centres

- 'Advice agency' means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRs as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.
- 'Animal husbandry-intensive' has the same meaning as in the *Town Planning Regulations 1967*.
- 'Forward to the WAPC' and similar expressions mean convey by mail, by hand or electronically to the Bunbury office of the Department of Planning.
- 'Net lettable area' means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—
- all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, tea rooms and plant rooms and other service areas;
 - lobbies between lifts facing other lifts servicing the same floor
 - areas set aside for the provision of facilities or services to the floor or building;
 - areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
- 'Non-conforming use' has the same meaning as it has in the Planning and Development Act 2005 section 172.
- 'Not acceptable' means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.
- 'Planning approval' and 'planning approval under the GBRs' mean the planning approval of the WAPC as required under the GBRs and by resolution of the WAPC under clause 27 of the GBRs, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.
- 'Proximity' and 'in close proximity' mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area.
- 'Shop-retail' means the land use activities included in "Planning land use category 5: Shop/Retail" as defined by the Commission's South West Land Use and Employment Survey (as amended from time-to-time).

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**AMENDMENT TO DELEGATION 2014/01
GOVERNMENT GAZETTE, Tuesday, 22 August 2017, No.165**

GUIDANCE NOTE:

The below gazettal amends the above delegation and the two must be read in conjunction.

PL404

**PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION 2014/01
Powers of Local Governments (GBRS)**

Amendment to the Instrument of Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme as gazetted on 9 May 2014.

Preamble

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under s 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC Resolved—

- A. To amend its delegation of powers and functions to local governments in the Instrument of Delegation DEL 2014/01 Powers of local governments (GBRS) published in the *Government Gazette* on 9 May 2014 (pages 1420-1425) by replacing all references to "Strategic Agricultural Resource Policy" with "Priority Agricultural Land Policy".

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

10.2.4 Development Control – Powers of Local Governments - Peel Region Scheme (DEL.2008/12)

GUIDANCE NOTE:

This delegation must be read in conjunction with amendments Gazetted on 30 June 2009 and 3 November 2017 – please see amendment text inserted below.

19 December 2008 GOVERNMENT GAZETTE, WA 5449

Legislation: Planning and Development Act 2005 (s16)
Title: DEL 2008/12 Powers of local governments (PRS)
Resolution Date: 16/12/2008 Gazetted Date: 19/12/2008 File: 970-1-1-3
Revoques: Delegation to local governments gazetted 28/03/2003

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/12 POWERS OF LOCAL GOVERNMENTS (PRS)

Notice of delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Peel Region Scheme

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS. Parts 7 and 8 of the PRS set out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions in respect of the determination, in accordance with Parts 7 and 8 of the Peel Region Scheme, of applications for approval to commence and carry out development specified in Schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 28 March 2003 (pages 993-994).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Instrument of Delegation

SCHEDULE 1—Development on reserved land delegated to local governments

1. Development on land in a regional road reservation where the local government accepts the advice and/or recommendation of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.

SCHEDULE 2—Development on zoned land delegated to local governments

Applications for development on zoned land, except in respect of public works undertaken by public authorities—

1. On land abutting regional open space reservations, development which requires planning approval under the PRS and for which the local government decides to refuse approval under the PRS.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of Main Roads Western Australia.
 - (b) Development for which the local government decides to refuse approval under the PRS.

3. On land abutting an other regional roads reservation, development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of the Department for Planning and Infrastructure.
 - (b) Development which—
 - (i) complies with an approved access policy pertaining to other regional roads reservations, or a specified section of the other regional roads reservation, submitted by the local government and endorsed by the WAPC, and
 - (ii) is approved subject to conditions requiring compliance with that policy.
 - (c) Development for which the local government decides to refuse approval under the PRS.
4. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of the Department of Water and/or the Water Corporation, as the case may be.
 - (b) Development for which the local government decides to refuse approval under the PRS.
5. Development of the following kinds which is for shopping purposes and which requires planning approval under the PRS—
 - (a) Development which—
 - (i) is consistent with an approved centre plan, local commercial strategy or local planning strategy endorsed by the WAPC not more than five years prior to the application for planning approval being lodged, and
 - (ii) is approved subject to conditions requiring compliance with that plan or strategy.
 - (b) Development for which the local government decides to refuse approval under the PRS.
6. Development in the rural zone, other than for a poultry farm, which requires planning approval under the PRS and for which the local government decides to refuse approval under the PRS.
7. Development for a new poultry farm or for any extension or addition in excess of 100 m² to the improvements of an existing poultry farm, for which the local government decides to refuse approval under the PRS.

SCHEDULE 3—Terms of delegations to determine development on reserved and zoned land

1. Under clause 30 of the PRS, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC within seven days and may (within 42 days, or such longer period as the WAPC allows) make recommendations to the WAPC.
2. An application for development in or abutting a primary regional roads reservation is to be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.
3. An application for development in or abutting another regional roads reservation is to be referred within seven days to the Department for Planning and Infrastructure for advice and recommendation before being considered by the local government.
4. An application for development within the water catchments special control area (SCA No. 1) is to be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.
5. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or a local government acting under delegated power, may determine the application on that basis.
6. Following referral of any application referred to in Schedule 2 for advice and recommendation and where the local government does not accept the advice and/or recommendation of the advice agency, an application which is consequently to be determined by the WAPC is to be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all advice agencies consulted together with the advice and recommendation of the local government. These should be accompanied by the reasons why the recommendation of the advice agency is not acceptable to the local government.
7. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.
8. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

SCHEDULE 4—Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the PRS. Unless the context otherwise requires—

- '**Abutting**' reserved land means the zoned land shares a common boundary with reserved land.
- '**Access**' means entry or exit (or both) from either a road or abutting development by a vehicle.
- '**Advice agency**' means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the PRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.
- '**Centre plan**', '**local commercial strategy**' and '**local planning strategy**', for the purposes of paragraph 5(a) of schedule 2, mean a strategic planning document, submitted to and endorsed by the WAPC, specifying the planned future character and scale of the commercial centre or shopping centre where development is proposed, with limits for such components as uses, floorspace, lettable area, etc.
- '**Forward to the WAPC**' and similar expressions mean convey by mail, by hand or electronically to the Peel region office of the Department for Planning and Infrastructure.
- '**Not acceptable**' means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.
- '**Planning approval**' and '**planning approval under the PRS**' mean the planning approval of the WAPC as required under the PRS and by resolution of the WAPC under clause 21 of the PRS, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.
- '**Shopping purposes**' means use for any of the purposes defined in Appendix 4 of the proposed *Metropolitan Centres Policy Statement for the Perth Metropolitan Region* (WAPC) but excluding hotels, taverns, night clubs, and function and reception centres.

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AMENDMENT TO DELEGATION 2008/12

GUIDANCE NOTE:

The below gazettal amends the above delegation and must be read in conjunction the any additional amendments to the delegation.

30 June 2009 GOVERNMENT GAZETTE, WA 2643

PI410*

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION 2008/12
POWERS OF LOCAL GOVERNMENTS (PRS)

Amendment to the Instrument of Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Peel Region Scheme as gazetted on 19 December 2008.

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS. Parts 7 and 8 of the PRS set out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under s 16 of the Act (delegation)

On 23 June 2009, pursuant to section 16 of the Act, the WAPC Resolved—

- A To amend its delegation of powers and functions to local governments in the Instrument of Delegation DEL 2008/12 Powers of local governments (PRS) published in the *Government Gazette* on 19 December 2008 (pages 5449–5451) by replacing all references to “Department for Planning and Infrastructure” with “Department of Planning”.

TONY EVANS, Secretary,
Western Australian Planning Commission.

AMENDMENT TO DELEGATION 2008/12

GUIDANCE NOTE:

The below gazettal amends the above delegation and must be read in conjunction the any additional amendments to the delegation.

3 November 2017 GOVERNMENT GAZETTE, WA 5503

PL409

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION
DEL2008/12 Power of Local Governments

Amendment to the Instrument of Delegation to local governments of certain powers and functions of the Western Australian Planning Commission, under the Peel Region Scheme

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS. Parts 7 and 8 of the PRS set out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act), the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires

Resolution under section 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions in respect of the determination, in accordance with Parts 7 and 8 of the Peel Region Scheme, of applications for approval to commence and carry out development specified in Schedule A, within their respective districts, subject to the terms set out in Schedule B;
- B. To amend the Instrument of Delegation DEL2008/12 Powers of Local Governments (PRS) made by the WAPC on 16 December 2008 and published in the *Government Gazette* on 19 December 2008 at pages 5449-5451 (and as amended) (DEL 2008/12), as set out in Schedule C below, to give effect to this resolution.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

Schedule A

Applications for development on zoned land, excluding public works undertaken by public authorities

8. Development of one or more of the following kinds, which is on land in, adjacent to or in close proximity to Priority Agricultural Land as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, and which requires planning approval under the PRS—

- (a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.
- (b) Development for which the local government decides to refuse approval under the PRS.

Schedule B

5. An application for development in, adjacent to or in close proximity to Priority Agricultural Land, as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government."

5504

GOVERNMENT GAZETTE, WA

3 November 2017

Schedule C

1. Instrument of Resolution amended

The amendments within this Schedule are to the Schedules set out in DEL 2008/12.

2. Schedule 2—amended (page 5450)

Schedule 2 is amended by the addition of the following clause—

"8. Development of one or more of the following kinds, which is on land in, adjacent to or in close proximity to Priority Agricultural Land, as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, and which requires planning approval under the PRS—

- (a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.
- (b) Development for which the local government decides to refuse approval under the PRS."

3. Schedule 3—amended (page 5450)

Schedule 3 is amended by inserting a new clause 5 as follows—

"5. An application for development in, adjacent to or in close proximity to Priority Agricultural Land, as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government."

Further, existing clauses 5, 6, 7 and 8 of Schedule 3 are renumbered to 6, 7, 8 and 9, respectively.

4. Schedule 4—amended (page 5451)

The heading for Schedule 4 is amended to read "Schedule 4—Definitions and Interpretation"

Schedule 4 is amended by inserting the following definition and interpretation provision—

'Proximity' and 'in close proximity' mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area

A reference to a department or agency contemplates and includes a reference to its successor in title.

5. Index—amended (page 5451)

The "Delegations in relation to zoned land" section of the Index is amended to include a new line below "poultry farm" which reads—

"in/near the Priority Agricultural Land" . 8 5"

10.2.5 Development Control – Powers of Local Government – Ningaloo Coast Regional Interim Development Order 2007 (DEL.208/14)

5456

GOVERNMENT GAZETTE, WA

19 December 2008

Legislation: Planning and Development Act 2005 (s16)
Title: DEL 2008/14 Powers of local governments (Ningaloo Coast RIDO 2007)
Resolution Date: 16/12/2008 Gazetted Date: 19/12/2008 File: 970-1-1-3
Revoles: Delegation to local governments gazetted 12/10/2007

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/14 POWERS OF LOCAL GOVERNMENTS (NINGALOO COAST RIDO 2007)

Notice of delegation to local governments of development control powers of the Western Australian Planning Commission relating to the Ningaloo Coast Regional Interim Development Order 2007

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its functions under the Ningaloo Coast Regional Interim Development Order 2007 (the Order) as specified in column 1 of the schedule to local governments and to members and officers of those local governments specified in column 2 of the schedule, in respect of land described in column 3 of the schedule;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 12 October 2007 (pages 5532-5533).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Instrument of delegation

SCHEDULE 1

Column 1 (Powers and Functions)	Column 2 (Local Government)	Column 3 (Land)
<p>Power to determine an application made under Part 3 of the Order in accordance with the procedure set out in Part 4 of the Order except—</p> <p>(i) where the WAPC, by notice in writing in each case, advises the local government that it is of the opinion that an application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest; and</p> <p>(ii) where the local government is of the opinion that an application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest.</p> <p>The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local district under the local planning scheme.</p>	<ul style="list-style-type: none"> • Shire of Carnarvon • Shire of Exmouth 	<p>Applies to applications for development of land defined in—</p> <ul style="list-style-type: none"> • Map 1 Area of Delegation (Carnarvon) • Map 2 Area of Delegation (Exmouth)

10.2.6 Development Control – Powers of Local Governments – Hope Valley-Wattleup Redevelopment Act 2000 and Master Plan (DEL.2011/01)

Legislation: Planning and Development Act 2005 (s16)
Title: DEL 2011/01 Powers of local governments (Hope Valley-Wattleup Redevelopment Act 2000)
Resolution Date: 25 /1 /2011 Gazettal Date: 4/2/2011 File: 801-2-1-22 P10

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2011/01 POWERS OF LOCAL GOVERNMENTS (HOPE VALLEY-WATTLEUP REDEVELOPMENT ACT 2000 AND MASTER PLAN)

Notice of delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the *Hope Valley-Wattleup Redevelopment Act 2000* and the Hope Valley-Wattleup Master Plan

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 25 January 2011, pursuant to section 16 of the Act, the WAPC RESOLVED:

- A TO DELEGATE to certain local governments, to officers of those local governments, to the Statutory Planning Committee and the Chairman of the WAPC, and to officers of the Department of Planning (DoP) from time to time holding or acting in those offices, as set out in column 2 of the attached Schedule, its powers and functions under the *Hope Valley-Wattleup Redevelopment Act 2000* and in respect of the Hope Valley-Wattleup Master Plan as specified in column 1 of the attached Schedule, within their respective districts as specified in column 3 of the attached Schedule.

Tony Evans, Secretary
Western Australian Planning Commission

Instrument of Delegation

Schedule 1

Column 1 (Powers and functions delegated)	Column 2 (Local Government and officers, WAPC committee and Chairman, and DoP officers)	Column 3 (Conditions)
<p>1.1. Power to determine applications for development approval as set out in Part 4 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> and Part 10 and Part 11 of the <i>Hope Valley-Wattleup Master Plan</i> except where:</p> <p>(a) the land is reserved for a public purpose in the <i>Hope Valley-Wattleup Master Plan</i>; or</p> <p>(b) the decision to refuse or approve with or without conditions would be contrary to the recommendation of the Western Australian Land Authority in its submission on the application made pursuant to clause 11.1 of the <i>Hope Valley-Wattleup Master Plan</i>; or</p> <p>(c) the WAPC has advised the local government in writing that the application is to be determined by the WAPC; or</p> <p>(d) the local government decides to forward the application to the WAPC for the WAPC's determination.</p> <p>1.2. Power to amend or revoke a planning approval previously granted by the local government under delegated power, as set out in clause 9.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.3. Power to grant approval to unauthorised existing development or use as set out in clause 9.3 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.4. Power to authorise any of the local government's employees to enter a building or land for the observance of the Master Plan as set out in clause 12.1.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.5. Power to issue a written notice under clause 12.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.6. Power to defend and otherwise deal with reviews lodged with the State Administrative Tribunal under section 29 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> and to appeal, defend, respond and otherwise deal with any legal proceedings as it relates to this notice of delegation affecting the Hope Valley-Wattleup Redevelopment Area.</p> <p>1.7. Power to issue a written notice under section 31(1) of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i>.</p> <p>1.8. Power under section 31(6) of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> to take steps to remove, pull down, take up or alter any unlawful development, and recover the costs incurred in so doing.</p> <p>1.9. Power to commence and undertake a prosecution for an offence committed under section 25 or section 31 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i>.</p>	<ul style="list-style-type: none"> • Council of the City of Cockburn • Chief Executive Officer, City of Cockburn • Director of Planning and Development, City of Cockburn • Manager of Statutory Planning, City of Cockburn <ul style="list-style-type: none"> • Council of the Town of Kwinana • Chief Executive Officer, Town of Kwinana • Director of Operational and Technical Services, Town of Kwinana • Manager of Planning and Development, Town of Kwinana 	<p>Confined to land within the City of Cockburn</p> <p>Confined to land within the Town of Kwinana</p>
<p>1.10 Power to advise a local government in writing in the circumstance of 1.1(c) of this delegation that an application is to be determined by the WAPC.</p>	<ul style="list-style-type: none"> • Statutory Planning Committee of the WAPC • Chairman of the WAPC • Director General, DoP 15135.1 • Executive Director, Peel, Perth and South West Planning and Strategy, DoP 15196.1 	<p>City of Cockburn and Town of Kwinana</p>

10.2.7 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)

29 January 2021

GOVERNMENT GAZETTE, WA

449

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

Schedule 1

1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
 - i. a type of development; and/or
 - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

2. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

10.3 Main Roads Act 1930

10.3.1 Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (*Insert name of Local Government*) (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Delegation Register

[Insert Local Government Name]



Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)

WAS AFFIXED BY)

COMMISSIONER OF MAIN ROADS)

FOR THE TIME BEING IN THE)
PRESENCE OF:

Signature of Witness

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

.....(*Insert name of Local Government*)..... agrees to unconditionally observe, perform and be bound by the above conditions.

THE COMMON SEAL of)
)
)
)

[Insert name of Local Government])
)
Was hereunto affixed pursuant to a)
resolution of the Council in the)
presence of.)
)

Signature of Chief Executive Officer

Signature of Witness

Name of Witness (please print)

10.3.2 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads (“the Commissioner”) hereby authorises (“Authorised Body”) by itself, its employees, consultants, agents and contractors (together “Representatives”) to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the “Traffic Management for Works on Roads Code of Practice” (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia (“the Code”) referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner’s delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)
WAS AFFIXED BY)
)
)
COMMISSIONER OF MAIN ROADS)
FOR THE TIME BEING IN THE PRESENCE OF:)

Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to observe, perform and be bound by the above conditions.

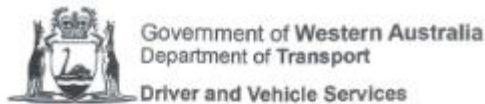
THE COMMON SEAL OF THE)
.....)
WAS AFFIXED PURSUANT TO A RESOLUTION)
OF THE COUNCIL IN THE PRESENCE OF)

Chief Executive Officer

Witness

10.4 Road Traffic (Vehicles) Act 2012

10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles



ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

CONDITIONS

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must:



Government of **Western Australia**
Department of **Transport**
Driver and Vehicle Services

- (a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and
- (b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 7 is not intended to prevent the use of additional words on the vehicle.



Christopher Davers
Assistant Director, Strategy and Policy
Driver and Vehicle Services
Department of Transport

Dated the 5th day of September 2017

*[Approval for ranger vehicles to fit and use yellow flashing lights \(transport.wa.gov.au\)](http://transport.wa.gov.au)
Extracted on line on 15 March 2021*