



# SHIRE OF JERRAMUNGUP

## REGISTER OF DELEGATIONS OF AUTHORITY 2023/2024

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## **FOREWORD**

### **POWERS OF DELEGATION – LOCAL GOVERNMENT ACT 1995**

#### **REGISTER OF DELEGATIONS**

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

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

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

The aim of this register of delegations is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to a strong customer service focus.

#### **A BACKGROUND TO DELEGATIONS AND AUTHORISATIONS**

Delegations and authorisations are the means by which decision making bodies can access the power to undertake certain statutory functions.

A delegation is the conferral of the ability to exercise a power or duty to a person or body from a person or body that is vested with the responsibility to exercise that power or duty.

An authorisation is the designation of an officer or a body as a person or body that is capable of exercising a specific statutory power or duty.

When a person or body exercises delegated authority they do so "on behalf" of the delegator and in doing so the person or body exercising delegated authority forms the relevant state of mind to make the decision "on behalf" of the delegator. An authorised person or body exercises a statutory function in their own right.

The Western Australian local government statutory regime also provides for the Council and Chief Executive Officer to "Act Through" other officers, agents and bodies to achieve statutory functions. "Acting Through" in this manner is not the exercise of delegated authority or an authorised power and must be handled differently.

The Department of Local Government and Communities provides a guideline on delegation to local governments in Western Australia. (*Local Government Guideline No. 17 – Delegations*).

#### **THE GOVERNANCE STRUCTURE**

The Western Australian local government governance regime provides that the Council appoints a Chief Executive Officer and the Chief Executive Officer appoints employees. Similarly, all local government employees are responsible to the CEO who in turn is responsible to the Council. Wherever possible, the Shire will endeavour to ensure authorisations and delegations conform to this governance structure. Delegations will be established from the Council to the Chief Executive Officer and this will enable the Chief Executive Officer to either delegate power to officers or authorise officers as the Chief Executive Officer sees fit.

Delegations and authorisations from the Council directly to officers other than the Chief Executive Officer will be avoided unless legislation specifically provides that this is the only manner in which the power can be provided to an officer other than the Chief Executive Officer.

## **STANDARD CONDITIONS OF DELEGATION**

Each power of delegation may be subject to its own conditions. However, there are some broad conditions of delegation that are detailed as follows:

### **THE INTERPRETATION ACT 1984**

Sections 58 and 59 of the *Interpretation Act 1984* place restrictions upon the exercise of the power of delegation and effects of delegation. These sections apply to all delegations under written laws however they may be varied by the statute which provides the power of delegation.

#### **SECTION 58. DELEGATES, PERFORMANCE OF FUNCTIONS BY**

Where under a written law the performance of a function by a person is dependent upon the opinion, belief, or state of mind of that person in relation to a matter and that function may be performed by the delegate upon the opinion, belief, or state of mind of the delegate in relation to that matter.

#### **SECTION 59. POWER TO DELEGATE, CONSTRUCTION OF**

1. Where a written law confers power upon a person to delegate the exercise of any power or the performance of any duty conferred or imposed upon him under a written law –
  - a. Such a delegation shall not preclude a person so delegating from exercising or performing at any time a power or duty so delegated;
  - b. Such a delegation may be made subject to such conditions, qualifications, limitations or exceptions as the person so delegating may specify;
  - c. If the delegation may be made only with the approval of some person, such delegation, and any amendment of the delegation, may be made subject to such conditions, qualifications, limitations or exceptions as the person whose approval is required may specify;
  - d. Such a delegation may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of office;
  - e. Such a delegation may be amended or revoked by instrument in writing signed by the person so delegating;
  - f. In the case of a power conferred upon a person by reference to the term designating an office, such a delegation shall not cease to have effect by reason only of a change in the person lawfully acting in or performing the functions of that office.
2. The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.
3. Where under a written law an act or thing may or is required to be done to, by reference to or in relation to, a person and that person has under a written law delegated a relevant function conferred or imposed on him with respect to or in consequence of the doing of that act or thing, the act or thing shall be regarded as effectually done if done to, by reference to or in relation to the person to whom the function has been delegated.

### **THE CONCEPT OF 'ACTING THROUGH'**

Section 5.45 (2) *Local Government Act 1995*

Nothing in this Division (Div 4 – local government employees) is to be read as preventing –

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

The key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The functions of a local government are spelt out in section 3.1, “General Function” and Division 2 and Division 3 of Part 3 of the *Local Government Act 1995*.

The functions of the Chief Executive Officer are set out in section 5.41 of the *Local Government Act 1995*. The Chief Executive Officer can act through another person by giving instructions to that person to undertake one or more of those functions.

Acting Through Example:

Function of the Chief Executive Officer—s 5.41 (g) of the *Local Government Act 1995* Chief Executive Officer includes in the job description of the Deputy Chief Executive Officer that he or she shall:

“Review the performance of each employee under his/her supervision who is employed for a term of more than one year at least once in relation to every year of the employment”.

## **DELEGATION OF SOME POWERS AND DUTIES TO CERTAIN COMMITTEES**

Section 5.16 of the *Local Government Act 1995*

### **5.16. Delegation of some powers and duties to certain committees**

1. Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.  
*\* Absolute majority required.*
2. A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
3. Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
  - a. a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - b. any decision to amend or revoke a delegation under this section is to be by an absolute majority.
4. Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

### **5.17. Limits on delegation of powers and duties to certain committees**

1. A local government can delegate —
  - a. to a committee comprising council members only, any of the council’s powers or duties under this Act except —
    - i. any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
    - ii. any other power or duty that is prescribed; and
  - b. to a committee comprising council members and employees, any of the local government’s powers or duties that can be delegated to the Chief Executive Officer under Division 4; and
  - c. to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government’s powers or duties that are necessary or convenient for the proper management of —
    - i. the local government’s property; or
    - ii. an event in which the local government is involved.
2. A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

## 5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

### DELEGATION OF SOME POWERS AND DUTIES TO CHIEF EXECUTIVE OFFICER

Section 5.42 of the *Local Government Act 1995*

1. A local government may delegate\* to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43 and this power of delegation.

\* *Absolute majority required.*

2. A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation. It is important to note that not all delegations in this Register are delegations made under the *Local Government Act 1995*. Although the *Local Government Act 1995* allows delegation only to the Chief Executive Officer, other Acts allow delegations to be made direct to other employees, eg *Health Act*, *Dog Act*. In some instances other Acts do not give the authority for the person delegated the power to sub-delegate. In these instances if the delegation is made to the Chief Executive Officer, the Chief Executive Officer could not sub-delegate. This register attempts to ensure delegations are made to the employee whose task it is to enforce the Act concerned.

### LIMITS ON DELEGATIONS TO CHIEF EXECUTIVE OFFICERS

*Local Government Act 1995*

The following are decisions that cannot be delegated by Council to the Chief Executive Officer as per section 5.43 of the Act:

- a. any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- b. accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- c. appointing an auditor;
- d. acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- e. any of the local government's powers under section 5.98, 5.99 or 5.100;
- f. borrowing money on behalf of the local government;
- g. hearing or determining an objection of a kind referred to in section 9.5;
- h. the power under section 9.49(4) to authorise a person to sign documents on behalf of the local government;
- i. any power or duty that requires the approval of the Minister or the Governor; or
- j. such other powers or duties as may be prescribed.

Furthermore, the following regulations prescribe powers and duties which cannot be delegated to the Chief Executive Officer:

- a. Regulation 18G of the *Local Government (Administration) Regulations 1996* prohibits the delegation to a Chief Executive Officer of the powers and duties under;
  - Sections 712(a), 7.12AA(3) and 7.12A(4) of the *Local Government Act 1995* (relating to meetings with auditors; and
  - Regulations 18C and 18D (relating to the selection and appointment of Chief Executive Officer's and reviews of their performance)

- b. Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a Chief Executive Officer) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

## **CHIEF EXECUTIVE OFFICER MAY DELEGATE POWERS AND DUTIES TO OTHER EMPLOYEES**

### **Section 5.44 *Local Government Act 1995***

1. A Chief Executive Officer may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under this Act other than this power of delegation.
2. A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

## **REGISTER OF DELEGATIONS**

The *Local Government Act 1995* requires the Shire to maintain a register of the exercise of delegations. The register must include prescribed information detailing how delegated authority has been exercised in a range of circumstances. The requirement to record the prescribed information applies only to delegations made using the power of delegation under part of the *Local Government Act 1995* and does not extend to other legislation.

## **STANDARD CONDITIONS OF DELEGATION**

In accordance with section 5.71 of the *Local Government Act 1995* and the Shire of Jerramungup's Code of Conduct, if an employee has been delegated a power or duty relating to a matter in which the employee has an interest, that employee must not exercise the power or discharge the duty and must in the case of the Chief Executive Officer, disclose to the Shire President the nature of the interest, and in the case of any other employee, must disclose to the Chief Executive Officer the nature of the interest. The *Local Government Act 1995* contains severe penalties for failure to comply.

In accordance with sections 5.75 and 5.76 of the *Local Government Act 1995*, the delegation of a power or duty to an employee triggers the requirement to make disclosures in primary and annual returns. The *Local Government Act 1995* contains severe penalties for failure to comply. It is the responsibility of each individual employee to ensure compliance.

Any delegation exercised shall comply with any laws and regulations in force, and the requirements of any Shire of Jerramungup local laws, Council policies and resolutions of Council.

In accordance with section 5.46(3) of the *Local Government Act 1995*, a person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Actual decisions relating to the matter delegated shall be made by the person nominated in the delegation. However, it is understood that other staff may carry out administrative and technical work relating to those decisions.

## **PRIMARY AND ANNUAL RETURNS**

An employee to whom a duty or power is delegated under the *Local Government Act 1995* is considered a 'designated employee' under section 5.74(1) of the Act and is required to complete a primary return and then an annual return each year thereafter.

## RECORD OF ACTIONS AND DECISIONS

If a person is exercising a power or duty that has been delegated (including sub delegated), the *Local Government Act 1995* requires that records be kept whenever the delegated authority is utilised (s5.46 (3)). Regulation 19 of the *Local Government (Administration) Regulations 1996* prescribes the information required to be recorded:

- a. how the person exercised the power or discharged the duty;
- b. when the person exercised the power or discharged the duty; and
- c. 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.

Departments responsible for a delegated function, power or duty are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required.

## DEFINITIONS

The terms used throughout this register are defined below:

**“Delegate”**: the person (named by position title or office) or entity ‘appointed’ by the delegator, to act in place of the delegator for the purpose of exercising an express power or duty.

**“Delegation”**: the process, prescribed in legislation, for assigning authority to exercise an express power or duty from the delegate to another person (named by position title or office) or an entity (the Delegate).

**“Delegator”**: the person (named by position title or office) or entity in which the written law vests an Express Power or Duty whom delegates that Express Power or Duty.

**“Express Power or Duty”**: a power or duty written (expressly) in legislation.

**“Express Power to Delegate”**: a power (procedure) written (expressly) in legislation that enables the devolution of an Express Power or Duty from a Delegator to a Delegate.

**“Head of Power”**: the legislation, which contains an express power to delegate and/or an express power or duty.

**“Instrument of Delegation”**: the written form of a delegation. Legislation requires delegation be provided in writing. The instrument of delegation communicates the delegation from the Delegator to the Delegate.

**“Sub-delegate”**: the person (named by position or title or office) or entity to which a Delegate has sub-delegated a power or duty, which has been delegated to that Delegate by the Delegator.

## REVIEW OF DELEGATIONS

The *Local Government Act 1995* requires that a review of the Delegations Register occurs at least once every financial year. Delegations under other Acts may have different requirements. Where there is no statutory requirement for review, the provisions of the *Local Government Act 1995* shall be applied to ensure uniformity. The review will include the Chief Executive Officer reviewing all sub-delegations and authorisations.

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# 1 LOCAL GOVERNMENT ACT 1995 DELEGATIONS

## 1.1 Part 1 – Administration

### 1.1.1 Payments from the Municipal or Trust Funds

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	Authority to make payments from the Municipal or Trust Funds r.12(1)(a)
<b>Council's Conditions on this Delegation:</b>	Subject to: <ol style="list-style-type: none"> <li>1. Compliance with regulations 12 and 13 of the <i>Local Government (Financial Management) Regulations 1996</i> and Council Policies</li> <li>2. Funds being provided in the annual budget</li> <li>3. Authority to the Chief Executive Officer is unlimited</li> <li>4. Incurring liabilities and making payments to be undertaken in accordance with the Shire's procedures and systems for incurring liabilities and making payments</li> <li>5. Authority which may be delegated by the Chief Executive Officer to employees is subject to the maximum individual amount limits on payments as defined by the Shire of Jerramungup Management Practices</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Finance Manager
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> Section 6.7 Municipal Fund, Section 6.9 Trust Fund <i>Local Government (Financial Management) Regulations 1996</i> Regulation 5 – Chief Executive Officer's duties as to financial management Regulation 11 – Payments, procedures for making etc Regulation 12 – Payments from municipal fund or trust fund, restrictions on making Regulation 12 – Payment from municipal fund or trust fund by Chief Executive Officer, Chief Executive Officer's duties as to etc

	Council Policy FP6 – Procurement of Goods and Services Policy Council Policy FP5 – Transaction Card	
<b>Record Keeping:</b>	<p>Monthly payment list is to be presented to the next Ordinary Meeting of Council following the preparation of the listing and is to be recorded in the Minutes of the meeting at which it is presented</p> <p>Retain cheque vouchers, including transfer records as evidence of decisions to make payments</p> <p>Retain computer encryption devices and other controls for effective scrutiny of account payments</p>	
<b>Adopted:</b>	June 2007 – OC060712	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 1.1.2 Disposing of Property

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.3.58(2) and (3) Disposing of Property
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <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"> <li>1. Authority to dispose of property: <ol style="list-style-type: none"> <li>a. To the highest bidder at public auction</li> <li>b. To 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</li> </ol> </li> <li>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</li> </ol>
<b>Council's Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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</li> <li>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 \$70,000</li> <li>c. When determining the method of disposal: <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>◆ Reserve price has been set by independent valuation</li> <li>◆ Where the reserve price is not achieved at auction it is to be presented to Council</li> </ul> </li> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal, 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</li> </ul> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Development Manager of Works Works Supervisor
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations

<b>Compliance Links:</b>	<p><i>Local Government Act 1995</i>  s.3.58 Disposal of Property  <i>Local Government (Functions and General) Regulations 1996</i>  Dispositions of property excluded from Act  Council Policy FP6 – Procurement of Goods and Services Policy</p>	
<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>  Retention of file copy of relevant correspondence</p>	
<b>Adopted:</b>	<p>June 2007 – OC060712</p>	
<b>Reviewed:</b>	<p>June 2016 – OC161605</p>	<p>July 2017 – OC170707</p>
	<p>20 March 2019 OCM190308</p>	<p>17 June 2020 OCM200609</p>
	<p>24 March 2021 OCM210314</p>	<p>24 November 2021 OCM211108</p>
	<p>22 March 2023 OCM230311</p>	<p>22 November 2023 OCM</p>

### 1.1.3 Tenders for Goods and Services

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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 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 r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Call tenders [F&amp;G r.11(1)]</li> <li>2. 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 a sole supplier arrangement [F&amp;G r.11(f)]</li> <li>3. Undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget [F&amp;G.r.11(2)]</li> <li>4. Invite tenders although not required to do so [F&amp;G r.13]</li> <li>5. Determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)]</li> <li>6. Determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)]</li> <li>7. 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&amp;G r.14(5)]</li> <li>8. Evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)]</li> <li>9. Accept, or reject tenders, only within the \$value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&amp;G r.18(2) and (4)]</li> <li>10. Determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, within the \$value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)]</li> </ol>

	<ol style="list-style-type: none"> <li>11. Seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)]</li> <li>12. Decline any tender [F&amp;G r.18(5)]</li> <li>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&amp;G r.20(2)]</li> <li>14. Authority to: <ol style="list-style-type: none"> <li>i. Vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the original contract</li> <li>ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&amp;G r.21A]</li> </ol> </li> <li>15. Accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&amp;G r.18(6) and (7)]</li> </ol>
<p><b>Council's Conditions on this Delegation:</b></p>	<p>All tenders and tender evaluation reports will be formally presented to Council for final determination on awarding the tender</p> <ol style="list-style-type: none"> <li>a. Sole supplier arrangements may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification; and</li> <li>iv. Rationale for why the supply is unique and cannot be sources through other suppliers;</li> </ol> </li> <li>b. 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 and where the: <ul style="list-style-type: none"> <li>• proposed goods or services are required to fulfil a routine contract related to the day to day operations of the local government,</li> <li>• current supply contract expiry is imminent,</li> <li>• value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>• The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council</li> </ul> </li> </ol>
<p><b>Express Power to Sub-Delegate:</b></p>	<p><i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees</p>
<p><b>Sub-Delegate/s:</b> <i>Appointed by CEO</i></p>	<p>Deputy Chief Executive Officer Manager of Development Manager of Works</p>
<p><b>CEO's Conditions on this Sub-delegation:</b></p>	<p>Conditions of the original delegation also apply to the sub-delegations</p>



<b>Compliance Links:</b>	<p><i>Local Government (Functions and General) Regulations 1996</i> prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy FP6 – Procurement of Goods and Services Policy</p>	
<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Retention of file copy of relevant correspondence</p> <p>Relevant documents recorded in tender file/Tender Register</p>	
<b>Adopted:</b>	July 2013 – OC130710	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

### 1.1.4 Powers of Entry

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. 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]</li> <li>2. Give notice of entry [s.3.32]</li> <li>3. Seek and execute an entry under warrant [s.3.33]</li> <li>4. Execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]</li> <li>5. Give notice and effect entry by opening a fence [s.3.36]</li> </ol>
<b>Council's Conditions on this Delegation:</b>	Compliance with the <i>Local Government Act 1995</i> and any other written law Delegated authority may only be used, where there is imminent or substantial risk to public safety or property
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Works Manager of Development Building Surveyor Ranger Community Emergency Services Officer Works Supervisor
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> 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

<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence	
<b>Adopted:</b>	June 2007 – OC060712	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

### 1.1.5 Declare Vehicle is an Abandoned Vehicle Wreck

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.3.40A(4) Abandoned vehicle wreck may be taken	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to declare that an impounded vehicle is an abandoned vehicle wreck	
<b>Council's Conditions on this Delegation:</b>	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.7 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Works Ranger Works Supervisor	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> s.3.40A(1) Abandoned vehicle wreck may be taken s.3.40A(4) Declare that the vehicle is an abandoned vehicle wreck	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence	
<b>Adopted:</b>	July 2013 – OC130710	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

### 1.1.6 Confiscated or Uncollected Goods

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<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	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. 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]</li> <li>2. 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]</li> <li>3. Recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]</li> </ol>	
<b>Council's Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Ranger	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> 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	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence	
<b>Adopted:</b>	June 2007 – OC060712	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

### 1.1.7 Disposal of Sick or Injured Animals

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: 1. 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. Recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]	
<b>Council's Conditions on this Delegation:</b>	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Works Ranger Works Supervisor	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	Nil	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence	
<b>Adopted:</b>	June 2007 – OC060712	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 1.2 Part 2 – Finance

### 1.2.1 Rate Record Amendment

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.6.39(2)(b) Rate record	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)]	
<b>Council's Conditions on this Delegation:</b>	Delegates must comply with the requirements of s.6.40 of the Act	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Finance Manager	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> 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	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Ensure full record of each decision is lodged on the Shire rates database in Synergy Soft	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	24 March 2021 OCM210314
	24 November 2021 OCM211108	22 March 2023 OCM230311
	22 November 2023 OCM	

## 1.2.2 Agreement as to Payment of Rates and Service Charges

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.6.49 Agreement as to payment of rates and service charges	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to make an agreement with a person for the payment of rates or service charges [s.6.49]	
<b>Council's Conditions on this Delegation:</b>	Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Finance Manager	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	Council Policy FP2 – Rates and Accounts Collection	
<b>Record Keeping:</b>	Retention of file copy of relevant correspondence on assessment file Ensure full record of each decision is lodged on the Shire rates database in Synergy Soft	
<b>Adopted:</b>	June 2007 – OC060712	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM



### 1.2.3 Determine Due Date for Rates or Service Charges

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.6.50 Rates or service charges due and payable	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to determine the date on which rates or service charges become due and payable to the Shire of Jerramungup	
<b>Council's Conditions on this Delegation:</b>	Nil	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	Nil	
<b>Record Keeping:</b>	Ensure full record of each decision is lodged on the Shire rates database in Synergy Soft	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

## 1.2.4 Recovery of Rates or Service Charges

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.6.56 Rates or service charges recoverable in court	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated 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)]	
<b>Council's Conditions on this Delegation:</b>	Nil	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Finance Manager	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	Council Policy FP2 – Rates and Accounts Collection	
<b>Record Keeping:</b>	Retention of file copy of relevant correspondence on assessment file Ensure full record of each decision is lodged on the Shire rates database in Synergy Soft	
<b>Adopted:</b>	June 2007 – OC060712	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 1.2.5 Recovery of Rates Debts – Require Lessee to Pay Rent

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.6.60 Local Government may require lessee to pay rent	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. 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 of Jerramungup [s.6.60(2)]</li> <li>2. 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)]</li> </ol>	
<b>Council's Conditions on this Delegation:</b>	Nil	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Finance Manager	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> Refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60 Council Policy FP2 – Rates and Accounts Collection	
<b>Record Keeping:</b>	Retention of file copy of relevant correspondence on assessment file Ensure full record of each decision is lodged on the Shire rates database in Synergy Soft	
<b>Adopted:</b>	June 2007 – OC060712	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 1.2.6 Recovery of Rates Debts – Actions to Take Possession of the Land

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.6.64(1) and (3) 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
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. 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"> <li>i. lease the land, or</li> <li>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"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>II. cause the land to be transferred to the Shire of Jerramungup [s.6.71]</li> </ol> </li> </ol> </li> <li>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)]</li> <li>3. 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)]</li> </ol>
<b>Council's Conditions on this Delegation:</b>	In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates/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
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Finance Manager
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations

<b>Compliance Links:</b>	<p><i>Local Government Act 1995</i> Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation</p> <p><i>Local Government Act 1995</i> regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation</p> <p>Council Policy FP2 – Rates and Accounts Collection</p>	
<b>Record Keeping:</b>	<p>Retention of file copy of relevant correspondence on assessment file</p> <p>Ensure full record of each decision is lodged on the Shire rates database in Synergy Soft</p>	
<b>Adopted:</b>	June 2007 – OC060712	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 1.2.7 Rate Record – Objections

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.6.76 Grounds of objection	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Extend the time for a person to make an objection to a rate record [s.6.76(4)]</li> <li>2. 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)]</li> </ol>	
<b>Council's Conditions on this Delegation:</b>	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	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal	
<b>Record Keeping:</b>	Retention of file copy of relevant correspondence on assessment file Ensure full record of each decision is lodged on the Shire rates database in Synergy Soft	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

## 1.2.8 Power to Invest and Manage Investments

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: 1. 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. Establish and document internal control procedures to be followed in the investment and management of investments [FM r.19]
<b>Council's Conditions on this Delegation:</b>	a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy FP3 – 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 each financial year. [Audit r.17]
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Finance Manager
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations
<b>Compliance Links:</b>	<i>Local Government (Financial Management) Regulations 1996</i> Refer r.19C Investment of money, restrictions on (Act s6.14(2)(a)) Council Policy FP3 – Investments
<b>Record Keeping:</b>	All investments are to be reported to Council as part of the Monthly Financial Report
<b>Adopted:</b>	August 2007 – OC080703

<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM



## 1.2.9 Donations

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996</i> Reg12(1)(a) Payments from municipal fund or trust fund, restrictions on making Council Policy AP6 – Donations	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to approve sundry donations to the value of \$250	
<b>Council's Conditions on this Delegation:</b>	In assessing applications for the sundry donations, the assessor must apply the assessment criteria as outlined within Administration Policy 6 – Donations The aggregate of any cash donations made under this delegated authority shall not exceed the amount provided for that purpose in the Council's budget each year, without formal Council approval	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	Council Policy AP6 – Donations	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	July 2013 – OC130710	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 1.2.10 Defer, Grant Discounts, Waive or Write Off Debts

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.6.12 Power to defer, grant discounts, waive or write off debts
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Shire of Jerramungup [s.6.12(1)(b)]</li> <li>2. Grant a concession in relation to money which is owed to the Shire of Jerramungup [s.6.12(1)(b)]</li> <li>3. Write off an amount of money which is owed to the Shire of Jerramungup [s.6.12(1)(c)]</li> </ol>
<b>Council's Conditions on this Delegation:</b>	Debts may only be written off if individual debts are valued below \$500 or \$20 in respect to Rates and Service Charges. Write off of debts greater than these values must be referred for Council decision The Chief Executive Officer must be satisfied that the debt is unrecoverable by ensuring 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 of Jerramungup or recommendation has been received by Council's debt collection agent This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations
<b>Compliance Links:</b>	<i>Collection of Rates Debts – refer Delegations</i> 1.1.11 – Agreement as to Payment of Rates and Service Charges 1.1.13 – Recovery of Rates or Service Charges 1.1.14 – Recovery of Rates Debts – Require Lessee to Pay Rent 1.1.15 – Recovery of Rates Debts – Actions to Take Possession of the Land
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin
<b>Adopted:</b>	August 2013 – OC130805

<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 1.3 Part 3 – Works

### 1.3.1 Close Thoroughfares to Vehicles

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</li> <li>2. Determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> <li>• give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]</li> </ul> </li> <li>3. Revoke an order to close a thoroughfare [s.3.50(6)]</li> <li>4. 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]</li> <li>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]</li> </ol>
<b>Council's Conditions on this Delegation:</b>	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)]
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Development Manager of Works Ranger Community Emergency Services Officer Works Supervisor

<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> Part 3, Division 3, Subdivision 3	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence	
<b>Adopted:</b>	June 2007 – OC060712	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

### 1.3.2 Crossing – Construction, Repair and Removal

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<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 cl7(3)	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <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"> <li>1. The Chief Executive Officer is delegated 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</li> <li>2. The Chief Executive Officer is delegated authority to determine the specifications for construction of crossings to the satisfaction of the local government</li> </ol>	
<b>Council's Conditions on this Delegation:</b>	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Works Manager of Development Works Supervisor	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> – Prescribe applicable statutory procedures Penalties under the <i>Local Government (Uniform Local Provisions) Regulations</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence	
<b>Adopted:</b>	July 2013 – OC130710	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 2 BUILDING ACT 2011 DELEGATIONS

### 2.1 Council to Chief Executive Officer

#### 2.1.1 Grant a Building Permit

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011</i> s.127(1) and (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<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))
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]</li> <li>2. Grant or refuse to grant a building permit [s.20(1) and (2) and s.22]</li> <li>3. Impose, vary or revoke conditions on a building permit [s.27(1) and(3)]</li> <li>4. Determine an application to extend time during which a building permit has effect [r.23] <ol style="list-style-type: none"> <li>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)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]</li> </ol> </li> <li>5. Approve, or refuse to approve, an application for a new responsible person for a building permit [r.26]</li> </ol>
<b>Council's Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development Building Surveyor
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations

<b>Compliance Links:</b>	<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 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011</i>  Section 7</p> <p><i>Home Building Contracts Act 1991</i>  Part 3A, Division 2 – Part 7, Division 2</p> <p><i>Building and Construction Industry Training Levy Act 1990</i>  <i>Heritage of Western Australia Act 1990</i>  <i>Caravan and Camping Grounds Act 1995</i>  <i>Caravan and Camping Grounds Regulations 1997</i></p>	
<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Retention of file copy of relevant correspondence  Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	April 2012 – OC020410	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM



## 2.1.2 Demolition Permits

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011</i> s.127(1) and (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<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))
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]</li> <li>2. Grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) and (2) and s.22]</li> <li>3. Impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)] <ol style="list-style-type: none"> <li>i. Determine an application to extend time during which a demolition permit has effect [r.23]</li> <li>ii. 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)]</li> </ol> </li> <li>4. Impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]</li> <li>5. Approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26]</li> </ol>
<b>Council's Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development Building Surveyor
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations

<b>Compliance Links:</b>	<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  <i>Building Services (Complaint Resolution and Administration) Act 2011</i>  Part 7, Division 2  <i>Building and Construction Industry Training Levy Act 1990</i>  <i>Heritage of Western Australia Act 1990</i>  <i>Caravan and Camping Grounds Act 1995</i>  <i>Caravan and Camping Grounds Regulations 1997</i></p>	
<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>  Retention of file copy of relevant correspondence  Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	April 2012 – OC020410	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

### 2.1.3 Occupancy Permits or Building Approval Certificates

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011</i> s.127(1) and (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<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)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]</li> <li>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]</li> </ol>
<b>Council's Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development Building Surveyor
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations

<b>Compliance Links:</b>	<p><i>Building Act 2011</i>  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  s.121 Occupancy permits and building approval certificates – application for review by SAT  <i>Building Services (Complaint Resolution and Administration) Act 2011</i>  Part 7, Division 2  <i>Building and Construction Industry Training Levy Act 1990</i>  <i>Heritage of Western Australia Act 1990</i>  <i>Caravan and Camping Grounds Act 1995</i>  <i>Caravan and Camping Grounds Regulations 1997</i></p>	
<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>  Retention of file copy of relevant correspondence  Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	April 2012 – OC020410	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 2.1.4 Designate Employees as Authorised Officers

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Permit Authority (Local Government)	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011</i> s.127(1) and (3) Delegation: special permit authorities and local government	
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011</i> s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: 1. Designate an employee as an authorised person [s.96(3)] 2. 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)]	
<b>Council's Conditions on this Delegation:</b>	Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i>	
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development Building Surveyor	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Building Act 2011</i> s.97 requires each person designated as an authorised person must have an identity card r.5A Authorised persons (s.3) – definition	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence	
<b>Adopted:</b>	July 2013 – OC130710	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 2.1.5 Building Orders

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011</i> s.127(1) and (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Make Building Orders in relation to:               <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)]</li> </ol> </li> <li>2. Give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]</li> <li>3. Revoke a building order [s.117]</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to:               <ol style="list-style-type: none"> <li>a. take any action specified in the order; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>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)]</li> </ol> </li> <li>5. 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)]</li> <li>6. 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></li> </ol>
<b>Council's Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. In undertaking the functions of this delegation, Building Surveyors (registered) must be employed by the Shire of Jerramungup in accordance with s5.36 of the Local Government Act 1995; and as defined in the Building Act 2011 Part 1. 3.</li> <li>2. Must comply with Council policies</li> </ol>

<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development Building Surveyor	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Building Act 2011</i> 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	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	April 202 – OC020410	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

### 3 PUBLIC HEALTH ACT 2016 DELEGATIONS

#### 3.1 Council to Chief Executive Officer

##### 3.1.1 Designate Authorised Officers

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers s312 Environmental Health Officers to be authorised officers for certain purposes
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> <li>i. The <i>Public Health Act 2016</i> or other specified Act</li> <li>ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act</li> <li>iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ol> </li> </ol> <p>Including:</p> <ol style="list-style-type: none"> <li>a. an environmental health officer or environmental health officers as a class; OR</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>c. a mixture of the two. [s.24(1) and (3)]</li> </ol>
<b>Council's Conditions on this Delegation:</b>	Subject to each person so appointed being; <ul style="list-style-type: none"> <li>• Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>• Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]</li> </ul> <p>A Register (list) of authorised officers is to be maintained in accordance with s.27</p>
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)]
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Environmental Health Officers, contracted by City of Albany
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations Persons to be appointed as authorised environmental health officers must satisfy the criteria published in Government Gazette No. 22 of 24 January 2017 – <i>Public Health Act 2016</i> – Guidelines on the Designation of Authorised Officer A certificate of authority as an authorised officer must be issued (s.30)



<b>Compliance Links:</b>	<p><i>Public Health Act 2016</i></p> <p>s.20 Conditions on performance of functions by enforcement agencies.</p> <p>s.25 Certain authorised officers required to have qualifications and experience.</p> <p>s.26 Further provisions relating to designations</p> <p>s.27 Lists of authorised officers to be maintained</p> <p>s.28 When designation as authorised officer ceases</p> <p>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>s.30 Certificates of authority</p> <p>s.31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s.32 Certificate of authority to be returned</p> <p>s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006</i></p> <p>Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p>The <i>Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>	
<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Retention of file copy of relevant correspondence</p>	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

### 3.1.2 Enforcement Agency Reports to the Chief Health Officer

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Enforcement Agency (means Local Government vide s.4 definition)	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016</i> s.22 – Reports by and about enforcement agencies	
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i>	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. 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 of Jerramungup [s.22(1)]</li> <li>2. Prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)]</li> </ol>	
<b>Council’s Conditions on this Delegation:</b>	Nil	
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)]	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Environmental Health Officers, contracted by City of Albany	
<b>CEO’s Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

### 3.1.3 Commence Proceedings

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Enforcement Agency (means Local Government vide s.4 definition)	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016</i> s.21 Enforcement agency may delegate	
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.280 Commencing Proceedings	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> (s.280)	
<b>Council's Conditions on this Delegation:</b>	Nil	
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)]	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Environmental Health Officers, contracted by City of Albany	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

## 4 FOOD ACT 2008 DELEGATIONS

### 4.1 Council to Chief Executive Officer

#### 4.1.1 Appoint Authorised Officers and Designated Officer

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)]</li> <li>2. 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)]</li> <li>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)]</li> </ol>
<b>Council's Conditions on this Delegation:</b>	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"> <li>• Appointment of Authorised Officers as Meat Inspectors</li> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul> A register of authorised officers appointed is to be maintained. [s.122(3)] Authorised Officers are to be issued with a certificate of authority. [s.123(1)]
<b>Express Power to Sub-Delegate:</b>	Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Environmental Health Officers, contracted by City of Albany
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations

<b>Compliance Links:</b>	<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>	
<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Maintain a register of Appointed Authorised Officers Certification of authorisation to be completed</p>	
<b>Adopted:</b>	July 2013 – OC130710	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

#### 4.1.2 Food Business Registrations

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	Chief Executive Officer Environmental Health Officers employed or contracted by the Shire of Jerramungup
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer and Environmental Health Officers employed or contracted by the Shire of Jerramungup are delegated authority to: 1. 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. Vary the conditions or cancel the registration of a food business [s.112]
<b>Council's Conditions on this Delegation:</b>	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"> <li>• <i>Food Act 2008</i> Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Environmental Health Officers, contracted by City of Albany
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <i>Food Act 2008</i>

<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Retention of file copy of relevant correspondence</p> <p>Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

### 4.1.3 Prohibition Orders

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	Chief Executive Officer Environmental Health Officers employed or contracted by the Shire of Jerramungup
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer and Environmental Health Officers employed or contracted by the Shire of Jerramungup are delegated authority to: <ol style="list-style-type: none"> <li>1. Serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]</li> <li>2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]</li> <li>3. 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)]</li> </ol>
<b>Council's Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Environmental Health Officers, contracted by City of Albany
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Food Act 20018 Guide to Regulatory Guideline Number 1: Introduction to Regulatory Auditing in Western Australia



<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Retention of file copy of relevant correspondence</p> <p>Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

#### 4.1.4 Debt Recovery and Prosecutions

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. 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)]</li> <li>2. Institute proceedings for an offence under the <i>Food Act 2008</i> [s.125]</li> </ol>	
<b>Council's Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	Nil – Food Regulations 2009 do not provide for sub-delegation	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Environmental Health Officers, contracted by City of Albany	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Nil</i>	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

## 5 BUSH FIRES ACT 1954 DELEGATIONS

### 5.1 Council to Chief Executive Officer

#### 5.1.1 Administer and Enforce Provisions of the Bush Fires Act 1954

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954</i> s.48 – Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Bush Fires (Infringements) Regulations 1978</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to perform all powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i>
<b>Council's Conditions on this Delegation:</b>	Decisions under s,17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8)
<b>Express Power to Sub-Delegate:</b>	Nil
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil – Sub-delegation is prohibited by s.48(3)
<b>CEO's Conditions on this Sub-delegation:</b>	Nil
<b>Compliance Links:</b>	<i>Bush Fires Act 1954</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy Shire Policy Fire Control Policy 1 – Brigades and Officers Shire Policy Fire Control Policy 2 – Bush Fires on Crown Land Shire Policy Fire Control Policy 3 – Use of Council Owned Equipment Shire Policy Fire Control Policy 4 – Harvest Bans Shire Policy Fire Control Policy 5 – Licensed Storage Areas Shire Policy Fire Control Policy 6 – Radios Shire Policy Fire Control Policy 7 – Camping and Cooking Fires

<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Retention of file copy of relevant correspondence</p> <p>Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	July 2013 – OC130710	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 5.2 Council to Shire President and Chief Bush Fire Control Officer

### 5.2.1 Prohibited Burning Times – Vary

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954</i> s.48 – Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fires 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
<b>Delegate:</b>	Shire President and Chief Bush Fire Control Officer (jointly)
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Shire President and The Chief Bush Fire Control Officer, where seasonal conditions warrant it, are jointly delegated authority to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)]
<b>Council's Conditions on this Delegation:</b>	Decisions under s,17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8)
<b>Express Power to Sub-Delegate:</b>	Nil
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil – Sub-delegation is prohibited by s.48(3)
<b>CEO's Conditions on this Sub-delegation:</b>	Nil
<b>Compliance Links:</b>	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> Shire Policy Fire Control Policy 1 – Brigades and Officers Shire Policy Fire Control Policy 2 – Bush Fires on Crown Land Shire Policy Fire Control Policy 3 – Use of Council Owned Equipment Shire Policy Fire Control Policy 4 – Harvest Bans Shire Policy Fire Control Policy 5 – Licensed Storage Areas Shire Policy Fire Control Policy 6 – Radios Shire Policy Fire Control Policy 7 – Camping and Cooking Fires

<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Retention of file copy of relevant correspondence</p> <p>Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	July 2013 – OC130710	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 6 DOG ACT 1976 DELEGATIONS

### 6.1 Council to Chief Executive Officer

#### 6.1.1 Administer and Enforce Provisions of the Dog Act 1976

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to perform all powers and duties of the local government under the <i>Dog Act 1976</i> and subsidiary legislation and to further delegate powers and duties under the <i>Dog Act 1976</i> and associated regulations
<b>Council's Conditions on this Delegation:</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation
<b>Express Power to Sub-Delegate:</b>	<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)
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Development Manager of Works Ranger Works Supervisor
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations Authorised persons must be issued with a certificate as prescribed by r.14 of the <i>Dog Regulations 2013</i>
<b>Compliance Links:</b>	<i>Dog Act 1976</i> <i>Dog Regulations 2013</i> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence and report to Council monthly via Councillor Information Bulletin
<b>Adopted:</b>	June 2007 – OC060712

<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM



## 7 CAT ACT 2011 DELEGATIONS

### 7.1 Council to Chief Executive Officer

#### 7.1.1 Cat Registrations

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Act 2011</i> Schedule 3, cl.1(4) Fees Payable
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]</li> <li>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)]</li> <li>3. Authority to cancel a cat registration [s.10]</li> <li>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)]</li> <li>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 of Jerramungup's District [Regs. Sch. 3 cl.1(4)]</li> </ol>
<b>Council's Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011</i> s.45 – Delegation by CEO of local government
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Development Manager of Works Ranger Works Supervisor
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations

<b>Compliance Links:</b>	<p><i>Cat Regulations 2012</i></p> <p>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration</p> <p>r.12 Period of registration (s.9(7))</p> <p>r.11 Changes in registration</p> <p>r.14 Registration certificate (s.11(1)(b))</p> <p>r.15 Registration tags (s.76(2))</p> <p>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></p>	
<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Retention of file copy of relevant correspondence</p> <p>Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

## 7.1.2 Appoint Authorised Persons

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011</i> s.44 Delegation by local government	
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011</i> s.48 Authorised persons s.49 Authorised person may cause a cat to be destroyed	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: 1. Appoint authorised persons by issuing a certificate of authorisation [s.48] 2. Cause a cat to be destroyed in a humane manner [s.49]	
<b>Council's Conditions on this Delegation:</b>	Nil	
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011</i> s.45 – Delegation by CEO of local government	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Development Manager of Works Ranger Works Supervisor	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Nil</i>	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

### 7.1.3 Approval to Breed Cats

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011</i> s.44 Delegation by local government	
<b>Express Power or Duty Delegated:</b>	<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	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]</li> <li>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)]</li> <li>3. Authority to cancel an approval to breed cats [s.38]</li> <li>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)]</li> </ol>	
<b>Council's Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011</i> s.45 – Delegation by CEO of local government	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Cat Regulations 2012</i> 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))	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

## 8 TOWN PLANNING DELEGATIONS

### 8.1 Council to Chief Executive Officer

#### 8.1.1 Shire of Jerramungup Local Planning Scheme No. 2

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Shire of Jerramungup Local Planning Scheme No2 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.82 of Schedule 2, Part 10
<b>Express Power or Duty Delegated:</b>	Shire of Jerramungup Local Planning Scheme No2 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Parts 3,4,6,7,8,9 of Schedule 2 (Deemed Provisions)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Initiate the necessary public advertising of 'A' planning applications prior to determination by the Council</li> <li>2. Initiate the necessary public advertising of planning applications for a 'Use Not Listed' prior to determination by the Council</li> <li>3. Approve all 'P' planning applications where the use proposed complies with standards prescribed by Local Planning Scheme No.2 and any relevant Local Planning Policies made under the Scheme</li> <li>4. Approve all 'D' planning applications subject to:               <ol style="list-style-type: none"> <li>(i) Compliance with the objectives of the Council's Local Planning Policies; and</li> <li>(ii) Compliance with Local Planning Scheme No.2</li> </ol> </li> <li>5. Approve planning applications for building envelopes in the 'Rural Residential' zone where:               <ol style="list-style-type: none"> <li>(i) No objection being received from neighbouring landowners;</li> <li>(ii) The building envelope location is not visually prominent when viewed from major roads, roads to beaches, reserve land or beaches; and</li> <li>(iii) The envelope is not located in Kwongkan Shrubland</li> </ol> </li> <li>6. Approve planning applications in a Reserve where the proposed use is consistent with the ultimate purpose intended for the reserve</li> <li>7. Approve and accept tree planting and landscaping plans required for subdivisional approvals or planning consent conditions where the plans involve the use of local native plant and tree species or other appropriate species</li> <li>8. Provide responses to mobile phone carriers in accordance with the Telecommunications Act in respect to:               <ol style="list-style-type: none"> <li>(i) The proposed method of community consultation</li> <li>(ii) The installation of low impact facilities</li> </ol> </li> <li>9. Approve requests for boundary setback variations required by the Residential Design Codes, the Town Planning Scheme or relevant Local Planning Policies (where there is power to vary the standards) where the variation will not</li> </ol>

	<p>adversely impact on the amenity of adjoining residences and adjoining owners support has been received</p> <p>10. Approve applications for purpose built transportable buildings where the proposed building will not adversely impact on the amenity of adjoining residences and adjoining owners support has been received</p> <p>11. Approve applications for Single Houses and outbuildings in the Rural Residential zone where the proposed building(s) fully comply with the requirements of the Local Planning Scheme and/or relevant Local Planning Policies and will not adversely impact on the amenity of adjoining residences</p> <p>12. Approve applications for advertisements that fully comply with the requirements of the Local Planning Scheme and/or relevant Local Planning Policies and will not adversely impact on the amenity of the surrounding area</p> <p><b>Subdivision</b></p> <p>13. Recommend support to the Western Australian Planning Commission and where delegated by the Commission determine applications for subdivisional proposals up to five (5) lots where these proposals comply with Local Planning Scheme No.2 or relevant Local Planning Policy and ensure appropriate and relevant conditions are requested of the Western Australian Planning Commission</p> <p><b>Scheme Amendments and Structure Plans</b></p> <p>14. Require proponents to modify Local Planning Scheme Amendments and Structure Plan documents to the satisfaction of Council officers prior to them being considered by the Council</p> <p>15. Make inconsequential text and grammatical modifications to Scheme Amendments and Structure Plan documentation at any stage of the process</p> <p>16. Accept modifications to Scheme Amendments required by the Minister for Planning and Infrastructure unless they are in direct conflict with the Council's intentions following the consideration of submissions. This' will include accepting the Minister's decision not to require modifications which were requested by the Council following consideration of submissions</p> <p><b>Legal Proceedings</b></p> <p>17. The Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions and legal proceedings for breaches of the Town Planning Scheme in accordance with Part 13 of the Planning and Development Act 2005 on behalf of the Council</p>
<b>Council's Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Shire of Jerramungup Local Planning Scheme No2 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.83 of Schedule 2, Part 10
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations
<b>Compliance Links:</b>	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

	<p>Shire of Jerramungup Local Planning Scheme No2</p> <p>Shire of Jerramungup Planning Policies:</p> <p><i>LPP1 Flexible Coded Areas</i></p> <p><i>LPP3 Design Guidelines</i></p> <p><i>LPP4 Advertising Signs</i></p> <p><i>LPP5 Use of Reflective Building Materials</i></p> <p><i>LPP6 Tourist Accommodation</i></p> <p><i>LPP7 Kent Loc 95 Dillon Bay and Kent Loc 839 Millers Point</i></p> <p><i>LPP8 Parking and Repair of Commercial Vehicles</i></p> <p><i>LPP9 Feed Lots</i></p> <p><i>LPP10 Agroforestry and Plantations</i></p> <p><i>LPP11 Public Consultation for Development Applications</i></p> <p><i>LPP12 Requirement for Fire Management Plans</i></p> <p><i>LPP13 Extractive Industries</i></p> <p><i>LPP14 Sea Containers</i></p> <p><i>LPP15 Transported Buildings</i></p> <p><i>LPP16 Outbuildings</i></p> <p><i>LPP17 Water Conservation</i></p> <p><i>LPP18 Point Henry Fire Management</i></p> <p><i>LPP19 Bremer Bay Town Centre Design Guidelines</i></p> <p><i>LPP20 Holiday Homes</i></p> <p><i>LPP21 Subdivision Guide – Templetonia Road, Bremer Bay</i></p> <p><i>LPP22 Townsite BAL Contour Plans</i></p>	
<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Retention of file copy of relevant correspondence</p> <p>Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	July 2013 – OC130708	
<b>Reviewed:</b>	June 2016 – OC161605	July 2017 – OC170707
	20 March 2019 OCM190308	17 June 2020 OCM200609
	24 March 2021 OCM210314	24 November 2021 OCM211108
	22 March 2023 OCM230311	22 November 2023 OCM

## 9 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEME) REGULATIONS 2015 DELEGATIONS

### 9.1 Council to Chief Executive Officer

#### 9.1.1 Determination of Development Applications

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.82 of Schedule 2, Part 10
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Parts 3,4,6,7,8,9 of Schedule 2 (Deemed Provisions)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	<p>The Chief Executive Officer is delegated authority to:</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i>            cl. 8, Part 3 of Schedule 2</p> <p>Establish and maintain a heritage list            cl.12, Part 3 of Schedule 2</p> <p>Make determinations to vary provisions to facilitate the conservation of a place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under clause 8 of the Deemed Provisions            cl.27, Part 4 of Schedule 2</p> <p>Determining applications in accordance with Structure Plans pursuant to cl. 27 of the deemed provisions            cl.56, Part 6 of Schedule 2</p> <p>Determine development applications, which modifies or varies a Local Development Plan pursuant to cl. 56 of the deemed provisions            cl.61, Part 7 of Schedule 2 Determine any works or uses that are temporary and in existence longer than 48 hours pursuant to cl. 61 (1) (f) and cl. 61 (2) (d) of the deemed provisions            cl.63, Part 8 of Schedule 2</p> <p>Make determinations on the sufficiency of information provided with applications for planning consent pursuant to cl. 63 of the deemed provisions            cl.64, Part 8 of Schedule 2</p> <p>Advertise and provide notice of applications for planning approval or consent pursuant to cl. 64 of the deemed provisions            cl.65, Part 8 of Schedule 2</p> <p>Determine any retrospective applications pursuant to cl. 65 – subsequent approval of development – of the deemed provisions            cl.68, Part 9 of Schedule 2</p> <p>Determine applications pursuant to cl. 68 of the deemed provisions for planning approval or refusal including:</p> <p>a) any conditions to be imposed or reasons for refusal;</p>



	<p>b) the period of validity; and</p> <p>c) the scope of the planning approval</p> <p>cl.71, Part 9 of Schedule 2</p> <p>Allow for the extension of the term within which any development approved must be substantially commenced in accordance with cl. 71 of the deemed provisions</p> <p>cl.75, Part 9 of Schedule 2</p> <p>Determine an application for development within the timeframes in accordance with cl.75(1)(a) and (b) or agree to a longer time in writing in accordance with cl.75(1)(c) of the deemed provisions. Determine an application for development in accordance with cl.75(3) of the deemed provisions</p> <p>cl.77, Part 9 of Schedule 2</p> <p>Determine any amendment applications pursuant to cl. 77 (amending or cancelling development approval) of the deemed provisions</p>
<b>Council's Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Delegation only to be exercised following appropriate consideration of the matters listed in cl.67, 68 and 69, of Schedule 2 – Deemed Provisions</li> <li>2. Where applications are required to undergo consultation in accordance with cl.64 of Schedule 2, Part 8 and cl.66 of Schedule 2, Part 9, delegation can only be exercised where concerns raised through consultation is not relevant to planning considerations or where concerns can be addressed by way of conditions or mitigated by design</li> <li>3. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions, a report to Council shall be prepared.</li> <li>4. Delegation can only be exercised to the extent that the Scheme, or Council Policy provides for variations. Where variation to Council policy is proposed, a report to Council shall be prepared.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p>cl.83 of Schedule 2, Part 10</p>
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<p>Manager of Development</p>
<b>CEO's Conditions on this Sub-delegation:</b>	<p>Conditions of the original delegation also apply to the sub-delegations</p> <ol style="list-style-type: none"> <li>1. Delegation only to be exercised following appropriate consideration of the matters listed in cl.67, 68 and 69, of Schedule 2 – Deemed Provisions</li> <li>2. Where applications are required to undergo consultation in accordance with cl.64 of Schedule 2, Part 8 and cl.66 of Schedule 2, Part 9, delegation can only be exercised where concerns raised through consultation is not relevant to planning considerations or where concerns can be addressed by way of conditions or mitigated by design</li> <li>3. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions, a report to Council shall be prepared</li> <li>4. Delegation can only be exercised to the extent that the Scheme, or Council Policy provides for variations. Where variation to Council policy is proposed, a report to Council shall be prepared</li> </ol>

<b>Compliance Links:</b>	<i>Planning and Development Act 2005</i> Shire of Jerramungup Local Planning Scheme No2	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

## 9.1.2 Local Development Plans

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.82 of Schedule 2, Part 10
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.48, 49, 50, 51, 52, 53, 57, 58, 59 Part 6 of Schedule 2
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Consider the material provided by the applicant and determine whether sufficient information is provided or if further information from the applicant is required before the local development plan can be accepted for assessment under cl.49 (1) of Schedule 2</li> <li>2. Determine under cl.50 (3) of Schedule 2, whether the local development plan is to be advertised</li> <li>3. Initiate the advertising of the local development plan, if deemed required, is to be carried out in accordance with cl.50 (1) of Schedule 2</li> <li>4. Determine under cl. 52 (1), whether to approve a Local Development Plan</li> <li>5. Determine under cl. 57 (3) to extend the period of approval of a Local Development Plan if there is no changes to the terms of the plan or the conditions attached to the approval</li> <li>6. Determine under cl. 58 to revoke a Local Development Plan</li> <li>7. Amend a Local Development Plan as envisaged under cl. 59 (3)</li> </ol>
<b>Council's Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Delegation only to be exercised following appropriate consideration of the matters listed under clause 48 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and the local development plan is consistent with the Shire's Town Planning Scheme No. 2</li> <li>2. Authority to not advertise a local development plan can only be exercised where it can be demonstrated that it would not adversely affect the owners or occupiers within the area covered by the plan or an adjoining area</li> <li>3. Authority to determine a Local Development Plan can only be exercised if it is aligned with the relevant Local Planning Policy</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.83 of Schedule 2, Part 10
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations

<b>Compliance Links:</b>	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Shire of Jerramungup Local Planning Scheme No2	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
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### 9.1.3 Structure Plans

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.82 of Schedule 2, Part 10
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 cl.16 Publication of endorsed local planning strategy cl.17 Action by local government on receipt of application cl.18 Advertising structure plan cl.19 consideration of submissions cl.20 Local Government report to Commission
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Consider the material provided by the applicant and determine whether sufficient information is provided, or if further information from the applicant is required before the structure plan can be accepted for assessment under cl.17(1)</li> <li>2. Advertise the structure plan in accordance with clause 18 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> <li>3. Consider all the submissions, make a determination regarding the information required and whether to advertise any modifications proposed to the Structure Plan to address issues raised in submissions as contemplated in cl. 19 (1)</li> </ol>
<b>Council's Conditions on this Delegation:</b>	This authority is to be exercised following appropriate consideration of the matters listed under cl.16 of Schedule 2 and the structure plan is consistent with the Shire's Town Planning Scheme No. 2
<b>Express Power to Sub-Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.83 of Schedule 2, Part 10
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development

<b>CEO's Conditions on this Sub-delegation:</b>	<p>Conditions of the original delegation also apply to the sub-delegations</p> <ol style="list-style-type: none"> <li>1. Consider the material provided by the applicant and determine whether sufficient information is provided, or if further information from the applicant is required before the structure plan can be accepted for assessment under cl.17(1)</li> <li>2. Advertise the structure plan in accordance with clause 18 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> <li>3. Consider all the submissions, make a determination regarding the information required and whether to advertise any modifications proposed to the Structure Plan to address any issues raised in submissions as contemplated in cl. 19 (1)</li> <li>4. Prepare the report on the proposed Structure Plan and provide it to the Commission as contemplated in cl. 20</li> <li>5. Provide comments to the Dept. Planning Heritage and Lands regarding structure plans in terms of cl.53</li> </ol>	
<b>Compliance Links:</b>	<p><i>Planning and Development Act 2005</i> Shire of Jerramungup Local Planning Scheme No2</p>	
<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	<p>20 March 2019 OCM190308</p>	
<b>Reviewed:</b>	<p>17 June 2020 OCM200609</p>	<p>17 June 2020 OCM200609</p>
	<p>24 November 2021 OCM211108</p>	<p>24 November 2021 OCM211108</p>
	<p>22 November 2023 OCM</p>	<p>22 November 2023 OCM</p>

### 9.1.4 Subdivision Clearance

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.82 of Schedule 2, Part 10 <i>Planning and Development Act 2005</i> s.170	
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Part 10 – Subdivision and development control Division 2 – Approval for subdivision and certain transactions Section 142 – Consultation with local governments etc, as to proposed subdivision s.170 - Proposed road or waterway, drawings etc. of required	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Endorse deposited Plans to certify all Local Government conditions of subdivision approval have been met</li> <li>2. Approve engineering drawings and plans under s.170 of the <i>Planning and Development Act 2005</i></li> </ol>	
<b>Council's Conditions on this Delegation:</b>	Must comply with relevant Council Policies, including local planning policies and State planning policies	
<b>Express Power to Sub-Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.83 of Schedule 2, Part 10 <i>Planning and Development Act 2005</i> s.170	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

## 9.1.5 Proceedings before the State Administrative Tribunal

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.82 of Schedule 2, Part 10 <i>State Administrative Tribunal Act 2004</i> s. 31 Tribunal may invite decision-maker to reconsider decision
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Of Schedule 2, Part 10 cl. 82 Delegations by Local Government cl. 83 Local Government may delegate powers cl. 84 other matters relevant to delegations under this division <i>State Administrative Tribunal Act 2004</i> s. 31 Tribunal may invite decision makers to re-consider decision.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to authorise any shire officer to attend proceedings to: a) participate constructively in the mediation in order to attempt to reach a mediated solution, whilst giving due regard to any particular issues or concerns raised in making the decision under review; b) not agree to any solution at the mediation beyond any delegated power; and c) present any potential solutions, implications, results, process and position arising out of the mediation for any review that was the subject of a Council decision back to Council
<b>Council's Conditions on this Delegation:</b>	Must comply with relevant Council Policies, including local planning policies and State planning policies
<b>Express Power to Sub-Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.83 of Schedule 2, Part 10 <i>State Administrative Tribunal Act 2004</i> s. 31 Tribunal may invite decision makers to re-consider decision
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations
<b>Compliance Links:</b>	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Shire of Jerramungup Local Planning Scheme No2



<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Retention of file copy of relevant correspondence</p> <p>Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

## 9.1.6 Recommendations on Applications for Public Works

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development Act 2005</i> Part 1 – Preliminary Section 5 – Crown Bound Section 6 – Public Works <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.82, cl.83 and cl.84 of Schedule 2	
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 cl. 82 Delegations by Local Government cl. 84 other matters relevant to delegations under this division	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to provide recommendations to the Western Australian Planning Commission on applications for development approval that are to be determined under the Metropolitan Region Scheme	
<b>Council's Conditions on this Delegation:</b>	Must comply with relevant Council Policies, including local planning policies and State planning policies	
<b>Express Power to Sub-Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.83 of Schedule 2	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
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## 10 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS

### 10.1 Council to Chief Executive Officer

#### 10.1.1 Directions Regarding Unauthorised/Illegal Development

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i> s.214(2), (3) or (5) Illegal development, responsible authority's powers as to Shire of Jerramungup Local Planning Scheme No2	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: 1. The Chief Executive Officer is delegated authority to issue written direction to stop unauthorised development [s.214 (2)] 2. The Chief Executive Officer is delegated authority to issue written direction to require the unauthorised development to be brought into compliance by removing, pulling down, taking up or altering the unauthorised development and by restoring the land to how it was prior to the development [s.214(3)] 3. The Chief Executive Officer is delegated authority to execute work to have unauthorised development brought into compliance [s.214 (5)]	
<b>Council's Conditions on this Delegation:</b>	Nil	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations 1. A certificate of authority as an authorised officer must be issued [s.30] 2. All prosecutions are to be authorised by the Chief Executive Officer	
<b>Compliance Links:</b>	<i>Planning and Development Act 2005</i> Shire of Jerramungup Local Planning Scheme No2	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
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## 10.1.2 Management of Reserves

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i> s.152 Certain land to vest in Crown	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to accept responsibility for the management of Reserves created under Section 152 of the <i>Planning and Development Act 2005</i> , as a result of sub divisional development within the Shire of Jerramungup	
<b>Council's Conditions on this Delegation:</b>	Must comply with relevant Council Policies, including local planning policies and State planning policies	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development Manager of Works	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Planning and Development Act 2005</i> Shire of Jerramungup Local Planning Scheme No2	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
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## 11 LIQUOR CONTROL ACT 1998 DELEGATIONS

### 11.1 Council to Chief Executive Officer

#### 11.1.1 Certificate of Local Government

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Liquor Control Act 1988</i> s.39 Certificate of local government as to whether premises comply with <i>Health (Miscellaneous Provisions) Act 1911, Public Health Act 2016, Food Act 2008, Local Government Act 1995</i> and the <i>Building Act 2011</i> s.40 Certificate of planning authority as to whether use of premises complies with planning laws s. 61 Extended trading permit for extended area, pre-requisites for grant of s.69 Advertising, referring, investigating and intervening in applications
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Issue a certificate and determine whether premises comply with Health (Miscellaneous Provisions) Act 1911, the Food Act 2008, the Local Government Act 1995 and the Building Act 2011. Where the premises do not comply, provide the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply. [s.39]</li> <li>2. Issue a certificate as to whether the use of premises complies with respective planning laws or will not comply with the planning requirements specified for the reasons specified</li> </ol>
<b>Council's Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Manager of Development Environmental Health Officers, contracted by City of Albany
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations
<b>Compliance Links:</b>	<i>Liquor Control Act 1988</i> Shire of Jerramungup Local Planning Scheme No2

<b>Record Keeping:</b>	<p>Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i></p> <p>Retention of file copy of relevant correspondence</p> <p>Report to Council monthly via Councillor Information Bulletin</p>	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
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## 12 GRAFFITI VANDALISM ACT 2016 DELEGATIONS

### 12.1 Council to Chief Executive Officer

#### 12.1.1 Obliterate Graffiti on Private Property

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government	
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016</i> s.25(1) Local government graffiti powers on land not local government property	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated 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)]	
<b>Council's Conditions on this Delegation:</b>	Subject to exercising Powers of Entry – Division 4 of the <i>Graffiti Vandalism Act 2016</i>	
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Development Manager of Works Ranger Works Supervisor	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Graffiti Vandalism Act 2016</i>	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	20 March 2019 OCM190308	
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## 12.1.2 Powers of Entry

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government	
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016</i> s.28 Notice of entry s.29 Entry under warrant	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. 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]</li> <li>2. Obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29]</li> </ol>	
<b>Council's Conditions on this Delegation:</b>	Nil	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Development Manager of Works Ranger Works Supervisor	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	<i>Graffiti Vandalism Act 2016</i>	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence Report to Council monthly via Councillor Information Bulletin	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
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## 13 LOCAL LAW DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

### 13.1 Council to Chief Executive Officer

#### 13.1.1 Administer the Shire's Local Laws

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Local Government	
<b>Express Power to Delegate:</b> <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	
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.3.18(1) Performing executive functions Shire of Jerramungup Local Laws	
<b>Delegate:</b>	Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Chief Executive Officer is delegated authority to administer the Shire'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 Shire under the Shire's local laws	
<b>Council's Conditions on this Delegation:</b>	Council to be provided details of any prosecutions proposed under local laws	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Deputy Chief Executive Officer Manager of Development Manager of Works Works Supervisor	
<b>CEO's Conditions on this Sub-delegation:</b>	Conditions of the original delegation also apply to the sub-delegations	
<b>Compliance Links:</b>	Shire of Jerramungup Local Laws	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> Retention of file copy of relevant correspondence and notices	
<b>Adopted:</b>	20 March 2019 OCM190308	
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## 14 CHIEF EXECUTIVE OFFICER TO EMPLOYEES

### 14.1 Chief Executive Officer to Employees

#### 14.1.1 Electoral Enrolment Eligibility Claims and Electoral Roll

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995</i> s.5.44 – Chief Executive Officer may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.4.32(4), (5A) and (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 1997</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) and (4) Register – s.4.32(6)
<b>Delegate/s:</b>	Deputy Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Deputy Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]</li> <li>2. 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)]</li> <li>3. 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)]</li> <li>4. Make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]</li> <li>5. 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)]</li> <li>6. 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)]</li> <li>7. 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]</li> <li>8. 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</li> <li>9. Determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]</li> <li>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)]</li> </ol>

<b>CEO's Conditions on this Sub-delegation:</b>	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)	
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> <i>Local Government (Elections) Regulations 1997</i> <i>Electoral Act 1907</i> Synergy Soft Electoral Roll User Manual Department of Local Government, Sport and Cultural Industries – Returning Officer Manual	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

### 14.1.2 Destruction of Electoral Papers

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Chief Executive Officer	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995</i> <i>s.5.44 – Chief Executive Officer may delegate some powers and duties to other employees</i>	
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Elections) Regulations 1997</i> r.82(4) Keeping election papers	
<b>Delegate/s:</b>	Deputy Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Deputy Chief Executive Officer is delegated 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)]	
<b>CEO's Conditions on this Sub-delegation:</b>	Nil	
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> <i>Local Government (Elections) Regulations 1997</i> <i>Electoral Act 1907</i> Department of Local Government, Sport and Cultural Industries – Returning Officer Manual	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

### 14.1.3 Information to be Available to the Public

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Chief Executive Officer	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995</i> s.5.44 – Chief Executive Officer may delegate some powers and duties to other employees	
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Administration) Regulations 1996</i> r.29(2) and (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) and (3)(b) Limits on right to inspect local government information	
<b>Delegate/s:</b>	Deputy Chief Executive Officer	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	<p>The Deputy Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>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)]</li> <li>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)]</li> <li>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]</li> <li>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)]</li> <li>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)]</li> </ol>	
<b>CEO’s Conditions on this Sub-delegation:</b>	Nil	
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>	
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>	
<b>Adopted:</b>	20 March 2019 OCM190308	
<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

#### 14.1.4 Financial Management Systems and Procedures

<b>Delegator:</b> <i>Power/Duty assigned in legislation to</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995</i> s.5.44 – Chief Executive Officer may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996</i> r.5 Chief Executive Officer’s duties as to financial management
<b>Delegate/s:</b>	Deputy Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	The Deputy Chief Executive Officer is delegated authority to establish systems and procedures which give effect to internal controls and risk mitigation for the: <ul style="list-style-type: none"> <li>i. Collection of money owed to the Shire of Jerramungup;</li> <li>ii. Safe custody and security of money collected or held by the Shire of Jerramungup;</li> <li>iii. Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;</li> <li>v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;</li> <li>vi. Making of payments in accordance with Delegated Authority 1.1.2;</li> <li>vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements</li> </ul> [FM r.5]
<b>CEO’s Conditions on this Sub-delegation:</b>	<ul style="list-style-type: none"> <li>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</li> <li>b. Procedures are to be administratively reviewed for continuing compliance and confirmed as ‘fit for purpose’ and subsequently considered by the Audit and Risk Committee not less than once in every 3 financial years. [Audit r.17]</li> </ul>
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Audit) Regulations 1996</i> Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards
<b>Record Keeping:</b>	Each instance of this delegation being exercised is to be recorded in the Register of Delegations in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i>
<b>Adopted:</b>	20 March 2019 OCM190308

<b>Reviewed:</b>	17 June 2020 OCM200609	17 June 2020 OCM200609
	24 November 2021 OCM211108	24 November 2021 OCM211108
	22 November 2023 OCM	22 November 2023 OCM

## 15 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES

### 15.1 Environmental Protection Act 1986

#### 15.1.1 Noise Control – Environmental Protection Notices – Reg.65(1)

Published by:  
Environment

**GOVERNMENT GAZETTE**  
Western Australia  
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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 9<sup>th</sup> day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.



**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.

**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.

15.2 Planning and Development Act 2005

15.2.1 Instrument of Authorisation – 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 2<sup>nd</sup> day of June 2016



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

## SCHEDULE

### This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

#### Column 1

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- the land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,

in respect of development applications being made under or referred to in:

- (i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);
- (iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- (iv) section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- (v) section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);

- (vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;
- (vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

#### Column 2

City of Albany  
 City of Armadale  
 Shire of Ashburton  
 Shire of Augusta-Margaret River  
 Town of Bassendean  
 City of Bayswater  
 City of Belmont  
 Shire of Beverley  
 Shire of Boddington  
 Shire of Boyup Brook  
 Shire of Bridgetown-Greenbushes  
 Shire of Brookton  
 Shire of Broome  
 Shire of Broomehill-Tambellup  
 Shire of Bruce Rock  
 City of Bunbury  
 Shire of Busselton  
 Town of Cambridge  
 City of Canning  
 Shire of Capel  
 Shire of Carnamah  
 Shire of Carnarvon  
 Shire of Chapman Valley  
 Shire of Chittering  
 Shire of Christmas Island  
 Town of Claremont  
 City of Cockburn  
 Shire of Cocos (Keeling) Islands  
 Shire of Collie  
 Shire of Coolgardie  
 Shire of Coorow  
 Shire of Corrigin  
 Town of Cottesloe  
 Shire of Cranbrook  
 Shire of Cuballing  
 Shire of Cue  
 Shire of Cunderdin  
 Shire of Dalwallinu  
 Shire of Dandaragan  
 Shire of Dardanup  
 Shire of Denmark  
 Shire of Derby/West Kimberley  
 Shire of Donnybrook-Balingup  
 Shire of Dowerin  
 Shire of Dumbleyung  
 Shire of Dundas  
 Town of East Fremantle  
 Shire of East Pilbara  
 Shire of Esperance  
 Shire of Exmouth  
 City of Fremantle  
 City of Greater Geraldton

Shire of Gingin  
 Shire of Gnowangerup  
 Shire of Goomalling  
 City of Gosnells  
 Shire of Halls Creek  
 Shire of Harvey  
 Shire of Irwin  
 Shire of Jerramungup  
 City of Joondalup  
 Shire of Kalbar  
 City of Kalbar-Boulder  
 Shire of Katanning  
 Shire of Kellerberrin  
 Shire of Kent  
 Shire of Kojonup  
 Shire of Kondinin  
 Shire of Koorda  
 Shire of Kulin  
 City of Kwinana  
 Shire of Lake Grace  
 Shire of Laverton  
 Shire of Leonora  
 City of Mandurah  
 Shire of Manjimup  
 Shire of Meekatharra  
 City of Melville  
 Shire of Menzies  
 Shire of Merredin  
 Shire of Mingenew  
 Shire of Moora  
 Shire of Morawa  
 Town of Mosman Park  
 Shire of Mount Magnet  
 Shire of Mt Marshall  
 Shire of Mukinbudin  
 Shire of Mundaring  
 Shire of Murchison  
 Shire of Murray

#### Column 3

In accordance with and subject to approved Government Land policies.

Any signature subject to the following endorsement:  
 Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme).  
 The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

Shire of Nannup  
Shire of Narembeen  
Shire of Narrogin  
Town of Narrogin  
City of Nedlands  
Shire of Ngaanyatjaraku  
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 Quairading  
Shire of Ravensthorpe  
City of Rockingham  
Shire of Roeboorne  
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 Wanneroo  
Shire of Waroona  
Shire of West Arthur  
Shire of Westonia  
Shire of Wickepin  
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**

*2<sup>nd</sup>* day of *June* 2016

PI409

**PLANNING AND DEVELOPMENT ACT 2005**  
**Instrument of Delegation**  
**Del 2009/03 Powers of Local Governments**

**Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 25 of 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 26 May 2009, 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 25 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.

TONY EVANS, Western Australian Planning Commission.

**SCHEDULE 1**

**1. Applications made under section 25 of the *Strata Titles Act 1985***

Power to determine applications for the issuing of a certificate of approval under section 25 of the *Strata Titles Act 1985* for a plan of subdivision, re-subdivision or consolidation, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) 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. Reporting requirements**

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

## 15.3 Main Roads Act 1930

### 15.3.1 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

**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](http://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*.

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)*



## 15.3.2 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

**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](http://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

## 15.4 Road Traffic (Vehicles) Act 2012

### 15.4.1 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: